

WORKERS' COMPENSATION  
MANAGEMENT-LABOR ADVISORY COMMITTEE  
Full MLAC Meeting

July 9, 2020  
1 p.m. – 4 p.m..

***Committee Members Present:***

Alan Hartley  
Kimberly Wood, Perlo Construction  
Tammy Bowers, May Trucking  
Lynn McNamara  
Kathy Nishimoto, Duckwall Fruit  
Ateusa Salemi, Oregon Nurses Association {via teleconference}  
Kevin Billman, United Food and Commercial Workers  
Diana Winther, IBEW Local 48  
Andrew Stolfi, Director, Department of Consumer and Business Services, *ex officio*

***Committee Members Excused:***

Jill Fullerton, Clackamas County Fire

***Staff:***

Theresa Van Winkle, MLAC Committee Administrator  
Rebecca Hunt, MLAC Assistant

<b>Agenda Item</b>	<b>Discussion</b>
Opening (0:00:00)	Kimberly Wood opens up meeting at 1:00 PM. Kimberly states that the next meeting will be on Wednesday at 1:00 PM until 5:00 PM to ensure that people have time to testify about their proposed solutions to the issues identified today.
0:01:35	Theresa Van Winkle does roll call.
0:02:36	Scott Winkles from the League of Oregon Cities testified about how cities are responding to COVID from a workers' compensation perspective. They have done a member survey to determine how cities and counties plan on responding to the COVID situation. 70% of responding members have indicated that they will be implementing a continuation wage and administrative leave for workers that are forced to quarantine due to an exposure resulting from their work. 75% of that figure were first responders.
0:06:54	Tammy Bowers asked if of the two parties Scott Winkles has mentioned, general workers and first responders, only two claims have been filed. Scott said yes, of the 9,800 people in the comp plan, only two claims have

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been filed of which both were negative. He did mention that there is a self-insured city that may have some other claims.

0:07:40 Diana Winther referenced Scott Winkles testimony in which he said that if someone were to come up with a positive test and it was verified that it was work related, it would be paid. She asked what that determination process would entail. Scott Winkles said if the attending physician and/or contact tracing states that it was a workplace exposure, there would not be an intent to dispute those claims.

0:09:42 Nicole Peterson testified on behalf of Oregon Restaurant and Lodging Association (ORLA). She stated that the association partners with SAIF, and SAIF has stated the 90% of their claims come from healthcare workers, 4% from first responders, and 30 claims come from other industries. SAIF has accepted all but 50 claims. From ORLA's perspective, the workers' compensation system is functioning well. Speaking to further education, ORLA has published information on worker relief on their website from the onset of the pandemic, stating that if they contract COVID-19 at work, they are entitled to workers' compensation, but are happy to collaborate with MLAC on what more ORLA can do to educate employers and employees.

0:12:20 Kathy Nishimoto asked what ORLA's process was when an employee files a claim. She asked if it is filed online or if the employee contacts Nicole Peterson directly. Nicole states that they do not facilitate claims; the employee goes through SAIF, but that they are the conduit between employees and the workers' compensation system. She cannot speak specifically to the claims filing part and how it is individually handled.

0:13:10 Diana Winther asked if all ORLA's employers utilize SAIF or if they use other insurers in the state. Nicole Peterson answers does not have the exact numbers or ratios of those employers who do not use SAIF, but can see if there is any data that can be gleaned from those numbers. Diana Winther responded that she would like to see those numbers and would like to figure out how things are operating with other insurers.

0:14:19 Diana Winther asks what is ORLA's interaction with employers regarding instructing employees how to file a claim. Nicole Peterson says they do include on their website a statement letting employees know that if they are exposed to COVID-19 at work, they should file a claim, but adds that more help regarding education about the process is something everyone could do better.

