

Workers' Compensation Board
Thursday, March 11, 2021
10:00 a.m.

MEETING MINUTES

By Phone: Connie Wold, Board Chair
Sally Curey, Member
Barbara Woodford, Member
Roger Ousey, Member
Terry Bello, Administrative Services Division Manager
Ian Brown, Managing Attorney
Joy Dougherty, Presiding ALJ
Tamara Elias, Executive Assistant
Katy Gunville, Executive Assistant
Greig Lowell, Project Manager

Kirsten Adams, Associated General Contractors, Oregon-Columbia Chapter
Kevin Anderson, Sather Byerly & Holloway, LLP
Isabel Hernandez
Moises Ceja
Cathy Ostrand-Ponsioen, Oregon Workers' Compensation Division
Elaine Schooler, SAIF Corporation

Call to Order

Chair Wold called the meeting to order.

In accordance with the Governor's executive order regarding the coronavirus pandemic, the Board's offices remain closed to the public. Consequently, the public participated via teleconference.

Roll Call

Greig Lowell took roll reflected in the attendee list above.

Approval of Agenda and Order of Business

Member Woodford moved for approval of the agenda and order of business. Member Ousey seconded. Motion carried.

Approval of Past Minutes

Member Curey moved for approval of minutes from December 15, 2020. Member Ousey seconded. Motion carried.

Reports of Administrative Staff

Administrative Services Division: ASD Manager, Terry Bello, reported that there is not a lot going on with respect to facilities. Plexiglass was installed in the reception areas of Salem and Portland offices last week. It took awhile to get as it was a custom order from Oregon Corrections Enterprises, who also did the installation, along with some internal staff. Offices in Eugene and Medford already had glass enclosed areas.

New hire, Matthew Shipman, from Oregon Department of Revenue joins ASD next Monday, March 15. He has six and a half years of experience.

Ms. Bello has been working with managers and Chair Wold regarding policy review, both DCBS policies applicable to WCB, and WCB's own policies. DCBS's strict policy review schedule lagged a bit due to COVID, but has returned in full force. The DCBS review started with financial policies. WCB has completed review of FIN-08: expenditure controls, including the internal processing procedures. Pending completion is SEC-02: security policy on information assets. We're also working with Information & Technology Services (IT&R) and internal management staff to comply with a new DAS policy on remote working.

Hearings Division: Presiding Administrative Law Judge, Joy Dougherty, reported on coordinating with ASD as much of what happens in ASD affects Hearings Division and vice versa. HD is also addressing the remote working policy.

PALJ Dougherty reported that Hearings Division is doing very well. Telephonic hearings and mediations, and video hearings and mediations, are going forward, mostly smoothly.

Board Review: Acting Managing Attorney, Ian Brown, reported no updates since last meeting. Things are going as normally as they can during a pandemic.

New Business

Chair Wold announced that the meeting was a regularly scheduled Board meeting under OAR 438-021-0010(1), which requires quarterly meetings and keeps everyone up to date with what's happening at WCB.

Chair Wold noted that at the last Board meeting there was discussion about wanting to have data on attorney fees more readily accessible on our website. As published in Case News and Notes, board staff have launched a new web page, on the WCB site, which contains the statistical information on attorney fees compiled for the first biennial review. This information will be updated for use going forward.

Chair Wold opened the meeting up to public comments.

Elaine Schooler, SAIF Corporation, expressed that she was glad to hear that the data is going to be posted and that she had seen the link. She asked how often the data will be updated.

Chair Wold responded with reference to last Board meeting when there was consensus that people wanted the updates to be yearly. As previously discussed, there needs to be enough data for the measurements to be valid. The Board is working with IT&R staff to figure that out. In addition to “automated” calculations, some internal resources are used for hand counts. She is anticipating one year is the minimum. If IT&R feels a shorter time period would yield a valid sample, we could look at that. We are evaluating whether every six months would make sense.

Ms. Schooler asked if the next report would post in June, 2021.

Chair Wold appreciated the question and pointed out that another aspect affecting this is staffing issues at IT&R, including some because of retirements. Also, to capture a calendar year of data, that data is not available until a few months after the calendar year has concluded. She thought it would be a good goal to aim to publish it on the half year, capturing the data through the end of the prior calendar year. Another factor in the utility of the data is how long it will take for cases applying the newly amended rules regarding attorney fees to work their way through. She anticipates we can shoot for an annual report, including the prior calendar year, issued about half way through the current calendar year. We are coordinating a Strategic Planning meeting soon with IT&R, in part to figure that out, and will provide an update afterwards.

Chair Wold asked for any further public or member comment.

Member Ousey moved to adjourn. Member Curey seconded. Motion carried.

Public Comment

As above.

Announcements

None.

Adjournment

There being no further business, the meeting adjourned.