

OREGON TRIAL LAWYERS ASSOCIATION

812 SW Washington Street, Ste. 900 Portland, OR 97205

March 31, 2021

RE: SB 489

Dear MLAC Members:

As we concluded the discussions of HB 3022 in the 2019 session, OTLA was strongly encouraged to present a narrower and less controversial set of issues in 2021. We worked hard to narrow our issues to those where the inequity for workers is clear, and to present potential solutions that would not significantly alter the changes adopted at Mahonia Hall in 1990.

At the last Stakeholder meeting regarding SB 489, we were disappointed to learn that our counterparts do not intend to discuss the options to address the narrow set of issues we have raised without having a much broader discussion about time loss issues in general. We were also told for the first time that our counterparts always understood that SB 489 was intended to start a longer discussion rather than generate a modest compromise for this session. This is completely at odds with what we heard at the first subcommittee meeting. At that meeting, we were reminded that management stakeholders are concerned about encouraging workers to see their medical providers regularly, but it was stated that we could address the unfairly restrictive deadlines for workers without a quid pro quo, and it was implied that we could do so this session.

We continue to believe that a compromise could and should be reached to mitigate the harsh consequences for workers caused by deadlines that cannot be met, notice that is not given and mistakes that are not identified in a timely manner. Other issues should be reserved for a time when our counterparts bring forward proposed legislation for MLAC to consider, as we and other stakeholders have consistently done over the years.

Our discussions regarding HB 3022 are often held up as an example of how MLAC can produce compromise solutions despite the initial hesitancy of the stakeholder groups. We do not believe that compromise would have occurred without MLAC instructing the parties to address two narrow issues that concerned MLAC and to meet frequent deadlines and explain why progress has or hasn't taken place. We would like to see MLAC play a similar role this session and push the stakeholders to address the issues we have presented that are most concerning to MLAC. Unless other issues are inserted into the conversation, these discussions should be much more straightforward than the discussions over the complex issues addressed in HB 3022.

Respectfully,



Keith D. Semple

Co-Chair, OTLA Workers' Compensation Section