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0:15:15	Alan Hartley asked how many employees are covered by ORLA linked through SAIF. Nicole Peterson said she would get that information from SAIF.
0:15:34	Kimberly Wood asks how many employees are covered total. Nicole Peterson says she also does not have this number ready, but will follow up with the ORLA membership team. She knows the number of employees in the restaurant industry, but not necessarily the number that are a part of the membership. She says that number, pre-COVID, the lodging, beverage, and food industry had 100,083 employees in Oregon; however, those numbers are now different. ORLA has 2,600 members, but there are over 10,000 food service locations and over 2,000 lodging establishments, but again, those numbers are rapidly changing in light of COVID-19.
0:18:10	Kimberly Wood asks if there are any other people who would like to testify. No one volunteers.
0:18:53	Kimberly Wood proposed the meeting minutes from last week to be approved, and asks if they need to be voted on. Theresa Van Winkle states that they do not need to be voted on and the previous meeting minutes have some corrections and changes to make before they are ready for final review. Kimberly states that these will be reviewed at the next meeting.
0:19:17	<p>Kimberly asks to review the list of issues identified by Management and Labor. This is broken into two areas: Worker Safety and Employment issues:</p> <ol style="list-style-type: none"> <li>1. 801 form's SSN portion may discourage undocumented workers from filing claims</li> <li>2. Retaliation, including termination or discrimination for filing a claim</li> <li>3. Employers not allowing or not informing employees that they have a right to file a COVID-19 claim</li> <li>4. PPE not being provided enough, or the right kind, or people not wearing it.</li> <li>5. Enforcing the mandate in business without putting the employees in danger</li> <li>6. Not all work places have the mask mandate and social distancing is not always occurring.</li> <li>7. What should happen to a worksite if appropriate PPE is not available despite an employer's best attempt to acquire it?</li> <li>8. Lack of consistent method and means in which employers can record potential exposures.</li> <li>9. OSHA is inundated with reports of lack of or inadequate PPE, lack of social distancing, lack of or inadequate sanitization, and</li> </ol>

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employers not complying with laws. Evolving standards from feds/state makes enforcing laws more challenging.

10. Contact tracing – Hospitals are interpreting OHA guidelines to mean they do not need to identify employees who have been exposed and when questioned, employers are saying it is a waste of time. Should employers due contract tracing and how overburdened is OHA’s contract tracers currently.
11. Are the requirements for contract tracing different between each industry. For example, is it not required for healthcare workers?
12. Are employers required to tell a fellow employee when a co-worker tests positive for COVID-19? If yes, what should the timeline be to notify employees and which workers should be told?
13. If notification by the employer is required, what additional information should be shared, such as guidance for testing and quarantine information, available benefits, availability to file a claim, etc.?
14. Is sharing this information a HIPAA violation?
15. If employees are provided paid time off by an employer due to the need to quarantine or a due to a positive test, should that paid time off come from personal banks? No all workers in Oregon have paid time off and not all employers are required to comply with the paid sick time under the Families First Coronavirus Response Act.
16. Wages for someone in quarantine for 14 days but never become sick or seek medical care, nevertheless, they were not allowed to work for 14 days.
17. Employees trying to figure out how to pay for the COVID test if its negative, and is not covered in an accepted workers’ compensation claim

0:25:29

Workers’ Compensation claim issues

1. Denials within 14 days
  2. Clarity around whether or not COVID 19 may be a workplace issue or an occupational disease
  3. Injury vs occupational disease standard application
  4. Seemingly bad faith denials from a couples specific employers
  5. Workers who believe they have been exposed but do not have access to their co-workers specific positive COVID test results, which is needed to prove a more-likely-than-not causation and unequal access.
  6. Early on, CDC indicated 30% of COVID test results were giving a false negative reading. Is this still happening and what is the current accuracy percentage?
  7. Inconsistency in claims processing between the two carriers.
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8. Are there reasons to eliminate or lessen the effect of an accepted COVID claim on an employers experience rating and what would that look like?

