

**From:** Marcus Pitts <[MPitts@cityofsalem.net](mailto:MPitts@cityofsalem.net)>

**Sent:** Monday, July 6, 2020 3:58 PM

**To:** Kimberly Wood <[kwood@perlo.biz](mailto:kwood@perlo.biz)>

**Cc:** FILSINGER Cara L \* DCBS <[Cara.L.Filsinger@oregon.gov](mailto:Cara.L.Filsinger@oregon.gov)>

**Subject:** RE: Management Labor Advisory Committee Meeting on COVID-19 Claims

Hello Kimberly –

I've answered your questions below in red. Please feel free to reach out with additional questions and let me know if I need to submit this to additional people. I've copied in Cara Filsinger so this may be added to written testimony.

Thanks,

Marcus Pitts

Risk Manager | City of Salem

555 Liberty St. SE, Rm. 225

Salem, OR 97301-3513

O: (503) 589-2086 F: (503) 588-6170

We are looking for the following information:

- How many claims have been filed? **1 to date**
- How many claim have been processed? **Same**
  - How many have been accepted? **0**
    - Do you require positive tests before claims is accepted? **Each claim is and will be evaluated by our third party administrator and legal advisors case-by-case with decisions based on evidence, medical documentation and legal/medical opinions.**
    - Have you made any payments on denied claims? **Not through workers compensation.**
      - If so, were any for time loss? **N/A**
      - Were any for testing? **N/A**
    - Do you have any nonwork-comp payments made to workers who filed claims? **Yes, the City is paying up to 80 hours of full wages to workers with COVID related time off. To date, we haven't had any workers with claims who have exhausted their available COVID hours. Also, COVID testing is provided free of charge through our employee health clinic to symptomatic employees or family members. We've had 15 tests administered through the clinic.**
      - If so, what kind of payment? **Wages processed as COVID sick leave which is a separate leave bank established during the pandemic.**
  - How many claims have been denied? **1**
    - Will you provide the details as to why denied (i.e. didn't seek medical attention, was not exposed at work, etc.) **The denial was based on an investigation and a specific set of circumstances. We're concerned about providing the details because, with one claim, the person could be identified.**
  - How many claims are in process or deferred? **0**

- What is the number of cases appealed or disputed? 1 appeal
- Do you pay for quarantine? Yes, through the City's COVID 80 hour leave bank. Additionally, employees have traditional sick and vacation leave, and if they exhaust their leave banks for COVID related absence they are allowed to borrow time to be paid back at a later date (or forgiven if separated from employment). Further, there is a catastrophic leave program in place that allows for time to be donated to employees, which has been modified to cover COVID-19 cases in the event of a long term illness.
  - What if the test is negative? No change – this program applies if an employee fills out a leave form and while they're seeking medical attention or advise.
- Are quarantine only claims accepted or denied? This would be fact specific and depends on if there is either a work exposure or a heightened risk brought upon by job duties (based on legal analysis). As with many self-insureds, we have a third party administrator who we rely on to understand the law and incorporate any State guidance on how to administer claims. For COVID, we've had multiple conference calls with our TPA and legal counsel to determine how to respond to the filed claim and potential future claims. We've looked for guidance from the WCD, which so far has focused on procedural issues such as documentation and making timely payments. We'll continue to monitor for updates and will be reviewing each case individually.

**From:** Kimberly Wood <[kwood@perlo.biz](mailto:kwood@perlo.biz)>

**Sent:** Wednesday, July 1, 2020 4:41 PM

**To:** Marcus Pitts <[MPitts@cityofsalem.net](mailto:MPitts@cityofsalem.net)>

**Subject:** Management Labor Advisory Committee Meeting on COVID-19 Claims

Good afternoon, Mr. Pitts. My name is Kimberly Wood and I am the Co-Chair of the Management side of Management Labor Advisory Committee (MLAC) to the legislature on matters related to Workers Compensation laws.

As you may have heard, MLAC is meeting to discuss whether or not the Oregon Workers Comp system is handling COVID-19 cases well or whether there are concerns with it. In order to determine that, we are seeking out carriers and self-insured employers to help us look at the data to determine if we are helping those in need or whether our system needs some tweaks.

The City of Salem's input would be really appreciated on this matter. We understand that the City has had some claims filed by employees working during the pandemic and would like to hear how you are processing claims as it is important to our discussion.

To that end, I'm wondering if you would be available to attend the virtual MLAC meeting on 7/7 at 1:00 pm. If you are not, would you be available on 7/9 at 1:00 pm?

We are looking for the following information:

- How many claims have been filed?
- How many claim have been processed?
  - How many have been accepted?
    - Do you require positive tests before claims is accepted?
    - Have you made any payments on denied claims?

- If so, were any for time loss?
  - Were any for testing?
- Do you have any nonwork-comp payments made to workers who filed claims?
  - If so, what kind of payment?
- How many claims have been denied?
  - Will you provide the details as to why denied (i.e. didn't seek medical attention, was not exposed at work, etc.)
- How many claims are in process or deferred?
- What is the number of cases appealed or disputed?
- Do you pay for quarantine?
  - What if the test is negative?
- Are quarantine only claims accepted or denied?

I know this is a big ask in a short period of time. Unfortunately, we only have a couple week to get back to the legislature. This information will allow us to begin to assess whether we have a problem or not.

We do have some advocates for a Presumption (which appears to be un rebuttable) and would like to be certain we have all the data to address whether a Presumption or any other type of fix to the Oregon Workers Compensation system is necessary. Your participation would be greatly appreciated in assisting us in our task.

I look forward to hearing from you soon. Thank you in advance.

**Kimberly Wood, JD** | Director of Corporate Risk Management  
 P: 503.624.2090 C: 971.998.8771 F: 503.926.9391

Perlo Construction  
 11450 SW Amu Street  
 Tualatin, OR 97062

Visit our new website: [www.perlo.biz](http://www.perlo.biz)



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