

Before the
Management & Labor Advisory Committee

May 19, 2022

INFORMATION MEETING

Testimony of
David Waki Ombudsman
Office of the Small Business Ombudsman for Workers Compensation
Department of Consumer and Business Services

My name is David Waki, the Small Business Ombudsman for Workers' Compensation of the Department of Consumer and Business Services. I am here today to share with the Committee the services the Small Business Ombudsman's Office provides. My background includes 15 years of underwriting and management experience with national workers compensation insurers, 15 years as ombudsman and 4 years of owning a small business with 6 employees.

My name is Caitlin Breitbach, I have worked as the Assistant Small Business Ombudsman for Workers Compensation since 2019. In addition to working as an ombudsman, I am also part time with the Preferred Worker Program. Prior to my appointment, I worked at the Building Codes Division as a policy analyst and training coordinator for 2 years, and at the Department of Administrative Services as a policy analyst specializing in performance metrics for 3 years. Before beginning my career in state government I was a manager at a small family owned restaurant for 8 years. I have a Bachelor's degree in business administration with a minor in human resources, and a Master's degree in organizational leadership.

The Office was created in 1990 as part of the package of reforms to Oregon's Workers' Compensation system. We are a two person office. We problem solve employer issues related to premium calculation, audit disputes, coverage questions, claims and policy provisions. We also are active in outreach and education so our stakeholders can make informed sound business decisions and remain in compliance with their legal obligations.

Outreach and Education

We take an active role in outreach and education. Our goal is to educate employers and potential employers regarding their workers compensation rights and responsibilities. Events, such as the annual OAME business fair, gives us an opportunity to directly interact with hundreds of entrepreneurs and build awareness of our services. We participate in the annual WCD Educational Conference and collaborate with the Construction Contractor's Board to educate CCB licensed contractors. We are also certified to teach classes that qualify for continuing education credits for insurance agents. We also have composed several educational articles that have been published in trade association newsletters and websites.

Oregon Rating Workers Compensation System Review & Advisory Committee (ORAC)

As Chair of this Committee, I work with committee members to address National Council on Compensation Insurance filings, our state's workers compensation rating organization, and to hear employers who are appealing classification and experience modification issues which impact their workers compensation premium. We work closely with appellants so that they can make the most effective presentation to committee members to assure a fair hearing.

Calls & Inquiries

Our primary day to day activity is responding to inquiries. We average between 2-3000 contacts annually, responding to virtually 100% of them within 24 hours. Approximately 5% of our contacts do not relate to workers' compensation; however we make an extra effort to be aware of resources available to small businesses so that we can direct them to someone that can assist them with their question or problem.

Typical calls are as follows:

- *Do I need to buy workers compensation insurance?*
- *Where do I go to buy workers compensation insurance?*
- *How do I appeal my workers compensation premium audit?*
- *I received a Non-Complying Employer (NCE) Penalty, can you help me?*

Contact Information:

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