0:27:28 Kimberly Wood asked the committee if they wanted to go through the list today and highlight the ones that are applicable to the committee resolving versus a different entity needing to address the issues. Alan Hartley stated that given the deadlines, he suggests that we focus on things the committee can recommend within its purview, and the ones within the committees scope that can be solved versus the ones that cannot be solved so easily. Diana Winther suggested that the committee go through the list and discuss what the committee has a say in. She also suggested pausing the meeting to publish the list. Kimberly Wood agreed to a 10-minute break.

0:31:21 Meeting recessed until 1:41 PM.

Meeting resumes.

0:31:22 Theresa Van Winkle states that per Kimberly Wood’ request, she has condensed the [COVID-19 issues list, distributed it to members, and posted it on the MLAC website.](#)

0:31:33 Diana Winther asks to add the difference between the injured worker discrimination statute and the employer discrimination statute. Theresa Van Winkle said the committee should follow up with BOLI for the information between the two statutes. She states that on the BOLI webpage there is a link to a page specific to COVID-19 and retaliation in the workplace but was having trouble finding that link. She stated she would send it out once she finds it, including the specific statutes that apply and their language. Kimberly Wood suggests to add this issues topic to the Worker Safety/Employment issues list.

0:33:40 Kathy Nishimoto states that Oregon Department of Agriculture (ODA), Oregon OSHA, and Oregon Health Authority (OHA) collaborated and created a “playbook” for joint timely response for COVID outbreak in food processing. ODA and OHA also created a document that speaks to many things on the aforementioned lists. She will forward the list to Theresa Van Winkle who will distribute it to the committee before the next meeting. Diana Winther requested that the documents be labeled as requirements or guidelines.

