

MINUTES
Office of Administrative Hearings Oversight Committee
Date: Thursday, March 18, 2010
1:30p-3:00p
Dave Pleasant Conference Room
Employment Department Central Office
Salem, OR

The meeting was called to order at 1:30pm by Acting Chair Kevin Shuba.

Welcome and Introductions

Mr. Shuba welcomed attendees and asked all in attendance to introduce themselves.

Mr. Shuba asked Committee members about additions to the agenda. Mr. Shuba noted that Ms. Janice Krem had emailed a document entitled "Improving the Model Rules" and wanted to make sure that it was received by all members. Ms. Krem's document was distributed. The Committee will take up the issue of Model Rules at the next OAH Oversight Committee.

Committee and Staff

Rep. Vicki Berger, House District 20
Sen. Suzanne Bonamici, Senate District 17
Christine Chute, Department of Justice
Karla Forsythe, Chief Administrative Law Judge, OAH
Amber Hollister, Governor's Office (via telephone)
Rep. Paul Holvey, House District 8
Rebecca Nance, Legislative Coordinator, Employment Department
Margaret Olney, Dept. of Justice
J. Kevin Shuba, Vice Chair of the Oversight Committee, Garrett Law Firm
Laurie Warner, Director, Employment Department
Sen. Doug Whitsett, Senate District 28

Other Attendees

Donna Brann, OAH
Sara Cromwell, Employment Appeals Board (EAB)
Michelle Deister, Legislative Fiscal Office
Steve Demarest, OAH
Kym Gasper, Dept. of Human Services (DHS)
Jennifer Geller, Guest of Paul Holvey
Janice Krem, Self
David Marcus, OAH
Sara Owens, EAB
Robert Trachtenberg, DHS

Election of Oversight Committee Chair and Vice Chair

Senator Suzanne Bonamici nominated Representative Paul Holvey for the position of Chair. The nomination was seconded by Ms. Margaret Olney. No other nominations were offered. Rep. Holvey was elected Chair and ran the remainder of the meeting.

Representative Vicki Berger nominated Mr. Kevin Shuba for the position of Vice Chair. The nomination was seconded by Ms. Christine Chute. No other nominations were offered. Mr. Shuba was elected Vice Chair.

Approval of Minutes

Sen. Bonamici moved the minutes of the November 16, 2009 OAH Oversight Committee meeting be approved as presented. The motion was seconded by Mr. Shuba. No discussion. Motion carried.

Operational Efficiencies

Karla Forsythe, OAH Chief Administrative Law Judge

Ms. Forsythe reviewed the operational efficiencies of the OAH in 2009 and initiatives that are currently underway.

2009 Operational Efficiencies

- A new telephone system saves about \$3,000 per month and provides more dependable service to customers
- ALJ workload was increased from 20 to 24 cases per week
- Improved security measures for handling confidential information
- A Labor-Management Committee was formed

Current Initiatives

- A search capability is being developed that will allow ALJs to search final cases to aid them in their order writing
- Paperless document management is being developed
- Unemployment Insurance (UI) contested cases scheduling will be made available online. This will enable hearing participants to easily find information about the status and scheduling
- Working on a Request for Proposal for a case management system that will consolidate the current seven databases in to one database. Target implementation is September 2011.

Ms. Forsythe fielded questions and offered explanations: the regular ALJ class specifications are used when hiring Limited Duration ALJs; HB 3601 may or may not result in savings – it is customer driven so cost is not yet known; OAH Orders that may be made public are posted online, they are not searchable by key words or phrase as the internal search engine will allow.

Child Support Case Streamlining

Donna Brann, OAH ALJ, Child Support Section

Ms. Brann presented the genesis of the Child Support Case Streamlining project and the collaboration between the OAH and the Department of Justice (DOJ). Ms. Brann showed a video of Ms. Margaret Olney (DOJ) describing the project and stressing the importance of trying to make a difference by streamlining child support order modifications during times of high unemployment. The goal of streamlining these cases was to help both parents involved.

The temporary streamlining process runs simultaneous with the longer order modification process.

Teamwork, trust and a better understanding between the OAH and DOJ allowed this to move forward. It is cost effective and a higher percentage of child support payments are being made using this temporary process than those using the more traditional, less collaborative approach. When unemployment is not as high, this process may simply be “turned off”.

Statute and rule changes allowed this to work.

Ms. Brann and Ms. Olney fielded questions and offered these explanations: copies of the legislation will be emailed to the OAH Oversight Committee members; statutes and rules are adequate, both agencies continue to apply “lessons learned” to other areas; at this point it is unclear as to whether or not savings may be quantified in a meaningful and statistically valid way.

Recusals & Final Order Authority Follow Up

Karla Forsythe, OAH, Chief ALJ

Recusals

Ms. Forsythe reviewed the recusal information from the 2007-2009 biennium. She noted that there are actually relatively few recusals, most coming from DHS. Each is reviewed by a senior manager to ascertain if there is a pattern or problem. Ms. Forsythe indicated that the new case management system, once it is operable, will allow better tracking.

Ms. Forsythe said she is just reporting the facts to the Committee.

Final Orders

The final order tracking was reviewed by the Committee. Ms. Forsythe indicated that many of the Orders have not yet been returned to the OAH because of timing issues, often times Boards have not met to approve them.

Ms. Forsythe said that possible rule promulgation maybe needed to ensure that Final Orders are received by the OAH.

Public Comment

There was no public comment.

Adjournment

The meeting adjourned at 2:55pm.

Next Meeting

The next meeting will be scheduled after the Model Rules Advisory Group meets so their work may be shared with the Oversight Committee. Potential meeting dates will be sent to the Oversight Committee for consideration.

Follow Up

- Most current bylaws to be mailed to Committee Members
- Legislation that allowed Child Support Modification Streamlining
- The amount of time it takes for OAH to receive Final Orders