

WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE
Full Committee Meeting
Feb. 1, 2024
10:00 a.m.-noon

Committee members present via Zoom:

Patrick Priest, Citycounty Insurance Services
Scott Strickland, Sheet Metal Workers Local #16
Margaret Weddell, Labor Representative
Ryan Hearn, Roseburg Forest Products
Stacy Lewallen, Fortis Construction, Inc.
Sara Duckwall, Duckwall Fruit
Andrew Stolfi, DCBS Director, *ex officio*

Excused:

John McKenzie, JE Dunn Construction
Matt Calzia, Oregon Nurses Association
Sarah Merrick, City of Salem Fire Department

Staff:

Teri Watson, MLAC Committee Administrator
Aaron Fellman, WCD Policy Analyst
Baaba Ampah, MLAC Assistant

Agenda Item	Discussion
Opening (00:00:00)	Patrick Priest called the meeting to order, and Teri Watson called the roll of members. A quorum was not present.
(00:02:10)	Public comment There was no public comment.
(00:02:54)	Review and approve minutes from Jan. 4, 2024 The minutes from Jan. 4 were presented, but there was no vote because a quorum was not present.
	Department updates
(00:03:45)	Workers' Compensation Board case law updates – Lauren Eldridge There was no case law update.
(00:04:15)	Workers' Compensation update (WCD) – Teri Watson Andrew Stolfi announced that recruitment for the Small Business Ombudsman has reached the next round, with the final round of interviews scheduled for next

week. An executive panel, including the director and a governor's staff member, will conduct the interviews. Internal and external stakeholder panels are also involved, and MLAC co-chairs or their designees are invited to participate. Interviews are expected to be concluded next week.

(00:05:51) Teri Watson mentioned that MLAC members have required training in Workday and she is available to help with any questions. Additionally, WCD has a rule hearing on Feb. 21 regarding divisions 009, 010, and 015.

(00:06:35) Teri Watson asked a question on behalf of the communications department, about removing COVID-19 information from the website. She stated there's typically a three-year retention schedule on the webpage. She clarified that there are no implications to removing the COVID information, as there is a 20-year retention period, it just won't be available on the website.

(00:08:30) The committee agreed to remove the COVID-19 information from the website.

LC presentation: SAIF LC presentation – Ivo Trummer, SAIF Government Affairs Director

(00:09:42) Ivo Trummer, SAIF, reminded MLAC that in December he presented the basic idea of a concept clarifying in statute insurance fraud committed by businesses. He asked members to disregard the -1 amendment as a -2 amendment is being drafted. The new amendment will replace the felony charge to civil penalty, which is an improvement to the status quo. Although the amendment has not yet been drafted, Ivo Trummer hopes to present it to MLAC next week.

(00:11:43) Scott Strickland asked if a worker committing a similar insurance fraud violation would face a civil penalty charge. Ivo Trummer recommended waiting for the -2 amendment. He continued that the civil penalty includes an amount of \$125,000, with additional restitution to cover the investigative cost and other costs to make sure the system and insured employees are not burdened.

(00:13:02) Andrew Stolfi asked if the civil penalty will be within the insurance code as a civil penalty or outside of the insurance code. Ivo Trummer answered that he is unsure, but the drafter will include it in the next amendment.

(00:13:45) Patrick Priest acknowledged that the committee needs to wait for future amendments before asking any questions. Ivo Trummer agreed, mentioning that some questions on the [legislative guidelines](#) need to be updated.

(00:14:47) Derek Sangston, Oregon Business & Industry, expressed his approval holding bad actors accountable but raised concerns and opposition to the legislative concept. He is eager to see the new draft and appreciates the high standard that the bill requires to prove the company knowingly misrepresented its payroll forms, preventing the bill being used against employers for mistakes or disagreements. However, there are still concerns that the language of the bill

would take a broad sweep against employers for small problems. Derek Sangston is willing to discuss how the bill will solve the issues of workers' compensation fraud, and suggests WCD impose civil penalties towards bad actors.

(00:17:01) Kirsten Adams, Associated General Contractors, mentioned that the civil penalty charge is a deterrent factor and will achieve its goals without the felony charge.

(00:18:12) Scott Strickland asked for clarification that there is no difference between the civil penalty and felony charge, only a different classification. Ivo Trummer agreed.

Workplan update

(00:19:25) Teri Watson announced that the 2024 legislative bills were published last night, and she has identified four bills pertaining to MLAC. She has contacted the respective parties letting them know that they need to come before MLAC.

(00:19:50) Teri Watson shared the "[Workers' Compensation Division Worker Journey](#)" flowchart, mentioning that previous discussions indicated creating one. The communication department has already created it, and it is now available at the bottom of the [injured worker website](#).

(00:21:21) Sara Duckwall expressed her approval for the poster and asked that the chart be also available in Spanish.

(00:22:31) Angela Van Grunsven, DCBS Communications, mentioned that the communication department will work on the Spanish version of the flowchart. In regards to MLAC's request to creating the Spanish version of the injured worker overview webpage, she recognized that not all of the website's content has been translated to Spanish. Hence, she is proposing creating a Spanish version of the WCD website, which will take time. Sara Duckwall suggested having the QR code on the Spanish Notice of Compliance poster lead to the English version of the website while waiting for the Spanish website to be created.

Patrick Priest thanked Angela Van Grunsven for all her hard work.

(00:25:55) Teri Watson identified House Bills 4005 and 4010 and Senate Bills 1580 and 1584 as bills pertaining to MLAC.

(00:27:32) The flowchart will be sent to MLAC members for review after the meeting. In terms of trainings on the workplan, Sara Duckwall suggested that they add mental health education as it falls in line with diversity, equity, and inclusion (DEI) training. Scott Strickland asked to also add educating people on how to communicate with individuals in times of crises, and connecting them to resources.

(00:29:25) In regards to the DEI training, a WCD internal trainer is planning to present to MLAC during the April in-person meeting or in July at the latest.

Upcoming meetings – Feb. 15 (hybrid) and March. 29 (hybrid)

(00:30:24) MLAC members agreed to meet again next week, Feb. 8 at 10 a.m., for SAIF to present their legislative bill. Scott Strickland will reach out to fellow labor members for availability.

(00:34:52) This meeting will not be substituting the Feb. 15 meeting.

(00:35:40) MLAC co-chairs will touch base with MLAC administrator about legislative deadlines.

Meeting Patrick Priest adjourned the meeting at 10:37 a.m.
Adjourned

*These minutes include time stamps from the meeting video found here:
[DCBS Management-Labor Advisory Committee \(MLAC\) Feb. 1, 2024 Meeting \(youtube.com\)](https://www.youtube.com/watch?v=...)

**Referenced documents can be found on the MLAC Meeting Information page here:
<https://www.oregon.gov/DCBS/mlac/Pages/2024-meetings.aspx>