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- 0:37:20 Kimberly Wood suggests that instead of discussing solutions, the committee should instead discuss which topics are inside the MLAC purview or if they need to be addressed by a different entity. The committee agreed.
- 0:38:20 Kimberly Wood starts with the first topic, regarding the Social Security Number (SSN) box on the 801 forms. She believes this is under the MLAC jurisdiction. Kathy Nishimoto suggests this might be an NCCI requirement. Kimberly Wood requests that DCBS determine if having the SSN box on the form itself is a requirement, and if so, what entity is requiring it. Theresa Van Winkle agreed to research this.
- 0:39:56 Kimberly Wood moves on to discuss retaliation, specifically that employers are preventing employees from filing a COVID-19 claim or not telling them they have a right to file a claim. She believes that not telling employees they have a right to file a claim is not necessarily about retaliation, but about education. Diana Winther states that since we do not know the motivations for an employer to not let their employees know they can file a claim; it is hard to differentiate between ignorance and intentionally not educating their employees, as the cause. Kimberly Wood says that she thinks this still falls under education and that retaliation is, by definition, taking an action against someone for choosing to file. Because of this, she would like it to be a separate topic on the list. Lynn McNamara agreed with Kimberly Wood, these are two separate things, and that retaliation should be an enforcement issue with BOLI. Tammy Bowers also agrees, and states that this should be addressed by BOLI. She knows the department will take complaints, do investigations, and educate employers. She does not believe this is an issue that a presumption will fix, but is something that needs to be addressed by at least a memo to all employers in Oregon, if possible. Atuesa Salemi also agrees; these should be separated into two different bullet points, and perhaps merge discrimination and retaliation to make things more consistent. She states the education piece should be different from the almost criminal behavior of discriminating against someone who has filed a claim. Diana Winther believes that coercion is apart of the discrimination piece, as well, and considered retaliation. Theresa Van Winkle answers that yes, the inducement not to file does fall under WCD's jurisdiction, however punishment for whistleblowing falls under BOLI's jurisdiction, in collaboration with OSHA. Due to this, Diana Winther suggests that coercion be its own topic. Kimberly Wood believes that topic should be broken out into three topics: retaliation, employers preventing an employee from filing, and what responsibility an employer has in informing an employee that they can file a COVID-19 claim.
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- 0:46:17 Diana Winther asks since the list of topics is being actively developed through out this conversation, that things are not finalized today. Kimberly Wood states that her hope would be that since the next meeting is Wednesday, the list will be done by Monday, Theresa Van Winkle could clean up the list and distribute. She hopes that the issues are identified and stated in such a way that the solution is not stated, but the issues are well vetted. She also requests that by 9:00 AM on Wednesday, all input and revisions are submitted and the proposed list is circulated amongst the management and labor sides. The finalized list is what will be put on record. The committee agrees.
- 0:48:55 Kimberly Wood suggests that the retaliation topic should be addressed by BOLI, as it is not under MLAC's authority to address this issue. Lynn McNamara adds that while there are topics on the list that are not for MLAC to solve, MLAC will be reporting back to the Governor stating that while this is not for MLAC to solve, these issues need solutions, clarity, or enforcement. Kimberly Wood agrees that sometimes the recommendation is that some topics need solutions. Ateusa Salemi states that she agrees, and adds that if MLAC is aware there are issues in the system, which makes the system, not work well. MLAC's purview is to make the system work better. She requests that further action taken by other entities be reported back to MLAC to ensure they are addressed. Kimberly Wood suggests a placeholder to discuss education and other fixes that may address retaliation. Ateusa Salemi agrees, and would like to make sure that MLAC does not address things simply because they are not in MLAC's purview. Diana Winther agrees that these discussions are had regardless and an expectation is set that a response from the agency that we send the recommendations to is made. She asked Theresa Van Winkle to clarify if retaliation is or is not something that MLAC can solve, but coercion is, to which Theresa Van Winkle responds that she believes there would not be an issue, however she will check with the Governor's office to make sure that it is okay.
- 0:55:22 Diana Winther asks the committee if they are comfortable with the guidance of what they can or cannot do with the second issue on retaliation. Theresa Van Winkle suggests putting in a parking lot. Kimberly Wood suggests that, since there is a long list, to not spend a lot of time on issues that they do not have the authority to solve. If there is time at the end of the meeting, she suggests circling back then to talk about those issues. The committee agreed.
- 0:58:22 Kimberly asked for agreement that MLAC should continue to discuss in future meetings the coercion not to file a claim and discussing what the
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employer's responsibility is as far as educating employee is that they can file a COVID-19 claim. The committee agreed.

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Kimberly Wood moved on to discuss the concerns around PPE, such as if appropriate and adequate PPE is provided, if people are abiding by the mandate, etc. Kathy Nishimoto suggests that these pertain to Oregon OSHA. Tammy Bowers agreed that issues 3-6 relate to PPE and OSHA enforcement. She believes that OSHA may be bound to the laws and mandates from the Governor, and is not sure how much MLAC will be able to address the issues with a presumption. She asked if Oregon was bound to the mandates. Kimberly Wood clarified that the issues are not being discussed about a presumption, but rather being identified, versus discussing the solutions. Tammy Bowers asked if another meeting, beyond the 17<sup>th</sup>, could take place to address the issues that cannot be solved within that time. Kimberly Wood states that there is not one piece, and MLAC was given until the middle of July with zero wiggle room. She states that we need to prioritize and address the ones under MLAC's purview. She also states that it is important to talk about the issue list to identify what Workers' Compensation Division and DCBS can assist with today to ensure we utilize the time given. Diana Winther committed to having as many discussions beyond the 17<sup>th</sup> if needed, but understands the importance of separating the list into what we can and cannot do and focusing on what we can by the 17<sup>th</sup>.

1:05:53

Kathy Nishimoto asked Michael Wood of Oregon OSHA about PPE and employers not providing it or customers not wearing it, and if OSHA is bound to the Governors mandate or can OSHA issue their own rule? Michael Wood says that they are not bound to the mandate if they recognize risk or hazards in the workplace, they can work with that as well as adopting rules when they have implications for safety and health.

