

**Workers' Compensation Board
Tuesday, November, 27, 2018
10:00 a.m.**

Meeting Minutes

Present: Connie Wold, Board Chair
Sally Curey, Member
Barbara Woodford, Member
Steve Lanning, Member
Roger Ousey, Member
Roger Pearson, Managing Attorney
Joy Dougherty, Presiding ALJ
Terry Bello, Administrative Services Division Manager
Greig Lowell, Project Manager
Kayleen Atkins, Executive Assistant
Fred Bruyns, WCD
Elaine Schooler, SAIF
Jaye Fraser, SAIF
Bin Chen, Attorney
Katherine Krametbauer, Attorney

Call to Order

Chair Wold called the meeting to order.

Approval of Agenda and Order of Business

Member Woodford moved for approval of the agenda. Member Lanning seconded. Motion carried.

Approval of Past Minutes

Member Curey moved for approval of the August 23, 2018 meeting minutes. Member Lanning seconded. Motion carried.

Reports of Administrative Staff

Administrative Services Division

Bello reported on the Roseburg hearing location. Bello and Dougherty traveled to Roseburg to tour the Umpqua Community College campus and viewed their conference rooms. The college has signed an agreement with WCB and will begin setting hearings

in that location starting February 2019. Bello noted that this is a huge savings for WCB. The current location charged WCB whether or not the hearing was held.

Bello gave an update on the Salem office lease. She also noted that with the change in the weather, employees should notify someone if they notice any window leaks. First Premier works hard to make sure these issues are fixed right away.

Bello stated that Sarah Bagdriwicz had been chosen as the new Personnel Contact.

Bello commented that she, Kayleen Atkins and Greig Lowell would be the 2019 Food Drive Coordinators.

DCBS held an Information Security Poster Contest, and Halah Ilias, a WCB ALJ, earned honorable mention. Bello encourages everyone to look at the DCBS connections newsletter to view all the winning posters.

Hearings Division: No Report.

Board Review: Pearson reported that Board Review has a new staff attorney, Jennifer Kaufman. Jennifer's first day with the Board was October 15, 2018.

Unfinished Business

No report.

New Business

Consideration of the advisory committee report concerning: (1) procedures regarding the translation of "non-English" written evidence at hearing; and (2) requiring that certain documents sent to injured workers be accompanied by a separate notice in multiple languages (Spanish, Russian, Vietnamese, and Chinese) advising the workers of the importance of the document and possible avenues for assistance

Chair Wold opened the meeting to discuss the advisory committee report that recommends the Board consider rulemaking regarding translation of non-English written evidence at a hearing and a multi-language help page. Wold also discussed the memo from Roger Pearson regarding a possible draft rule if the Members chose to proceed with rulemaking.

Member Woodford noted that the advisory committee did not address the concern that cost of translations not impede access to justice for the parties. The statute

concerning costs refers to records, expert opinions, and witness fees. Woodford expressed that more language may need to be added to a proposed rule.

Member Curey had concerns regarding how expensive it is to translate a document. Curey also questioned if WCB had a list of state-contracted translators along with its contract for interpreters.

Dougherty explained that the Hearings Division recently had a Spanish-language document translated for a cost that was less than anticipated. Dougherty also noted that WCB does not have a list of contracted translators.

Member Curey questioned how often non-English documents are submitted during a hearing.

Katie Krametbauer from SAIF and a member of the advisory committee shared that this is happening more often. The cost of getting a document translated can vary due to the different documents. For example, a court certified document can cost more than a Google translated document.

Bin Chen, defense attorney and a member of the advisory committee, shared that non-English documents come up often. Chen discussed issues that may arise regarding the submission of documents containing non-English language and their translation.

After deliberating about the need for a “translation of documents” rule, the Members agreed to proceed with a proposed rule.

Member Ousey suggested that an additional section be added to the draft rule that specifically provided that any translation costs incurred by a claimant would be subject to reimbursement under ORS 656.386(2)(a).

Member Woodford agreed.

Member Curey stated that because the majority of the advisory committee recommended adoption of a rule, she also supported moving the proposed draft forward.

Pearson shared the distinction in the draft language between the submission/ offering of documents and possible options in modifying the language.

Member Ousey moved that the Board propose the “translation” rule with clarifying edits. Member Woodford seconded. Motion carried.

Chair Wold opened the second topic of the meeting to discuss if certain documents that are sent to injured workers should be accompanied by a separate notice in multiple languages (Spanish, Russian, Vietnamese, and Chinese) advising the workers of the importance of the document.

Fred Bruyns, WCD's Rule Coordinator, reported that WCD is ready to propose a rule on the "multi-language help page" enclosure. Bruyns shared a projected timeline for WCD's rulemaking process.

Chen explained that the advisory committee had not recommended any rulemaking concerning the "multi-language help page" enclosure. They did recommend, however, that the Board have an internal procedure.

The Members agreed it was appropriate to propose amendments to its rules concerning notices of acceptance/denial to include a reference to WCD's proposed rule/bulletin.

Member Curey suggested the advisory committee's report be forwarded to the Board's management team for their consideration regarding the agency's existing procedures.

Member Woodford moved that the Board propose amendments to the "notices of acceptance/denial" rules to include references to the proposed WCD rule. Member Ousey seconded the motion. Motion carried.

Public Comment

As above.

Announcements

None.

Adjournment

There being no further business, the meeting adjourned.