Workers' Compensation Board
Thursday, June 22, 2023
10:00 a.m.

MEETING MINUTES

By Phone/In-Person: Connie Wold, Board Chair
Sally Curey, Member
Roger Ousey, Member
Moisés Ceja, Member
Jenny Ogawa, Member
Robert Pardington, Managing Attorney
Joy Dougherty, Presiding ALJ
Katy Gunville, Board Executive Assistant
Terry Bello, Administrative Services Manager
Melanie Chin, Board Review Specialist
Bianka Rivera, Docket Coordinator
Amanda Pletcher, Hearings Division Support Staff Manager
Lauren Eldridge, Senior Staff Attorney
Heidi Havercroft, Senior Staff Attorney

Attendees:
Elaine Schooler, SAIF Corporation
Ted Heus, Heus Law LLC
Aaron Clingerman, Dunn & Roy PC
Cathy Ostrand-Ponsioen, Workers' Compensation Division
Julene Quinn, Julene M. Quinn LLC

Call to Order
Chair Wold called the meeting to order.
The public and WCB staff are participating in this meeting via telephone; some WCB staff participated in the Salem office.

Roll Call
Robert Pardington took roll, reflected in the attendee list above.

Approval of Agenda and Order of Business
Member Ousey moved for approval of the agenda and order of business. Member Curey seconded. Motion passed.

Approval of Past Minutes
March 7, 2022, meeting minutes are in progress and will be approved at next Board meeting.

Division Reports/Updates
Administrative Services Division: Terry Bello, Manager of the Administrative Services Division (ASD), provided the update.

- Facility update: adding ergonomic furniture to Medford and Eugene offices, and including updating electrical and data ports in these offices to expand workable spaces throughout the offices. The Florence office is on track to be finished on July 1st. Plan is to send work crew in mid-July to set up furniture and supplies, which will mostly be reused and repurposed from former Coos Bay office. Keys, signage, key safe will be installed. Terry will provide details on that process at next Board meeting. In late March, there was a lease inspection at the Bend office with the intention to renew. Minor remodel happening in that hearing room with relocating riser for ALJ safety/security.
- Staffing update: Bianka Rivera has been hired as the new docket coordinator for WCB.
- Inventory update: WCB physical inventory has been completed. WCB has maintained the years long record of no items lost or stolen. Kudos to Josh Waltman, Thomas Taylor, Jordan Schueller, and Jason Thurston for completing the inventory check throughout WCB's various locations.
- IT update: WCB Strategic Technology plan has been finalized and action items identified. Most notable revision to the plan is codified communication plan between managers and staff for IT banners. Identified areas of improvement for outfacing communication on our website. Includes publishing our plan on the website and updating documents on the external website, *i.e.*, FAQ's, Portal Instructions. Also, plan to provide Spanish versions of our most used documents. IT Services Team continues to work with our IT&R liaison, Dennis Fisher, on Portal issues. WCB management will be returning to quarterly meetings fall 2023. In the meantime, Dennis plans to meet with individual managers to gather further information regarding each division's outstanding service requests. We now have all the data needed for the annual attorney fee report. There are some pending questions that need answered by our researcher and project team regarding year-to-year discrepancies on the reports. Hopefully these questions can be answered by early July.

Hearings Division: Joy Dougherty, Presiding Administrative Law Judge, provided the update for the Hearings Division.

- ALJ Hiring update: Delayed
- Hearings Division is extremely busy, especially mediations. Mediations are being scheduled about four months out. Mediation training is scheduled for the week of June 26, 2023. Multiple new ALJ's must be trained and certified before they can mediate, but once they are it can hopefully help mediations get scheduled sooner.
- Staff update: Kathy Ocasio will be retiring after 42 years of service with the State of Oregon. Amanda Pletcher will be filling Kathy's position as Hearings Division Support Staff Manager.
- Facilities update: We are receiving increased requests for hybrid hearings. We are working on making sure that our facilities can support these types of hearings. Safety and security in workers' compensation is a national issue and keeping safety and security in mind when renovating and updating facilities.
- Member Ousey asked where Coos Bay sets are being held? Presiding ALJ Dougherty responded that they are being set in either Eugene or Medford depending on which is

closer for the parties. Hearings Division can try to accommodate if there is a special request for a particular location. Klamath Falls/OIT is not turning on the air conditioning in their rooms all summer, so parties can choose a different location based on those circumstances. Member Ousey followed up by asking when Florence hearings will start being set? The response was three months after the facility is completed and set up.

Board Review: Robert Pardington, Managing Attorney for the Board Review Unit, provided the update. Robert Pardington will be stepping down as managing attorney and returning to the Hearings Division as an ALJ in the Salem office August 1st. Lauren Eldridge, Senior Staff Attorney, will be rotating into the managing attorney position for one year. Lauren started with the Board in 2016 as a staff attorney and has been in a senior role for the past several years. Prior to starting at the Board, she completed a clerkship with Supreme Court Justice Jack Landau. She is a graduate of Portland State University and University of Oregon Law School.

New Business

Discussion of written comments and public testimony regarding the biennial review of attorney fee schedules pursuant to ORS 656.388(4). The review/report should be coming out mid-summer.

Public Comment

Chair Wold asked if there was any public comment:

- Attorney Julene Quinn commented. She reported on bifurcation issue/rule. Ms. Quinn has overall found the rule to be a success. Bifurcating attorney fees allows attorneys to focus on their client's issues. Ms. Quinn also brought up attorney fee statistics. She would like to see more information captured in the biennial attorney fee report, particularly win-loss for appellate matters and number of attorneys representing injured workers.
- Member Ogawa commented that the Workers' Comp Section of the Oregon Bar might have information on the number of attorneys representing injured workers.
- Member Curey also commented that some of the attorneys in the Workers' Comp Section of the Oregon Bar aren't actually practicing in workers' comp, she recommended sending out a survey to determine who is actually practicing in workers' comp.
- Ms. Quinn's final comment was in regards to the updating/adjusting of the Division 15 rules biennially. ORS 656.388(4). She noted the attorney fee schedule hasn't been updated since 2015.
- Attorney Ted Heus commented on the success of the bifurcation rule at the Board level and would like to see a bifurcation rule at the hearing level as well. He also commented on the development of a method for determining attorney fees. Currently, he isn't seeing the *Peabody* analysis or mathematical analysis being used when ALJ's are awarding attorney fees for his cases, even when he submits a fee statement. He would like the Board to take a look at this issue.
- Attorney Elaine Schooler from SAIF Corporation commented that they would be willing to discuss the bifurcation issue at the hearings level. In regards to expanding data collected by the Board, she agreed with Ms. Quinn's suggestions.
- Chair Wold concluded the time for public comment, with the remarks that the Board will continue its biennial review of attorney fees.

Announcements
No announcements were made.

Adjournment
Chair Wold asked for a motion to adjourn. Member Ousey moved to adjourn. Member Ogawa seconded. Motion carried. Meeting was adjourned at 11:04 a.m.