1:10:16

Diana Winther asked DCBS if they could identify which issues MLAC can or cannot recommend a definitive fix. She identified an issue with employers, through no fault of their own, can't make the worksite safe to prevent exposures that then lead to claims as an example of what OSHA could help identify what is or isn't in the MLAC wheelhouse. Michael Wood states that the employer is not responsible for problems it cannot address, such as someone still invading personal space despite a 6-foot plexi-glass barrier, or a customer in a store not wearing a mask for 5 minutes until stopped by an employee. However, on the extreme end of the spectrum, there are still employers in Oregon that refuse to enforce the facial covering requirement, however they will encourage them to be worn. With employers like that, OSHA will be following up with them to request that they follow the requirement. If they fail to comply, they will likely be

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subjected to an inspection. If they are willing to violate that requirement, there may be other requirements they are violating. The middle ground is employers who say they enforce it, post the requirement on their walls, but do not really enforce it, which is still a violation and we would talk to them about enhancing their enforcement of the policy. The mandate of facial covering is an occupational health policy, has the force of law with the potential of citation by OSHA.

- 1:16:28 Diana Winther asked Michael Wood to clarify whether or not the requirement of face covering only applies to a certain list of businesses, specifically those that interact with the public. Michael Wood said that this was correct; however, there is still the social distancing requirement. If you cannot maintain social distancing, you must wear facial covering. Diana Winther asked what the time frame is between an employee filing a complaint that their employer is not following the mandate and OSHA guaranteeing a change, because in between , exposures are still happening. Michael Wood says that the exposure in that instance isn't like the approach distance to a high voltage line, where essentially a single exposure carries the risk of death, as the risk of death with COVID-19 is amplified with continual exposure. The practical reality is that the statewide facial requirement is still a new requirement. The workload factor is forcing the approach to be upfront education. If an employer outright refuses to comply, they will likely be subject to an inspection in a week or two, due to volume and PPE demands.
- 1:20:36 Kimberly Wood asks the committee if they want to table going through the list in favor of reviewing on their own, or discussing it during this meeting to determine what can and cannot be done by MLAC. Lynn McNamara suggested that there are things on the list that are low hanging fruit and the division could assist with research. Kimberly Wood suggested that the committee goes through the list and identify whether or not MLAC needs DCBS' assistance. The committee agreed.
- 1:21:50 Kimberly Wood suggests that issues 3 thru 6 needs the Division's assistance on determining if there is anything within those issues that follows within the purview of the workers' compensation rules to address it, other than education.
- 1:22:30 Kimberly Wood moved on to address issue number 7, regarding lacking the consistent means to record potential exposures. She asks the Division if they can research if the carriers could be the ones to track claims, to then track exposures. Tammy Bowers is going to look up an applicable rule for this issue, and speak to it.

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1:24:25

Kimberly Wood moved on to the tenth issue, regarding the requirements for contact tracing and if they differ from industry to industry. For example, is it not required for healthcare workers? Kathy Nishimoto states that the OHA literature refers to the employer to do contact tracing, but then she was told to stop. She believes it is important for employers to do contact tracing because the time it takes to be informed by a different entity increases the amount of exposure. Kimberly Wood asked Theresa Van Winkle if there was anything in the workers' compensation rules that says that employers could do their own contact tracing. Kathy Nishimoto added that they are required by OSHA rules to do a workplace hazard analysis, which is how she led her contact tracing that she did herself. She believes during a pandemic that the privacy laws between employee and employer go out the door, because other employees cannot be protected. Diana Winther's understanding that the area is overwhelmed and she is concerned about how behind that information is in getting to OHA. She believes there are gaps in how OHA is getting that information. In knowing that there are employers that refuse to follow the Governor's mandate, how much trust can be put into them doing an effective job of contact tracing and if HIPAA protected information can be disclosed to a neutral third party to keep employees safe. Kimberly Wood is concerned about whether or not MLAC has authority to mandate this, and if so, if OSHA or OHA is also mandating it, are we setting up a situation where an employer cannot comply with three different agencies, or competing obligations. She would like DCBS to give more information about those points.

