

WORKERS' COMPENSATION  
MANAGEMENT-LABOR ADVISORY COMMITTEE  
Senate Bill 489 Sub Committee Meeting

April 2, 2021  
10:00 a.m. – 12:00 p.m.

***Committee Members Present:***

Alan Hartley  
Kimberly Wood, Wood Risk Management Services  
Diana Winther, IBEW Local 48  
Lynn McNamara, Paladin Consulting  
Kathy Nishimoto, Duckwall Fruit  
Scott Strickland, IOUE Local 701  
Andrew Stolfi, DCBS Director, *ex officio*  
Kevin Billman, United Food and Commercial Workers  
Tammy Bowers, May Trucking  
Jill Fullerton, Clackamas County Fire Department

***Committee Members Absent:***

Ateusa Salemi, Oregon Nurses Association

***Staff:***

Theresa Van Winkle, MLAC Committee Administrator  
Rebecca Hunt, MLAC Assistant

<b>Agenda Item</b>	<b>Discussion</b>
Opening (0:00:00)	Kimberly Wood opens meeting at 10:02 a.m.
(0:01:00)	Dan Schmelling from SAIF spoke about weekly wage calculations. He states that gathering information to prove the information needed for the weekly wage loss calculation. He states that the initial time loss payment is due within 14 days after the employer is notified about the claim, however insurers rarely get the full 14 days. The insurer must speak to the worker about the claim, the employer for payroll information and missed work, as well as gathering information about the claim from the attending physician. If the worker continues to have time loss payments, insurers have to make the payment every 14 days and this information must be verified each time. There are some contingencies with the payment, such as missed doctors appointments. Administrative rules require the medical provider and insurer to notify the worker if they are going to be going back to full work release.
(0:15:20)	Kimberly Wood asked to speak about the subcommittee meeting and the letters submitted to the subcommittee from <a href="#">OTLA</a> and <a href="#">SAIF</a> . Keith Semple

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- from the Oregon Trial Lawyers advised that there has not been further instruction on how to move forward.
- (0:22:10) Elaine Schooler from SAIF agreed with Keith Semple. Both sides discussed how the path forward has been received and opposing opinions were offered.
- (0:28:12) Kimberly Wood stated that she was surprised to see this bill was filed, and discussed how she viewed the established process to file this bill.
- (0:32:54) Arthur Towers speaks on behalf of the Oregon Trial Lawyers Association regarding how they viewed the process. Keith Semple from OTLA added to Arthur Towers' views, adding that he believes they followed the established process. Kimberly Wood discussed her views on this.
- (0:40:30) David Barenberg from SAIF discussed his views on the process.
- (0:44:25) Michael Selvaggio United Food and Commercial Workers (UCFW Local 55) spoke about his concern regarding sticking to policy and communications.
- (0:47:00) Andrew Stolfi, director of the Department of Consumer and Business Services urges the committee to look and move forward.
- (0:51:21) Jodi Phillips Polich with the Oregon Trial Lawyers Association also expressed her views on this process.
- (0:56:31) Diana Winther expressed her views on this process and urged the committee to move forward.
- (0:59:40) Tammy Bowers asks Keith Semple to clarify what he would like to see as far as next steps. Keith Semple states that drafting the language is critical.
- (1:06:35) Ben Debney from Wallace Klor Mann Capener & Bishop seconded Andrew Stolfi's comments regarding the process.
- (1:08:38) Scott Strickland spoke about the process and how the pandemic has problematized the process and communication, especially apparent in the current misinterpretation and misquoting of Keith Semple's statements from February. He stated that we need to be cognizant of these issues and focus on continuing to work to address the issues facing Oregonians during this pandemic.
- (1:11:01) Kimberly Wood asks the committee to make commitments regarding communication for this bill. Elaine Schooler from SAIF states that SAIF would like to engage with both side of MLAC to address what has been
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proposed as well as what SAIF is seeking. Kimberly Wood mentions that a hearing and possible work session is scheduled for next week and she would like to see progress made. Keith Semple of OTLA states that they have a list of concerns but do not have draft language from the employer side. He suggests that the next step should be an e-mail with draft language and edits.

(1:16:24) Kimberly Wood asks Elaine Schooler if the draft language could be made by Monday. Elaine Schooler states that she will attempt to get everything together.

(1:17:15) Kimberly Wood asks to hold another subcommittee meeting on April 7<sup>th</sup>. Tammy Bowers asks that the meeting is in the morning.

(1:19:06) Theresa Van Winkle states that the hearing on the bill is on Tuesday and the work session is on the 13<sup>th</sup>.

(1:20:20) Kimberly Wood asks the Division to schedule a meeting for April 8. She also suggests that Elaine Schooler and Keith Semple have a meeting to discuss the language prior to the meeting. She urges members to reach out if there are questions.

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**Meeting**

**Adjourned**

Kimberly Wood adjourns the meeting at 11:24 a.m.

\*These minutes include time stamps from the meeting audio found here:

<https://www.oregon.gov/dcbs/mlac/Pages/sb489-subcom.aspx>

\*\*Referenced documents can be found on the MLAC Meeting Information page here:

<https://www.oregon.gov/dcbs/mlac/Pages/sb489-subcom.aspx>