

AGENDA

OREGON OFFICE OF ADMINISTRATIVE HEARINGS OVERSIGHT COMMITTEE

	Oregon Office of Administrative Hearings Oversight Committee Meeting					
Date/time:	August 22, 2024 12:30 - 2 pm					
Location:	Microsoft Teams Join the meeting now					
Attendees:						
	Rep. Nathan Sosa, Chair		Richard Lane		Sen. Janeen Sollman	Rema Bergin
	J. Kevin Shuba, Vice Ch		Rep. Osborne		Renee Stineman	
	Denise Fjordbeck		Jeffrey Rhoades		Sen. Kim Thatcher	

AGENDA

	Topic	Desired Outcome	Time	Presenter
1.	Welcome	Informational	12:30 pm	Rep. Sosa, Chair
2.	Oregon State Bar Board of Governor's Proposals: ALJ OSB Licensure	Informational & Discussion Update	12:35 pm	Jeffrey Rhoades, Chief ALJ
3.	Succession Planning Update	Information & Discussion	12:50 pm	Jeffrey Rhoades, Chief ALJ
4.	2025-27 Budget Planning and Agency Trends	Information & Discussion	1:05 pm	Jeffrey Rhoades, Chief ALJ
5.	Unemployment Insurance Hearings Report: Successes and Challenges	Informational	1:25 pm	Jeffrey Rhoades, Chief ALJ
6.	KPM Report	Informational	1:40 pm	Jeffrey Rhoades, Chief ALJ
7.	Roundtable	Informational	1:50 pm	Committee Members
8.	Public Comment Period – 3 minutes each	Informational	1:55 pm	Citizens
9.	Adjourn		2:00 pm	Rep. Sosa, Chair

**Office of Administrative Hearings (OAH)
Oversight Committee Minutes
August 22, 2024**

Committee and Staff Present

Rep. Nathan Sosa, Chair
Rep. Virgil Osborne
Richard Lane, Governor's Office
Sen. Janeen Sollman
Denise Fjordbeck, Oregon Department of Justice
Renee Stineman, Oregon Department of Justice
Jeffrey Rhoades, Chief Administrative Law Judge, OAH
Rema Bergin, Executive Assistant to Mr. Rhoades, OAH

Absent: J. Kevin Shuba, Vice Chair, Sen. Kim Thatcher,

Also Present: David Gerstenfeld, OED Director, OAH Staff

Approval of Minutes

Minutes approved via email

Call to Order

The meeting was called to order at 12:30 p.m. by Chair Sosa.

Oregon State Bar Board of Governors Proposal

Mr. Rhoades provided a summary and background for the committee. A work group was formed following a House of Delegates resolution to evaluate whether administrative law judges (ALJs) should be required to have Oregon State Bar licensure. The group met multiple times and developed a report summarizing discussions rather than making specific recommendations, as the meetings were not public. Mr. Rhoades discussed key points summarizing the benefits and drawbacks of requiring bar licensure for ALJs. The potential challenges being budgetary impacts as increased salaries would lead to higher service fees for state agencies, rising costs limiting access for several agencies and Oregonians. Recruitment concerns would be restrictive as licensure requirements may hinder diversity efforts and overall hiring flexibility.

Current Status: The report was adopted by a small group within the Board of Governors but will undergo further consideration by the Board in September for potential referral to the House of Delegates in November. Mr. Lane raised concerns about the process and noted confusion regarding next steps. Mr. Rhoades acknowledged similar process concerns, clarifying that a decision to proceed with licensure requirements had not yet been made.

Ms. Fjordbeck stated the next steps will be planned testimonies before the Board of Governors.

Succession Planning Update

Mr. Rhoades gave an overview including that succession planning is part of a directive from Governor Kotek and aligns with good governance practices. The goal is to ensure organizational resilience by preparing for critical vacancies. Process is reviewed workforce needs, mission, and vision. Identified critical, highly critical, and non-critical positions. Analyzed competencies required for critical roles. Developed training and mentorship programs to build redundancy and prepare staff for leadership opportunities. The implementation stage is initiated job rotations, lead worker roles, and training opportunities. Focused on key areas, such as IT staff and hearing coordinators, which are critical for operations. The challenges are balancing internal promotions with open recruitment to maintain diversity and fairness. Addressing gaps in technical roles, such as IT specialists, to ensure system continuity. Rep. Osborne asked how vacancies are filled. Mr. Rhoades explained that recruitment varies by position, with some roles filled internally and others open to public applications. Sen. Sollman inquired about IT dependencies. Mr. Rhoades confirmed reliance on Oregon Employment Department IT services, with no plans to establish separate systems.

Budget Planning and Agency Trends

Mr. Rhoades reviewed case referral trends, resource allocation, and future budget planning for key programs.

Unemployment Insurance (UI): Significant referral increase due to a 30% rise in appeals after the implementation of the new IT system (Francis). Pandemic backlog of 10,600 cases successfully cleared. Staff expanded with 22 new ALJs and ongoing recruitment to handle increased caseloads. Received a 100% quality score from the Department of Labor.

DMV Program: Post-pandemic referrals have stabilized at lower levels compared to 2019. Ensured in-person hearing coverage across all regions of Oregon.

Senior Panel Cases (ABC Program): Case referrals declined by over 50% since 2019. Rise in complexity for water law and special education cases, requiring highly trained judges.

Paid Leave Oregon: Referral volume increasing, with cases expected to reach up to 200 per month. Fully staffed to handle caseload, with contingency plans for resource reallocation.

Key Challenges: Adapting to increased referrals from Francis while managing budget constraints. Addressing potential resource gaps without additional general fund allocations. Sen. Sollman expressed concerns about sustaining staff levels given anticipated budget cuts. Mr. Rhoades confirmed no additional funding requests for the current biennium. Mr. Gerstenfeld (OED Director) explained ongoing efforts to refine Francis and reduce unnecessary appeals through system adjustments and clearer communication with claimants.

Key Performance Measures (KPMs) Mr. Rhoades went over the KPMs with the committee.

KPM #7 (UI Appeals Timeliness): Target: 60% of cases resolved within 30 days of appeal.

Challenges included backlog impacts and increased referrals from Francis, resulting in missed targets. Older cases being resolved drag down performance scores despite significant progress.

KPM #8 (Non-UI Appeals Timeliness): Target nearly achieved, with consistent performance levels.

KPM #9 (Order Timeliness): Exceeded target; average order issuance time is 5.4 days (target: 6.6 days).

KPM #10 (Cost per Referral): Maintained below-target cost levels, demonstrating cost efficiency.

Will keep monitoring referral trends and adjust resource allocation accordingly. Continue strategic planning for succession and operational continuity.

Sen. Sollman sought clarification on how older cases affect KPM scores. Mr. Rhoades explained federal benchmarks prioritize timeliness from the appeal date, not referral date, penalizing efforts to resolve older cases.

Roundtable

No additional items were raised by committee members.

Adjournment: There being no further business meeting adjourned at 1:45 am.

Respectfully Submitted,

Rema Bergin

Rema Bergin, Executive Assistant to
Chief Administrative Law Judge