01:33:39

Tammy Bowers references the 7<sup>th</sup> issue, which is a lack of consistent and sufficient means by which employees can record potential exposures. OAR 437-001-0760 paragraph 2 states, "the employee shall conduct their work in compliance with all the safety rules contained in the code" and "all injuries shall be reported immediately to the person in charge or other responsible representative of the employer." She clarifies that injuries do not care if there is medical care or no medical care. There has been case law about whether or not this is done in writing, or verbally, etc. Diana Winther states that it is still not clear if someone is being injured if they been potentially exposed or not. She references a store employee, when a customer walks through without a mask, do they go report this to a manager right away? Do they have the ability to do that? She wonders if when there is more grey area regarding whether or not this will result in injury, if it is creating a gap. Tammy Bowers would like Oregon OSHA to let the committee know if there is a requirement about that. Theresa Van Winkle agreed to keep track of the questions.

01:37:30

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01:39:20

Kimberly Wood asked for items the committee wanted the division to research before solutions to the issues talked about so far were discussed. Diana Winther wanted clarification on who is responsible for contact tracing, whether it should be the employer or an agency. Theresa Van Winkle states that she believes it is divided between the Oregon Health Authority and the local health departments, but will research further.

01:49:30

Kimberly Wood discussed the next issue, which is about informing an employee of a positive test. The federal regulation is that you cannot disclose the name of the individual; you are only allowed to disclose that it was an individual and the area. This makes it difficult to contact trace. She would like DCBS to find out what the federal requirements are with respect to disclosing names. Diana Winther would like DCBS to clarify what the employer's responsibility is in sharing, what can be shared, and what timeline is there to share, when contacted by a health authority, or if an employee lets them know. Kathy Nishimoto states that she would like the insurer to get the chart notes from the contact tracers to be able to determine if the contact was made on-site, as to warn the employer sooner. Per HIPAA, if this were done via a workers' compensation claim, the insurer would be able to get that information. Kimberly Wood says that the federal rules that do not allow you to disclose an employees name are not HIPAA related. It was requested that DCBS research if it is enough to say that an employee at a location had tested positive, or a facility has tested positive, and whether it depends on the size of an employer.

01:49:48

Kimberly Wood suggested putting issues number 11, 12, and 13 together. The committee agreed.

01:56:50

Kimberly Wood moves on to the 14<sup>th</sup> issue. She believe this issue came from testimony and Theresa Van Winkle added that this is under BOLI jurisdiction. She states that there may be further clarification on their website and will post the link to this page. Kimberly Wood asked Theresa Van Winkle to also clarify which businesses and sizes of businesses are subject to what under the CARES act, and other paid time off related acts. Alan Hartley added that the Oregon sick leave is very limited, and we need to identify where the CARE act and the Oregon sick leave would fail, and ways to bridge that. Kimberly Wood agrees and states that issues 14, 15, and 16 would fall under that same information.

01:57:50

Kimberly Wood moves on to the workers' compensation issues. No one needed input from DCBS regarding the first issue.

Kimberly Wood asks if anyone needs anything from DCBS regarding the second issue that also ties into issue number 3, which is whether COVID-19 counts as a workplace injury or an occupational disease. Alan Hartley

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02:02:22 asked if the Workers' Compensation Division could define this via  
02:03:25 administrative rule as not to go to legislature. Theresa Van Winkle says  
this needs to be a statutory change. Kimberly Wood says that the statute  
needs to be read to determine if it is already addressed. Tammy Bowers  
asked Workers' Compensation Division to define a workplace issue and an  
occupational disease. Kimberly Wood asks if DCBS could create a best  
practice guide should the committee request one, in lieu of a definition in  
statute.

