

**Workers' Compensation Board**  
**Wednesday, June 30, 2021**  
**1:00 p.m.**

MEETING MINUTES

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

**Attendees**

Kirsten Adams, Associated General Contractors, Oregon-Columbia Chapter  
David Barenberg, SAIF Corporation  
Jaye Fraser, SAIF Corporation  
Cathy Ostrand-Ponsioen, Oregon Workers' Compensation Division  
Elaine Schooler, SAIF Corporation

**Call to Order**

Chair Wold called the meeting to order.

WCB offices remain closed to the general public and its staff are following measures outlined by Governor Kate Brown. The public is participating in this meeting by a "teleconference" link.

**Roll Call**

Greig Lowell took roll reflected in the attendee list above.

**Approval of Agenda and Order of Business**

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

**Approval of Past Minutes**

Member Ousey moved for approval of minutes from March 11, 2021. Member Curey seconded. Motion carried.

## **Reports of Administrative Staff**

Administrative Services Division: No report.

Hearings Division: Presiding Administrative Law Judge, Joy Dougherty, thanked all who responded to the recent survey on WCB's next steps to office reopening. Results are still being analyzed.

Board Review: Acting Managing Attorney, Ian Brown, thanked Roger Ousey for working extremely hard, carrying the load of two people between the time of Steve Lanning's retirement and our new member joining the Board.

### **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. Additionally, subsection (b) requires a Board meeting within 30 days of a new member.

### **New Board Member**

Chair Wold introduced the newest Board Member, Moisés Ceja. Member Ceja brings with him a background and understanding of employee concerns.

Prior to joining the Board, Member Ceja worked as a civil rights investigator in the Office of Equity and Inclusion at the Oregon Health Authority. Before that, he spent 10 years as a staff attorney at the non-profit Oregon Law Center, where he represented low-income Oregonians who otherwise might not have had access to legal justice. Member Ceja advised clients on situations related to workers' compensation, worked on matters from employment to landlord-tenant law, and he also litigated civil rights and wage and hour cases.

Member Ceja obtained his undergraduate and his law degrees from the University of California, Los Angeles (UCLA). He is bilingual in English and in Spanish. When he's not at work, he enjoys spending time with his partner and two young children.

### **Post Pandemic Next-Steps**

Chair Wold recapped that the governor has signed a new order, effective June 30, 2021, which revokes most state restrictions and moves away from a state-led emergency COVID-19 response effort.

The Board is navigating moving forward from here and is anticipating guidance from DAS in consultation with OHA. Mandated face coverings to be worn in state

government buildings and offices for staff members has been lifted for Oregon's state employees.

We are reviewing best practices to determine the best steps forward for a gradual return to in-person proceedings. The recent survey has been hugely important in providing feedback that will help us craft what mediation and litigation will look like moving forward. We're going to keep doing outreach both externally and internally in order to ensure that our actions reflect that the health of all hearing and mediation participants and WCB staff is of paramount importance.

### **Attorney Fee Statistical Information**

New WCB Web Page of Attorney Fee Statistical Information has been launched for use in future biennial review of attorney fee schedules. We are working with IT&R, finishing hand counts and updating charts and tables to include 2020 attorney fees data. We expect it to be updated within the next few weeks.

### **Managing Attorney**

Acting managing attorney, Ian Brown, will be returning to his position as an ALJ in the Hearings Division with our thanks and current ALJ, Robert Pardington, will rotate in as acting managing attorney. There will be a transition period in August when both of the judges will overlap. We expect Judge Pardington to be in place in September.

### **Public Comment**

Chair Wold opened the meeting up to public comments.

Elaine Schooler, SAIF Corporation, thanked the board for its ability to pivot throughout the pandemic and to be responsive to challenges. She also welcomed new member Moisés Ceja.

Ms. Schooler asked if there is a timeline for communicating to external stakeholders prior to the target reopening date in September.

Chair Wold responded that there would be no surprises. The Board wants to craft something together with stakeholders. We welcome full participation.

A timeline hasn't been crafted yet. We expect a report from the State Enterprise Team that will provide more guidance in the first or second week of July. The direction we're getting from them right now is for buildings and staff to go slowly and carefully.

We won't throw the doors open. We'll be figuring out resources. We are equipping our leased facilities with PPE and various mitigation measures, which is why ASD Manager, Terry Bello, is currently in Bend.

Presiding ALJ Dougherty shared that the transition at the end of the pandemic won't happen the same way it did in the beginning—with little notice. There won't be an announcement on Friday and hearings on Monday. We're looking to shift to a 3-4-week advance notice. Presently, we are at the point where we were last March.

Chair Wold added that we are still gathering data. We don't want to communicate something and have it be wrong. We will provide plenty of warning and flexibility.

Ms. Schooler next asked if the rotation of Judge Brown and Judge Pardington as managing attorney is permanent, temporary or unknown.

Chair Wold responded that it is a temporary job rotation. Filling the position permanently has been impacted by the pandemic. When we are ready for recruitment of that position, it will be an open recruitment.

Chair Wold asked for any further public or member comment.

### **Public Comment**

As above. Nothing further.

### **Announcements**

None.

### **Adjournment**

Chair Wold asked for a motion to adjourn.

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

There being no further business, the meeting adjourned.