

WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE

Full MLAC Meeting

February 7, 2020

1:00 p.m. – 3:00 p.m.

Committee Members Present:

Alan Hartley

Kimberly Wood, Perlo Construction

Tammy Bowers, May Trucking

Kathy Nishimoto, Duckwall Fruit

Jill Fullerton, Clackamas County Fire Department

Lou Savage, *Ex officio*

Ateusa Salemi, Oregon Nurses Association {via teleconference}

Diana Winther, IBEW Local 48 {via teleconference}

Committee Members Excused:

Kevin Billman, United Food and Commercial Workers

Lynn McNamara, City County Insurance

Staff:

Theresa Van Winkle, MLAC Committee Administrator

Jeffrey Roddy-Warburton, MLAC Assistant

Agenda Item	Discussion
Opening (0:00:00)	Kimberly Wood opens meeting at 1:02 p.m.
Meeting Minutes (0:00:37)	Kimberly Wood does a review of the January 10, 2020, MLAC meeting minutes. Kathy Nishimoto moves to approve, Alan Hartley seconds. All members present approve the January 10, 2020 meeting minutes.
General Public Testimony (0:01:20)	Scott Wroot, gives an overview of his experiences with the workers' compensation system and how he has lobbied to make changes to the system. Scott Wroot also discusses the Industrial Accident Trust Fund, attorneys not representing injured workers, and the impact this has had on his life. Scott Wroot tells the committee that he is willing to share all of the materials he has gathered with the committee and speak again if they would like him too. Kimberly Wood thanks him for coming.
2020 Legislation Review HB4062 (0:14:00)	Nelson Hall, Oregon State Firefighters Council testifies on HB 4062 occupational disease presumption for city that provides a disability retirement system for firefighters and police officers. Nelson Hall states that this piece of legislation is very specific and very targeted and impacts one entity which is the City of Portland. The legislation takes the old heart and lung presumption for firefighters and police and applies it to Portland

because Portland has its own stand alone program that is separate from the rest of the State of Oregon.

(0:16:35) Sam Hutchison, Fire and Police Disability and Retirement Fund (FPDR), gives his testimony on HB 4062 states that adding these presumptions will not replace any of the ones that they already have and some even overlap and the state statute will look at those. Sam Hutchison discusses the -1 amendment removing the wording “and police officers” because it will just apply to firefighters. Sam Hutchison states he has no issues with the presumption and the City of Portland and the FPDR Board have no position on it. Alan Hartley asks for clarification on if this bill only applies to firefighters. Sam Hutchison answers yes, that is why -1 amendment is removing “and police officers”. Tammy Bowers asks why “and police officers” was taken out of line 28 but not 26. Sam Hutchison responds line 26 is paraphrasing another bill.

(0:20:20) Nelson Hall adds that historically the provision in chapter 656.027(6) basically says when it comes to municipalities of 200,000 or more that provide their own system for fire and police are not subject workers of the Workers’ Compensation Act. . Kimberly Wood asks will any firefighters lose any retirement by implementing this bill. Sam Hutchison responds no. Tammy Bowers asks if the employees want this bill. Sam Hutchison responds yes.

(0:22:05) Nelson Hall adds that the bill is actually presented through the Oregon State Firefighters Council, and Portland firefighters want the same presumption that other firefighters in the state receive. Kimberly Wood asks if this is only the City of Portland this would apply to. Sam Hutchison responds that as far as they know Portland is the only municipality this applies to.

(0:23:00) Tammy Bowers asks if anyone is opposed to the bill. Sam Hutchison states no and that if there was any opposition it would be coming from him; Theresa Van Winkle adds that at the public hearing there was no opposition. Nelson Hall stated that when he presented at the House Business and Labor Committee, he made it known that he did not know of any opposition to this bill and that -1 amendment was in front of the committee as well.

(0:24:39)

Committee takes a break to caucus before a vote on HB 4062.

(0:25:10)

Committee returns to vote on HB 4062. Jill Fullerton motions to approve the bill with -1 amendments and recommend them to the legislature. Tammy Bowers seconds. **All committee members present vote to support the bill with amendments.**

Department Updates (0:26:12)	Theresa Van Winkle moves on to Department Updates, including updates on the administrative rule making calendar and upcoming meeting on February 18. Kimberly Wood asks if the Workers' Compensation Board rulemaking will be added on that calendar. Theresa Van Winkle responds yes.
(0:28:06)	Julia Hier, WCD, provides an overview of what the <i>Caren</i> case entails and how the rules will go into effect March 1 st , 2020. Julia Hier states that a summary of the new rule will be posted on the WCD website under the rules section. Theresa Van Winkle will also send some information out to the committee on this rule.
Educational (0:35:00)	Jennifer Flood, Teri Watson, and Nelson Hall, come before the committee to give an educational session on Kids Chance of Oregon. Safe Build Alliance provided a grant to Kids Chance of Oregon for them to film a video that has an emphasis on safety that people can show at their safety committees as well as help to get the word out on the Kids Chance scholarship. Here is the YouTube link to that film.
(0:41:25)	Alan Hartley asks who is funding the organization. Jennifer Flood states all the funding comes from donations, and adds that there is no paid staff, only volunteers and they strive to have 100% of the funds go into the scholarships. Jennifer Flood also adds that the next fundraising event is October 8 th at Langdon Farms.
(0:43:18)	Kathy Nishimoto asks if kids apply for the scholarships. Jennifer Flood responds yes. Nelson Hall adds that it is listed along with all the other scholarships available to students. Nelson Hall clarifies that the scholarship is for children of parents that have been rendered permanently and totally disabled or killed on the job.
(0:44:15)	Kimberly Wood asks if the scholarship is for everyone (not just construction workers children due to the video highlighting construction workers). Jennifer Flood response yes, it is for everyone.
(0:45:09)	Kimberly Wood asks if the scholarship is also for trade schools. Teri Watson responds yes.
Department Updates (0:46:46)	Theresa Van Winkle provided an update regarding why updates on permanent partial disability benefits happen at MLAC meetings and that it was an agreement by the committee back in 2003 to review it. Theresa Van Winkle provided an update on legislation including HB 4022, HB 4115, and HB 4051.
(0:51:56)	

Theresa Van Winkle adds that the next subcommittee meeting is February 28, 2020. More details to come.

Meeting

Adjourned

Kimberly Wood adjourns the meeting at 2:04 p.m.

*These minutes include time stamps from the meeting audio found here:

<https://www.oregon.gov/dcbs/mlac/Pages/2020.aspx>

**Referenced documents can be found on the MLAC Meeting Information page here:

<https://www.oregon.gov/dcbs/mlac/Pages/2020.aspx>