

WORKERS' COMPENSATION  
MANAGEMENT-LABOR ADVISORY COMMITTEE

**Full MLAC Meeting**

February 9, 2018

10 a.m. - noon

***Committee Members Present:***

Aida Aranda, Oregon and Southern Idaho Labor-Employers Training Trust { via teleconference }

Kevin Billman, United Food and Commercial Workers { via teleconference }

Guy Boileau, Louisiana-Pacific Corporation

Tammy Bowers, May Trucking

Alan Hartley, Shari's Restaurants { via teleconference }

Lynn McNamara, CityCounty Insurance

Ateusa Salemi, Oregon Nurses Association { via tele-conference }

Diana Winther, IBEW Local 48

Kimberly Wood, Perlo Construction

Cameron Smith, Director, *ex-officio*

Theresa Van Winkle, MLAC Committee Administrator

***Meeting Participants:***

Lou Savage, Workers' Compensation Division

<b>Agenda Item</b>	<b>Discussion</b>
<b>Opening</b> (0:00:00)	Diana Winther opened the meeting at 10:05 a.m.
<b>Meeting minutes</b> (0:01:00)	Lynn McNamara noted a correction in the minutes. Guy Boileau moved to approve the minutes as corrected from the <a href="#">Jan. 26, 2018</a> meeting and Kimberly Wood seconded. All members present voted aye.
<b>Department updates</b>	Theresa Van Winkle provided an update about the status of <a href="#">SB 1535</a> and that it is not likely to be heard this session.
<b>Legislation Review</b> (0:02:47)	<b><a href="#">House Bill 4093 (LC 146)</a> – amateur athletes</b>  Theresa Van Winkle introduced the bill and the questions raised by the committee at the last meeting.

Tim Bernasek, Dunn Carney law firm, representing the Portland Winterhawks and the Western Hockey League. There were bills last session on the topic, the bill passed the senate unanimously but there were questions about the exemptions. This bill has a narrow exception for the Winterhawks players. He has been made aware that there may be amendments related to amateur athletes specifically, but he does not know what they cover. The current practice is that amateur athletes are not treated as employees, which is what happens in practice. The bill codifies that practice and this bill will clarify the threat of litigation on the topic. He believes the language in workers' compensation statute covers it, but has made a specific exemption to make it more clear.

Tammy Bowers asked what type of health insurance is available to a player if their parents don't provide health insurance. Mr. Bernasek indicated there is a medical program for players, as well as funds up to \$2 million for a career ending injury. He indicated that the player would also get their full scholarship.

Agenda Item	Discussion
	<p>Diana Winther asked if a person was permanently disabled (e.g., quadriplegic), whether \$2 million would cover that. Mr. Bernasek indicated since they are not covered by workers' compensation, the benefits he described earlier provided by the league, there could be other funds from their families. This is the same as would happen for any other amateur athlete in a recreational league. The league is proud of their benefits provided. There is not a workers' compensation type benefit.</p> <p>Theresa Van Winkle indicated that her discussion with Rep. Holvey about the forthcoming amendment relates to the current exemption in 656.027 and the list DCBS is required to keep. The statute is outdated with regard to the lists. The amendment will address the maintenance of the list. The bill has a hearing on Monday, February 12.</p> <p>Diana Winther indicated that there is reason to hold off voting until the amendments are available. Guy Boileau indicated he agrees with holding off. Kevin Billman, Aida Aranda, Alan Hartley, and Ateusa Salemi also agreed.</p>
<b>Department Updates</b> (00:11:02)	<p>Theresa Van Winkle announced that the next meeting will depend on amendments, but that the committee may need to move the bill and MLAC can provide input in the other chamber. The committee will be scheduled to coincide with the legislative schedule. Greig Lowell, Workers' Compensation Board, introduced himself to the committee.</p>
<b>Meeting Adjourned</b> (0:12:42)	<p>Diana Winther adjourned the meeting at 10:25 a.m.</p>

\*These minutes include time stamps from the meeting audio found here:  
<http://www.oregon.gov/dcbs/mlac/Pages/2018.aspx>

\*\*Referenced documents can be found on the MLAC Meeting Information page here:  
<http://www.oregon.gov/dcbs/mlac/Pages/2018.aspx>