

WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE
Full Committee Meeting

July 6th, 2023
10:00 a.m.-12:00 p.m.

Committee Members Present via zoom:

Patrick Priest, Citycounty Insurance Services
Scott Strickland, Sheet Metal Workers Local #16
Sara Duckwall, Duckwall Fruit
Margaret Weddell, Labor Representative
Tammy Bowers, May Trucking
Matt Calzia, Oregon Nurses Association
John McKenzie, JE Dunn Construction
Jill Fullerton, Clackamas County Fire Department
Marcy Grail, IBEW Local 125

Excused:

Ryan Hearn, Roseburg Forest Products
Andrew Stolfi, DCBS Director, *ex officio*

Staff:

Teri Watson, MLAC Committee Administrator
Baaba Ampah, MLAC Assistant

Agenda Item	Discussion
Opening (Missing audio)	Teri Watson called the role of members. Patrick Priest called the meeting into order and presented the meeting minutes. Sara Duckwall commented that she is not comfortable approving the meeting minutes due to the amount of error and how extremely robust it is. Tammy Bowers commented that there were a lot of changes that needed to occur before she could approve it. Matt Calzia added that it is very detailed and asked if the agency has any guidelines for the minutes. Theresa Van Winkle, WCD's Legislative Director, responded that there are no guidelines, but will look into it.
(00:00:00)	Teri Watson commented that she will review the minutes for further editing. Patrick Priest agreed with previous statements that it was hard to read along and it needed some clean-up. There was no motion to approve the minutes. Marcy Grail was present at the meeting.
(00:02:07)	Patrick Priest brought up a comment he received that MLAC has no public comment section on the agenda and inquired if there has been a history of a

standard agenda for public comments. Theresa Van Winkle responded up until the pandemic, there was and there is still, a sheet for the public to sign in for attendance or to speak. During the virtual meetings, MLAC's agenda had an option for people to sign up before the meeting to speak. Theresa Van Winkle added that people could also sign up by emailing the MLAC committee administrator. She then asked MLAC members if there were any suggestions on how they would like the call for public comments displayed. Sara Duckwall commented that transparency is important and MLAC should let people know that it is an open forum to listen. She recognized that MLAC's co-chairs allow public comments by asking for stakeholder comments and stated that as long as there is a place for public comments it is fine. Tammy Bowers agreed that MLAC should be transparent as possible and MLAC is always asking to hear from stakeholders. So, letting them know of ways to sign up if they want to speak would be lovely. Patrick Priest suggested that the agenda could have a section stating that if there are any public comments to contact MLAC administrator and it could be part of a regular agenda item.

Public Comments

(00:06:03) Nick Hilbers, the safety representative for the Harver Co. which is a union drywall and ceilings contractor, commented that as someone who wants to make a public comment, he would like clear instructions. He continued that there are concerns about the last injurious exposure rule and how it penalizes people who want to hire older workers. The occupational disease laws disadvantage people who are over 45 years because of ongoing medical issues that manifest over time into workers' compensation claims. Nick Hilbers shared an example of an employee who was able to file a claim because of last injurious exposure. He explained that it makes it challenging when hiring older workers as companies are at risk. Patrick Priest appreciated the issue being brought up and explained that Nick Hilbers could contact the division, who can then put it as a formal item on the agenda. Nick Hilbers suggested a program, like the Preferred Worker Program, that provides a pool for the occupational disease laws for the exposure time. Theresa Winkle commented that she will be in contact with Nick Hilbers to further discuss the issue.

Department Updates

(00:11:24) **Workers' Compensation Board case law updates**
Robert Pardington reported that there were no specific case law updates, however, the Workers' Compensation Board's quarterly "MLAC Report" was on its way to MLAC and the governor's office. He stated that the MLAC Report summarizes significant and noteworthy workers' compensation cases that the board and courts have issued in the prior three months. Robert Pardington also announced that he was stepping down from his position, and that WCB Staff Attorney Lauren Eldridge would fill the managing attorney position in a rotating capacity for at least one year, starting on August 1, 2023.

(00:13:33) **Workers' Compensation Division (WCD) rulemaking update**

Teri Watson reported that HB 3412, physician assistant bill, passed and will affect divisions 9, 10 and 15. HB 2696, requiring sign language interpreter in healthcare to be certified by the Oregon Health Authority, passed and will affect divisions 9 and 10. She continued that SB 418, medical appointment bill, passed and will affect division 60. Teri Watson announced that policy will be looking at all rulemaking for next year and there will be more updates at the next meeting.

