

WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE

Full Committee Meeting

April 30, 2021

10:00 a.m. – 12:00 p.m.

Committee Members Present:

Alan Hartley
Kimberly Wood, Wood Risk Management Services
Diana Winther, IBEW Local 48
Lynn McNamara, Paladin Consulting
Kathy Nishimoto, Duckwall Fruit
Andrew Stolfi, DCBS Director, *ex officio*
Jill Fullerton, Clackamas County Fire Department
Ateusa Salemi, Oregon Nurses Association
Scott Strickland, IOUE Local 701
Tammy Bowers, May Trucking
Kevin Billman, United Food and Commercial Workers

Staff:

Theresa Van Winkle, MLAC Committee Administrator
Jeffrey Roddy-Warburton, MLAC Assistant

Agenda Item	Discussion
Opening (0:00:00)	Kimberly Wood opens meeting at 10:01 p.m. Theresa Van Winkle does roll call all members are present. Diana Winther reviews the April 9, 2021 MLAC meeting minutes. Lynn McNamara moves to approve minutes, Kevin Billman seconds. All members present unanimously vote to approve the April 9, 2021 minutes.
Department Updates (0:04:30)	Andrew Stolfi, DCBS Director, gives updates. Andrew Stolfi states that he has spent the last couple of months observing MLAC as a committee and institution and how it is pursuing its statutory and historical objectives. Over the past couple of weeks he has reached out to a number of people (co-chairs, members, former members, and MLAC stakeholders) and discussed the legislative session, how MLAC has been working, and asking for feedback on how MLAC and pursue its mission. Andrew Stolfi states that he wants to talk to the committee about an opportunity to work on improving MLAC because everyone wants to see MLAC succeed. Andrew Stolfi discusses MLAC's rules, guidelines, and procedures and goes over some of the topics he finds important, one of those being MLAC subcommittees and how those are supposed to work. Andrew Stolfi proposes that we develop a new, complete, and comprehensive set of MLAC rules, policies, and procedures and a good start would be the

subcommittees.

(0:12:00) Diana Winther thanks Andrew Stolfi for providing the MLAC rules and policies materials, she states she doesn't remember seeing it when she first joined MLAC, and she agrees that MLAC should bring them up to a more current level. In regards to the group operating guidelines, Diana Winther asks if MLAC has a facilitator and if so who is it and how does that work. Andrew Stolfi responds that he was unaware of that as well until he saw the document, and right now we do not have a facilitator on staff or under contract, but we do have the ability to bring one in.

(0:14:00) Theresa Van Winkle states that when these documents were formed there was a lot of contentious issues and it was drafted based on a retreat and it was basically formal guidelines for the committee to uphold to, and since she has been a part of MLAC the co-chairs have sort of been the facilitators.

(0:15:10) Kimberly Wood states that was during the time that we might reach out to someone like Sheri Sundstrom, Bob Shiprack, or Lisa Trussell to find out how to utilize the facilitator.

(0:16:20) Tammy Bowers asks when a member is gone from a meeting and it is time to vote on those minutes at a later meeting is the member that was missing supposed to say "abstain" or just remain quiet and not vote. Theresa Van Winkle responds that is a very good question, and there is a lack of what constitutes quorum and they are both something we need to discuss in the bylaws. Kimberly Wood states that like Andrew Stolfi mentioned MLAC wants to start with the subcommittee process.

(0:18:30) Tammy Bowers states that when she started MLAC over 6 years ago everything thing had to be by unanimous vote, there was never any split vote and MLAC worked until everyone had something they could agree on and she would like to see MLAC get back to that. Kimberly Wood responds that is MLAC's goal.

SB 801 -2
(0:19:30) Kimberly Wood begins discussion on SB 801 -2, and the work plan that is being discussed for the bill. Kimberly Wood states that Michael Selvaggio gave them a better understanding of the underlining concerns. MLAC wants to make sure there is integrity with whatever process is used, and that MLAC comes up with answers to any underlying issues. Kimberly Wood states that stakeholders are first talking amongst themselves and looking for a facilitator for those conversations. After that, MLAC wants to get the subcommittee going quickly.

