WORKERS’ COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE
Full MLAC Meeting
March 24, 2017
10:00 a.m. – 12:00 p.m.

**Committee Members Present:**
- Aida Aranda, Oregon and Southern Idaho Labor-Employers Training Trust {via tele-conference}
- Guy Boileau, Louisiana-Pacific Corporation
- Tammy Bowers, May Trucking
- Alan Hartley, Shari’s Restaurants
- Ateusa Salemi, Oregon Nurses Association {via tele-conference}
- Diana Winther, IBEW Local 48 {via tele-conference}
- Kimberly Wood, Perlo Construction
- Theresa Van Winkle, MLAC Committee Administrator

**Committee Members Excused:**
- Kevin Billman, United Food and Commercial Workers
- Lynn McNamara, CityCounty Insurance
- Patrick Allen, DCBS Director, *ex-officio*

**Meeting Participants:**
- Christopher Moore, Oregon Trial Lawyers Association

<table>
<thead>
<tr>
<th>Agenda Item</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening (0:00:00)</td>
<td>Guy Boileau opened the meeting at 10:02 a.m.</td>
</tr>
<tr>
<td>Minutes Review (0:00:23)</td>
<td>Alan Hartley moved to approve the minutes. Tammy Bowers seconded. All members present voted aye.</td>
</tr>
<tr>
<td>Legislation Review – SB 607 (0:00:55)</td>
<td>Theresa Van Winkle provided a summary MLAC’s most recent actions. At the last MLAC meeting, there was discussion about not making a recommendation on the bill, but looking into the definition of payroll in a subcommittee after legislative session has ended. Theresa contacted the proponents of the bill and they are fine with this course of action. Guy Boileau commented that he would like to form a subcommittee, and noted that Alan Hartley has asked some good questions about the definition of payroll. Kimberly Wood moved to form a subcommittee and Alan Hartley seconded. All members present voted aye.</td>
</tr>
<tr>
<td>Legislation Review – SB</td>
<td>Guy Boileau noted that there are still has several pending items. Theresa Van Winkle described two upcoming amendments. One of the amendments will</td>
</tr>
<tr>
<td>Agenda Item</td>
<td>Discussion</td>
</tr>
<tr>
<td>-------------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| **780** (0:03:02) | be drafted by the department based upon recommendations by the IME subcommittee. The other amendment will change provisions of the bill, but will keep core values of the bill intact (shifting the IME scheduling process from the insurer to the department). Both amendments are in legislative counsel. Once the amendments are available, they will be distributed to MLAC.  

Guy Boileau asked where this puts MLAC on the legislative timeline. The deadline for legislative committees to schedule bills is April 7th, and they have to finish their deliberations is April 18th. MLAC will likely need to meet sometime before that deliberation deadline. |

| Legislation Review – SB 901 (0:05:40) | Theresa Van Winkle provided an overview of SB 901. The bill is sponsored by Senator Ginny Burdick and Representative Mitch Greenlick on behalf of the Portland Winterhawks. The bill provides that a person who has been declared an amateur athlete by the United States Olympic Committee, the Canadian Olympic Committee, or a national body that governs an amateur sport is exempt from workers’ compensation coverage. The exclusion is extended to wage and hour laws and unemployment insurance. Theresa summarized written testimony submitted by Timothy Bernasek, an attorney for the Western Hockey League and the Portland Winterhawks.  

- The Portland Winterhawks are amateur athletes under rules established by USA Hockey and Hockey Canada, the governing bodies for amateur hockey (and Olympic hockey) in the United States and Canada. The Portland Winterhawks are members of the Western Hockey League, which is a member of the Canadian Hockey League (CHL).  

- As amateur athletes, Portland Winterhawks players have been traditionally been exempted from Oregon’s workers’ compensation system. Elementary, high school, college student athletes, and those in adult leagues are considered amateur athletes as well.  

- A class action lawsuit has been commenced in Canada alleging that all CHL players (including the Portland Winterhawks) should be considered employees. In response, the state of Washington, and Canadian provinces of British Columbia, Saskatchewan, Nova Scotia have clarified that their employment laws and standards do not apply to such players. SB 901 proposes to do the same in Oregon.  

- SB 901 would provide clarification that amateur athletes are exempt, and apply the exemption from the workers’ compensation statutes to Oregon’s employment statutes.  

Guy Boileau noted that this bill doesn’t really change anything, but provides clarification and validation of the status quo. Guy proposed tabling the bill until the next meeting in order to provide an opportunity for people to bring up issues. |
## Agenda Item

**Discussion**

Christopher Moore, Oregon Trial Lawyers Association, provided testimony on SB 901. Christopher noted that to some extent, the bill maintains the status quo. However, there is language that appears to be significant changes in the law. Cases can turn on very small language changes, and Christopher (along with others) would prefer not to re-litigate cases. Christopher is not looking to oppose the purpose of the bill as expressed in the earlier testimony, but there is other language that causes him significant concern. Christopher would want take out a significant portion of the language in the bill.

Theresa Van Winkle noted that this information will be passed to Timothy Bernasnek and he should be present at the next meeting.

### SB 476

(0:14:47) Theresa Van Winkle provided an update on SB 476, which adds disabled veterans to the definition of preferred worker. The bill would expand who could participate in the preferred worker program and could have impact on the Workers’ Benefit Fund. The department is having conversations with the proponents, and there will be a public hearing next week. The department is also working on getting background information to see if the bill needs to come to MLAC. The bill hasn’t been on the review list because an amendment has been anticipated, which could change the bill significantly by creating a taskforce, having a different agency run the program, or changing the funding mechanism.

### Meeting Adjourned

(0:18:36) Guy Boileau adjourned the meeting at 10:21 a.m.

*These minutes include time stamps from the meeting audio found here: [http://www.oregon.gov/DCBS/mlac/Pages/2017.aspx](http://www.oregon.gov/DCBS/mlac/Pages/2017.aspx)*

**Referenced documents can be found on the MLAC Meeting Information page here: [http://www.oregon.gov/DCBS/mlac/Pages/2017.aspx](http://www.oregon.gov/DCBS/mlac/Pages/2017.aspx)*