



Oregon

Kate Brown, Governor

Workers' Compensation Board

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www.wcb.oregon.gov

September 10, 2021

Dear Colleagues:

I continue to be impressed and grateful for the resilience, creativity, and comity shown by each of you in this community of workers' compensation section members, within and outside of WCB; my appreciation extends to the employers, insurance professionals, legal office staff, injured workers, interpreters, WCD, OR-OSHA and WCB employees, all of whom are participants in WCB's processes of workers' compensation dispute resolution.

We have each faced many challenges, both personal and professional, during the 18 months since WCB first announced that all in-person proceedings would be temporarily canceled. Many lessons have been learned, and new tools implemented, which will be valuable for us going forward. It has been a long road, and it isn't over yet.

Due to the current surge in Delta variant COVID-19 cases, the State of Oregon has pushed back the (formerly Sept. 1, 2021) date for "reopening" state office buildings to the public. Another date has not yet been announced. In light of changing community circumstances, we at WCB are continuing to review our processes.

Thank you to all of you who responded to our May 2021 survey, and for all of the follow up one-on-one conversations you have had with Presiding ALJ Joy Dougherty. Your feedback has been critical to us. A majority of the survey respondents indicated that telephonic and video hearings and mediations were going well, and that they would like to see these two options continue to be available going forward. Regarding in-person events, over half of the respondents indicated they would appear in person, with protective measures in place. Of those willing to appear in person, most also indicated that they would travel, again, with protective measures in place.

On July 30, Governor Brown reinstated indoor mask/face covering requirements for executive branch state agencies; on August 10, the governor issued Executive Order 20-29, requiring vaccination of executive branch employees, absent a disability or sincerely held religious belief, six weeks from full FDA approval of a COVID vaccine, or by October 18, 2021, whichever is later. The FDA fully approved use of the Pfizer vaccine on Monday, August 23; thus, state worker vaccination is required by October 18. On August 24, the Governor announced that masking throughout Oregon, in outdoor spaces, will be required, when distancing isn't possible, effective August 27.

Through the end of 2021, the state of Oregon will continue to operate under a state of emergency. With awareness that we will need to remain flexible and adaptable to evolving public health and executive branch guidelines, below is an outline of the

processes WCB will be implementing to ensure a thoughtful and measured approach to resuming in-person proceedings, while maximizing safety for stakeholders, parties, legal representatives, witnesses, and staff.

Hearings Division Processes

Extending through December 31, 2021, all WCB hearings and mediations will continue to be conducted either as telephonic or video proceedings. **However, effective October 1, 2021, parties will be able to submit a request that a proceeding be conducted in person.** Requests for such proceedings will be centralized with PALJ Dougherty and Assistant PALJ Monte Marshall. The timing and process for making such requests will be announced by PALJ Dougherty soon. For those matters which are then scheduled for in-person proceedings, the following applies:

Face Masks

Consistent with the Governor's guidance, well-fitting face coverings are required to be worn in state government buildings, by staff members and the public, until further notice.

Plexiglas Barriers and Air Filters

Plexiglas barriers and portable air cleaners with High Efficiency Particulate Air (HEPA) filters have been placed in all WCB locations and will remain in place and in use until at least December 31, 2021.

Entry in to WCB Facilities

Authorized staff members, visitors, and members of the public should not enter the building if they are displaying any COVID-19 symptoms. If you are scheduled for an in-person event, and a person who is to be in attendance is ill, please contact the assigned ALJ's office as soon as possible.

Electronic Submissions

WCB will continue use of Biscom for secure electronic file transfer where approved by the assigned ALJ, through December 31, 2021.

Moving Forward

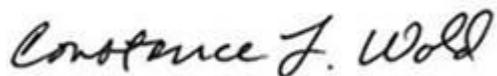
WCB asks that, as we begin our slow and measured reintegration to in-person proceedings, we continue to extend each other patience and grace. As stated above, as of October 18, 2021, all WCB employees, subject to exemptions for disability or sincerely held religious belief, are mandated to be fully vaccinated. While being

vaccinated is not required for members of the public in order to attend an in-person event in WCB facilities, it is strongly encouraged. Masking/face coverings are required; these will be available for hearing/mediation participants and visitors who do not have or bring their own. Facilities will have hand sanitizer stations, and gloves will be available in all WCB locations.

This is a very broad outline of our planned processes. More detailed procedures will follow. We at WCB will continue to evaluate these processes as we move through this next phase. Your input will be sought, and welcomed, as we gain experience. As always, please feel free to reach out to myself at connie.l.wold@oregon.gov, or PALJ Dougherty at joy.m.dougherty@oregon.gov, with any questions or concerns. We will continue to align our processes at WCB with 1) carrying out our mission of timely and impartially resolving workers' compensation disputes and achieving substantial justice, 2) while supporting the state of Oregon's public safety and recovery efforts and goals.

Again, on behalf of all of us at WCB, thank you for your ongoing patience and understanding.

Sincerely,

A handwritten signature in cursive script that reads "Constance L. Wold".

CONSTANCE L. WOLD (she/her/hers)
Board Chair
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