(0:22:00) In regards to the subcommittee, Tammy Bowers asks if they are wanting some sort of consensus reached before the end of the session June 1, 2021.

Kimberly Wood responds that MLAC has some time to get this done. Kimberly Wood states that both her and Diana Winther do have somewhat of a sense of urgency to get moving so we are not rushing in the end.

(0:23:00) Alan Hartley asks to have the points that are being considered on 801-2 recirculated. Kimberly Wood responds that is a great question but we do not know the answer yet, and we are hoping to bring forth a game plan. Kimberly Wood also states that they want to find out if working with another agency is warranted.

(0:25:10) Diana Winther states that we want to try and figure out how to do this the right way and to move forward with a plan and the right resources, and how to do it quickly and efficiently to get an answer back to the legislature. She also states that some of the issues discussed fall within BOLI's realm not MLAC's. Diana Winther states that if the issue is given to MLAC by legislation, then MLAC will work on it even if it is not in our realm. Diana Winther adds that one of the reasons that the proponents of SB 801 -2 wanted a task force is because of the specificity of who is involved, so we are trying to find a subcommittee structure that will work.

(0:27:40) Lynn McNamara states that she appreciates the approach that is being taken on this topic and taking a step back to move forward is a good thing. Lynn McNamara wants to know the timing on this first "figure it out" phase and what are things going to look like going forward as far as meeting again as a full committee. Kimberly Wood responds those are great questions but we don't have the answers yet. She states that when talking to Andrew Stolfi, MLAC should be able to work through what a subcommittee looks like in about a month. Andrew Stolfi responds yes that is correct in a month or two. Kimberly Wood responds after that we will move forward and meeting with a facilitator to figure some initial things out.

(0:30:30) Theresa Van Winkle states that legislators are looking at what MLAC is talking about right now and that things are moving forward, so please do not feel like we are not moving forward based on today's conversations.

(0:31:00) Andrew Stolfi states that we are already a few months ahead of where we would have been. If SB 801 -2 had passed it wouldn't have become operative until 90 days after it was passed and the task force would not have started work until fall/winter of 2021. So we are ahead of schedule as far as that goes, which means we now have time to step back and take our time.

**SB 489
subcommittee
update
(0:32:20)** Elaine Schooler, SAIF gives a report on SB 489 and a summary of where all the parties are at after a small meeting the stakeholders. They met discussed the issues in HS 489, and the conversation was productive. There

will be another meeting between the parties to discuss data that is being collected.

(0:34:10) Tammy Bowers in regards to timing asks when should this be done; will it be this session or next. Elaine Schooler responds that we hope to have things wrapped up by this fall so that there will be time to make changes if need and get the language out to MLAC and Legislative Counsel.

(0:35:10) Kimberly Wood states that at the next MLAC meeting she would like to hear more updates on the specific topics, not to weigh in on them but just to be informed on what they are discussing. Diana Winther agrees with that and adds that she did hear from Keith Semple and he too said the conversation was productive. Elaine Schooler states she can give more details now if the committee would like. Kimberly Wood responds she is ok to wait until next meeting to give more specifics so that other parties can be involved as well. Kimberly Wood thanks Elaine Schooler for her updates.

(0:39:00) Scott Strickland thanks Andrew Stolfi and WCD for the information that they provided he found it all very helpful especially being a new MLAC member.

Meeting

Adjourned

Kimberly Wood adjourns the meeting at 10:40 a.m.

*These minutes include time stamps from the meeting audio found here:
<https://www.oregon.gov/dcbs/mlac/Pages/2021.aspx>

**Referenced documents can be found on the MLAC Meeting Information page here:
<https://www.oregon.gov/dcbs/mlac/Pages/2021.aspx>