Kimberly Wood suggests a 10-minute break.

02:04:00 Kimberly Wood resumes the meeting. She states that the 3<sup>rd</sup> and 4<sup>th</sup> item  
has already been discussed.

02:05:35 Kimberly Wood asks if the committee needs any information from DCBS  
on the 5<sup>th</sup> issue, regarding having access to a co-workers positive test  
result, if a worker believes they have been exposed, which is needed to  
prove more likely than not causation. Tammy Bowers suggested this went  
along with contact tracing and HIPAA violations. Kimberly Wood states  
that DCBS would help group this appropriately in the list.

Kimberly Wood goes onto the 6<sup>th</sup> issue about false negatives, and whether  
there is, any data out now that is more accurate. She is not sure how this  
ties into a workers' compensation issue. Ateusa Salemi states that this  
becomes a workers' compensation issue because it results in a denial. If the  
false positive rate is 30%, that is large enough to affect the system. Alan  
Hartley suggested that the Oregon Health Authority recognizes there are  
false negatives and false positives, as well as tracking presumptive cases.  
Kimberly Wood asks that DCBS research what the criteria to determine a  
presumptive claim is and how it is tracked? Tammy Bowers would like  
DCBS can find out if the CDC or a medial professional could tell us what  
the current false negative test percentage is. Cara Filsinger, WCD, will  
determine who may be able to give an answer. Diana Winther mentions  
that there is also a concern about those with doctors who think that a  
worker certainly has COVID-19 and will not test them as to not waste a  
test, and whether or not that is sufficient, or if a test is needed. Kimberly  
Wood also would like to know the accuracy rate of an anti-body test.  
Kathy Nishimoto requests the Medical Advisory Committee provide input.  
Cara Filsinger states that there may not be any infectious disease experts  
on the committee and they may not meet in time to ask, however research  
will be done to find the answer. Tammy Bowers lets Diana Winther know  
that per statute, a diagnosis is required in order to have a compensable  
claim, so it is likely that a doctor diagnosing a patient with COVID-19,

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regardless of having a test or not, would qualify. She does however want to know how the accuracy is now of the tests.

02:15:12 Kimberly Wood moves on to the next issue regarding inconsistency in claims processing among the carriers, which ties into claim denials, paying for time loss or paying for a test even though it might not be an accepted claim. Diana Winther stated she would like to hear from SAIF how they are doing these actions, especially what they are doing when they make the determination, the investigation process, and what they are asking the medical professionals, as SAIF is doing a good job handling the COVID-19 situation. Kimberly Wood asked to Cara Filsinger to put SAIF on the Wednesday meeting. Cara Filsinger also stated that SAIF sent their practices and will send it out to the committee after the meeting.

02:17:28 Kimberly Wood reviews the last issue regarding lessening or eliminating the effects of the claim on an employers experience rating mod, and what that process would be. Todd Johnson from NCCI will be available on Wednesday to discuss this. She requests that Todd Johnson and SAIF be the first two to give testimony on Wednesday. Lynn McNamara notes that many self-insured employers do not report to NCCI.

02:20:28 Kimberly Wood requests that those who would like to testify on Wednesday or Friday, to please contact Cara Filsinger. She requests to limit your testimony to solutions to items identified today. If there are issues that have not been identified, she asks that you submit that issue to Cara Filsinger before the meeting in which it will be discussed on Wednesday on whether it will be added or not. If it is, it will open for testimony on Friday.

Note: the following items were submitted for the record:

[Written Testimony from State Representative Christine Drazen and State Senator Fred Girod](#)

[Written Testimony from American Contractors Insurance Group](#)

Written Testimony from [Multnomah County](#)

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**Meeting  
Adjourned**

Kimberly Wood adjourns meeting at 3:40 PM.

\*These minutes include time stamps from the meeting audio found here:  
<https://www.oregon.gov/dcbs/mlac/Pages/2020.aspx>