

**Workers' Compensation Board  
Wednesday, December 15, 2021  
10:00 a.m.**

MEETING MINUTES

**By Phone:** Connie Wold, Board Chair  
Moises Ceja, Member  
Sally Curey, Member  
Roger Ousey, Member  
Barbara Woodford, Member

Terry Bello, Administrative Services Division Manager  
Joy Dougherty, Presiding ALJ  
Robert Pardington, Managing Attorney  
Tamara Elias, Executive Assistant  
Katy Gunville, Executive Assistant  
Greig Lowell, Project Manager

Kevin Anderson, Sather Byerly & Holloway, LLP  
Cathy Ostrand-Ponsioen, Oregon Workers' Compensation Division  
Denni Ritter – American Property Casualty Insurance Association  
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 Ousey moved for approval of the agenda and order of business. Member Curey seconded. Motion carried.

**Approval of Past Minutes**

Member Ousey moved for approval of minutes from September 29, 2021. Member Curey seconded. Motion carried.

## **Reports of Administrative Staff**

Administrative Services Division: ASD Manager, Terry Bello, reported that things are going quite well with facilities.

The contract at the Coos Bay location was extended until January 31, 2021. We are currently negotiating it with Department of Administrative (DAS) Services. The slight delay is due to the location owner having retained new counsel that is not used to working with DAS property. We have been in this site since 1987 making it our oldest location.

There was an incident with protestors at our Portland location, specifically directed toward OR OSHA. That prompted a lockdown of the office that day. The situation was contained within 30 minutes. WCB is working with Department of Consumer and Business (DCBS) facilities to be sure we have all needed security in place. We currently have internal, out-facing public cameras at all of our locations. We are working on getting outdoor cameras for the parking lot and outside entrances.

At the WCB re-integration Q & A meeting in December, 2021, one of the subjects discussed was de-escalation training. Sarah Bagdriwicz is working on a quote with procurement now. It will be a virtual program for all WCB staff.

Reintegration Committee continues to meet. All signs point to reopening on 1/3/22. From a facilities perspective, that means that the Board Conference Room will be returned to the Board. It requires coordinating with vendors who have been using that as a touchless delivery spot. Mailroom staff are working on that this week. We are confirming that there is appropriate signage, plexiglass, masks and hand sanitizer at all locations.

ASD has one open recruitment for a litigation scanning coordinator position, which closes on December 20, 2021. Will advise when that hiring process is complete.

Hearings Division: Presiding Administrative Law Judge, Joy Dougherty, reported on in-person events. On October 1, we instituted a process for requesting an in-person event. So far, only one in-person event has been conducted. It was held in the Bend office. The facility was prepared. The staff was prepared. The parties were prepared. It went very smoothly.

There was another in-person hearing scheduled for tomorrow, December 16, in the Portland office, but that case has settled and will not be going forward.

Does not have exact number due to a computer issue, but estimates 5-6 conference calls for motions received scheduled over the next month.

We intend to have this process continue into the new year, and this was announced by PALJ Dougherty and Chair Wold at Salishan. We will be sending additional correspondence out to the section soon, hopefully in the next week.

ALJ John Mark Mills will be retiring at the end of the month. He received both his bachelors and law degrees from the University of Oregon in 1978 and 1981 respectively. He joined the Oregon State Bar in 1981 and was also admitted to U.S. District Court. Prior to working at the Workers' Compensation Board, he worked for a general litigation firm in Eugene. He started out as a pro tem judge in 1987 and was hired permanently in 1990. Over the 31 years that ALJ Mills has served as a judge, he has presented at countless CLEs or facilitated advisory committees. PALJ Dougherty expressed that it was not possible to thank Judge Mills enough for his service to the state of Oregon over the past three decades. Today is actually his last day in the office.

Board Review: Acting Managing Attorney, Robert Pardington, noted that this department does not have the same public-facing facilities as the Hearings Division but plan to bring staff that have been working more remotely back to the office when facilities are reopened on January 3, 2022.

## **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 the public up to date with what's happening at WCB.

Chair Wold introduced PALJ Dougherty to speak about the Administrative Law Judge (ALJ) hiring consultation pursuant to ORS 656.724(1).

PALJ Dougherty summarized the long and extremely involved process of hiring an ALJ. Our process has several stages. In the applicant stage, we received 26 applications. Following review of their qualifications, writing samples were sent to nine people and five were returned. From those applicants, three interviews were offered.

PALJ Dougherty was pleased to recommend Nick Cordes for hire in the Salem office. He started in workers' compensation as a law clerk with the law firm of Guinn and Dalton in January of 2012. He graduated with a law degree from Lewis and Clark in 2013 and became a member of the bar that same year. At that time, he'd become an associate attorney representing injured workers with what is now called the Guinn Law Team. He has also worked in social security disability representing individuals before that forum. He has extensive experience writing legal briefs for the Hearing Board and Court of Appeals level. He has presented up to and including this year at Salishan.

Chair Wold asked if there were any comments from the Board Members on PALJ Dougherty's recommendation for ALJ hire.

Member Woodford is impressed with candidate Cordes and complimented PALJ Dougherty on a very good choice.

Member Curey seconded this and also pointed out his excellent writing skills.

Chair Wold thanked the members for the comments and will take the matter under advisement.

Chair Wold asked for any further public or member comment.

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

### **Public Comment**

As above.

### **Announcements**

None.

### **Adjournment**

There being no further business, the meeting adjourned.