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## Meeting Minutes

### Oregon Workers Compensation Review & Advisory Committee

Agenda Tracking No.: OR-02-2020

Prepared by Michael Craddock, NCCI, Inc.

Date of Meeting: April 14, 2020

Schedule Release Date: May 4, 2020

Location of Meeting: The meeting was conducted via teleconference.

| Committee Member  | Representing   | Voting?<br>Y/N | Present?<br>Y/N | Substitute |
|-------------------|--|----------------|-----------------|------------|
| David Waki        | Dept. of Consumer & Business Services,<br>Labor & Industries | N              | Y               |            |
| David Dahl        | Division of Financial Regulation – State of<br>Oregon        | N              | Y               |            |
| Ed McKenney       | Gem Equipment  | Y              | Y               |            |
| Michele Summerlin | SAIF   | Y              | Y               |            |
| Emily Drew        | Liberty Mutual Ins.  | Y              | Y               |            |
| Ralph E. Wyatt    | Linn County  | Y              | Y               |            |
| Michael Menacho   | Republic Indemnity Ins.                                      | Y              | Y               |            |
| Steve O’Connell   | Travelers  | Y              | Y               |            |
| Sharon Thaler     | AIG  | Y              | Y               |            |

#### Others in Attendance:

| Name              | Representing                                       |
|-------------------|--|
| Todd Johnson      | National Council on Compensation Insurance         |
| Michael Craddock  | National Council on Compensation Insurance         |
| Lesley O’Brien    | National Council on Compensation Insurance         |
| Miriam Jedera     | National Council on Compensation Insurance         |
| Shani Oulton      | National Council on Compensation Insurance         |
| Bill Dodds        | National Council on Compensation Insurance         |
| Nicone Gordon     | National Council on Compensation Insurance         |
| Brian Fordman     | Division of Financial regulation – State of Oregon |
| Aaron Fellman     | Workers Compensation Division                      |
| Clyde Rapozo, Jr. | Liberty Mutual Ins.                                |
| Kevin Barrett     | SAIF Corporation                                   |

|                  |                                      |
|------------------|--------------------------------------|
| Brian Murphy     | SAIF Corporation                     |
| Jessica Matshe   | SAIF Corporation                     |
| Brittnie Holland | SAIF Corporation                     |
| Jessica Sims     | SAIF Corporation                     |
| Jamie Powell     | SAIF Corporation                     |
| Tyfani Maitland  | SAIF Corporation                     |
| Jaye Fraser      | SAIF Corporation                     |
| Eric Williams    | SAIF Corporation                     |
| Keith Fritz      | Travelers                            |
| Sheri Lund       | Elliott, Powell, Baden & Baker, Inc. |
| Dan Warson       | Neil Kelly Co., Inc.                 |
| Jeff Spang       | Portrait Homes NW, Inc.              |

### Meeting Items

| Time      | Issue  | Resolution  |
|-----------|--|---|
| 9:30 a.m. | <p><b>ITEM B-1439—REVISIONS TO BASIC MANUAL CLASSIFICATIONS AND APPENDIX E, INCLUDING CONSTRUCTION SALESPERSONS AND ESTIMATORS</b></p> <p>NCCI staff presented this proposed item filing for the Committee’s review and action. The item proposes the following for NCCI’s <i>Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual)</i>:</p> <ul style="list-style-type: none"> <li>• Eliminate national and state special classifications with low credibility</li> <li>• Establish a classification treatment for construction job site salespersons and estimators</li> </ul> <p>The filing was tabled from the January 2020 meeting. SAIF Corporation requested additional time to research how the filing may affect small and medium contractors. The current rules in Oregon, as outlined in the <i>Basic Manual – Oregon State Rule Exceptions – Rule 2-G</i>, allow for a division of payroll between Standard Exception Codes and Basic Classification Codes. The filing would establish phraseology for Code 8720 to include - Construction Job Site Salespersons and Estimators. The code would not be eligible for a division of payroll. Three individuals, Ms. Sheri Lund, Mr. Dan Warson and Mr. Jeff Spang, spoke in favor of maintaining the current Oregon State Exception wording. Contractors have the ability to maintain proper payroll records which have resulted in lower premiums for contractors. According to SAIF Corporation, the treatment seems to be appropriate and has been in effect for the last 15 years.</p> <p>The Committee has no objections for the elimination of the low credibility codes.</p> | <p>A motion was made, seconded and passed by majority vote, and it was <b>RESOLVED</b>, that Item Filing B-1439 be approved as presented but the wording as found in the <i>Basic Manual – Oregon State Rule Exceptions – Rule 2-G</i> be maintained.</p> |

| Time       | Issue  | Resolution  |
|------------|--|---|
| 10:30 a.m. | <p><b>ITEM B-1439—REVISIONS TO BASIC MANUAL CLASSIFICATIONS AND APPENDIX E, INCLUDING CONSTRUCTION SALESPERSONS AND ESTIMATORS</b></p> <p>NCCI staff presented this proposed item filing for the Committee’s review and action. This item updates certain sections of the <i>Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual)</i>.</p> <p>Committee commented that the information is consumer-friendly and is easier to access.</p> | <p>A motion was made, seconded and passed by majority vote, and it was <b>RESOLVED</b>, that Item be approved as presented.</p> |

| Time       | Issue   |
|------------|---|
| 10:45 a.m. | <p><b>ITEM U-XXXX—NATURE AND CAUSE OF INJURY CODES FOR COVID-19 (CORONAVIRUS) CLAIMS</b></p> <p>NCCI in conjunction with Workers Compensation Insurance Organization (WCIO) identified an industry need to capture claim data related to COVID-19.</p> <p>To fulfill this need, the WCIO recently approved the industry use of a new Nature of Injury Code 83–COVID-19 and Cause of Injury Code 83–Pandemic to identify these claims. In response, NCCI is submitting an item filing to propose a revision to NCCI’s <i>Statistical Plan</i> to add the new injury description codes, along with a new rule for COVID-19 claims with accident dates 12/1/19 and subsequent.</p> <p>The proposed revisions to NCCI’s <i>Statistical Plan</i> are as follows:</p> <ul style="list-style-type: none"> <li>• <b>Part 4—Loss and Expense Information</b> to identify claims attributable to COVID-19</li> <li>• <b>Part 6—Coding Values</b> to establish new Nature of Injury code 83–COVID-19</li> <li>• <b>Part 6—Coding Values</b> to establish new Cause of Injury code 83–Pandemic</li> </ul> <p>The proposed revisions are to become effective for new and renewal policies effective for claims with accident dates on December 1, 2019 and subsequent.</p> <p>Since the Item Filing proposes changes to <i>Classification Codes and Statistical Codes for Workers Compensation and Employers Liability Insurance</i>, the Committee cannot approve the change. Changes to the <i>Statistical Plan</i> must go through the rulemaking process. No further action was taken by the Committee regarding the filing.</p> |
| 11:00 a.m. | <p><b>New Business</b></p> <p>No new business was presented to the Committee.</p>   |