

**Workers' Compensation Board  
Thursday, March 28, 2019  
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  
Autumn Blake, Board Review Staff  
Fred Bruyns, WCD  
Jaye Fraser, SAIF  
Jeanette Decker, Providence

**Call to Order**

Chair Wold called the meeting to order.

**Approval of Agenda and Order of Business**

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

**Approval of Past Minutes**

Member Curey moved for approval of the November 27, 2018 meeting minutes. Member Woodford seconded. Motion carried.

Member Curey moved for approval of the December 11, 2018 meeting minutes. Member Lanning seconded. Motion carried.

## **Reports of Administrative Staff**

Administrative Services Division: Bello reported that the move to the new Pendleton office was complete. We now share the building with the Social Security Administration office, the layout is much more favorable for WCB's needs. Currently, only internet is unavailable, but the office is ready for hearings to commence in the next week. If there are any complaints about the new space please direct those to Bello.

She is coordinating the remodel of the Salem office with the lessor. The property manager will install bollards in the front of the building which will temporarily impact parking. Later, they will be replacing the blinds, door hardware, and painting, as well as deep cleaning the carpet. They are working with WCB to implement the changes in three phases to minimize interruption to regular business.

Bello is planning an on-site administrative staff training occurring the same day as the Salishan conference. This is in the early stages of preparations.

Hearings Division: Dougherty had no report from Hearings Division, but did want to praise Bello and the team that facilitated the Pendleton move. She also stated that the space will be much better for WCB's uses.

Board Review: Pearson reported that there is a new recruitment for a staff attorney that will be open until mid-April. He hopes to have a new attorney by the first of June, at the latest.

## **Unfinished Business**

No report.

## **New Business**

**Consideration of comments regarding the February 1, 2019 rulemaking hearing concerning the adoption of a permanent rule and rule amendments relating to: Translation of Non-English Documents; Including WCD's "Multi-Language Help Page" With Notices of Acceptance and Denial.**

Pearson gave a status update on WCD rules regarding the "multi-language help page" indicating that the Division adopted those rules. That rule becomes effective April 1, 2019 and enforceable June 1, 2019. The Order of Adoption strongly encourages carriers to implement the changes as soon as possible. Consistent with WCD's "enforceability" date, Pearson suggested that the Members consider having the rule apply to all notices issued on and after June 1, 2019.

Member Curey pointed out that the Members as a whole supported moving forward with a similar Board rule.

Regarding the translation of non-English documents, Pearson stated that no further public comments had been received. He notes that another question would be to determine an effective date for the rules.

Chair Wold emphasized that the Access to Justice Committee had been working towards this rule for some time and, therefore, it should be implemented as soon as was reasonably possible. She suggested that the “translation” rule become effective on June 1, 2019 and would apply to initial hearings held on and after that date.

Member Woodford moved to adopt the permanent rule regarding the translation of non-English documents and the rule amendments that would require a multi-language help page with notices of acceptance and denial. The effective date for the rules would be June 1, 2019, with the “translation” rule applying to all cases before the Hearings Division where the initial hearing is held on and after June 1, 2019 and the “notice” rules applied to all “notices” issued on and after June 1, 2019.

Member Curey seconded. Motion carried.

**Reviewing responses to the Board’s invitation for comments regarding OAR 438-011-0055 (“Third Party Election” letter) for preparation of the “5-year review” report.**

Pearson presented a memo prepared with the assistance of Greig Lowell advising the Members of the outcome of the requests for public comments regarding the “third-party election” letter rule. Members of the initial advisory committee and stakeholders who had previously commented on the rule were sent questionnaires on the rule’s efficacy and impact. The questionnaire was also included in issues of the Board’s Case News & Notes. In response, the Board received three comments, which have been addressed in the memo.

Since the implementation of the rule, the Board has not received any petitions seeking resolution of disputes regarding the notice of third-party election. Therefore, it would appear that the rule is achieving its intended effect.

Pearson noted that one of the comments received in response to the questionnaire regarded reimbursement for supplemental disability, noting the need for clarification. Because this matter was unrelated to the “third party election” letter rule, Pearson observes that it is not necessary for the Board to address that matter in its report. Instead, he suggested that the comment could be considered as it reviews the information questionnaire which is required to be included with the “notice of election” issued by carriers.

After no public comment was presented, Member Curey moved to approve the draft report and submit it to the Secretary of State.

Member Woodford seconded. Motion carried.

### **Public Comment**

As above.

### **Announcements**

None.

### **Adjournment**

There being no further business, the meeting adjourned.