(00:14:53) Margaret Weddell asked if there were any department response to the Court of Appeals order, *Giltner v. SAIF*, which addressed the payment of permanent partial disability in a lump sum. Sally Coen, WCD administrator, responded that there has been one request for rulemaking and a request to change the form. The division does not believe that they cannot change the process by rule. She continued that the division's rule restates what the statute states and it would have to be a statutory change. Margaret Weddell followed up by asking if they will be proposing the statutory change. Sally Coen answered that there is not yet a decision, but it has been flagged for possible ideas for legislative concepts and is unsure if the department will move forward. Margaret Weddell asked if there will be a report back to MLAC about the decision. Sally Coen and Theresa Van Winkle answered that there will be more information to report back around mid-spring of 2024.

2023 legislative updates

(00:17:27) Sally Coen, reported on WCD's budget update. She explained the steps in passing the budget bill, HB 5010. The bill is currently awaiting the governor's signature. The budget funds continuing service levels for the division as well as a policy option package for additional positions and funds for the Modernization Program. She described the previous and additional positions, services, and projects that the modernization team has available due to the budget. Sally Coen noted that interested parties can subscribe to receive updates about the Modernization Program processes on WCD's website homepage. She concluded by stating that Matt West, WCD deputy administrator, is also available for additional information request on the modernization project.

(00:22:06) Tammy Bowers asked if the email she received on the modernization update is related to the agency's report on modernization. Sally Coen confirmed that they are related and explained that the modernization update that was sent out is an improvement project that is done under the umbrella of the Modernization Program. Tammy Bowers commented that there is a lot of moving parts and it was nice to see the update.

Review committee work plan – member discussion

- (00:23:52) Patrick Priest announced that he would turn over chairing the meeting as soon as labor co-chair, Scott Strickland, joins. He also noted that the updates to the [workplan](#) was distributed to members and asked for comments on the draft.
- (00:24:37) Sara Duckwall commented on the workplan topic, “Worker Benefits.” She suggested for it to be changed to “overarching look at the workers’ benefit system as a whole and consider it from a fairness and balance system on both sides.” Tammy Bowers added that the wording was talked about during the last meeting and suggested numbering the workplan. Sara Duckwall noted if it is numbered, it should have a different numbering scheme to delineate the workplan from something like the legislative session preparation. Tammy Bowers suggested using a combination of letters and numbers.
- (00:27:30) Patrick Priest asked if the workplan was posted on the [MLAC website](#). Teri Watson confirmed that it was distributed to members and also posted on the website.
- (00:27:50) Scott Strickland was noted as present.
- (00:28:28) Sarah Merrick asked how the reexamination of “Worker Benefits” on the workplan was to be reworded. She explained that the bullet points serve as a reminder to address the topics MLAC wants to look at. Scott Strickland noted it was previously discussed to change it to the sufficiency of worker benefits. He also wonders if making the topic broad would lose track of the issues. Patrick Priest commented that the minutes maybe did not reflect the discussion and it might contain wording that would be helpful. Scott Strickland asked for a bit of time so stakeholders could chime in before taking an assertive action. The group agreed. Scott Strickland also stated that he will touch base with Sarah Merrick to come up with ideas to make sure things do not get lost in the broader attempt. Scott Strickland noted that waiting for the June 8 minutes will be a good opportunity to allow stakeholder input.

Review committee legislative check list

- (00:32:34) Sara Duckwall commented on the [Legislative Review Guidelines](#) stating that she feels like a cohesive set of questions would be in order because some of them are duplicative. She noted she provided a couple of examples that are not reflected in the checklist. Sara Duckwall noted that she likes the concept and the format, but would like a refinement on a section of what information MLAC needs on a proposal. Scott Strickland shared a concern, stating that the focus was on cost impacts and that information is not available until WCD and others do their analysis. He continued that he likes some of the way it is drafted because it does not seem mandatory. Tammy Bowers commented that she likes how it is numbered and suggested to clean it up so it is the same size and font.

MLAC Video

- (00:35:03) Sara Duckwall brought into discussion the MLAC video idea that was brought up during the last meeting. Scott Strickland commented that a video format would be helpful as it is accessible to a broader audience. MLAC members agreed that the video was a good idea. Marcy Grail agreed, stating her Health and Welfare Trust group are looking to create more white board videos, which are easy to put together and gets straight to the point.
- (00:36:39) Teri Watson asked if the video's intended audience would be for people presenting legislative concepts or for MLAC in general. Scott Strickland shared his opinion that the video would address a more general topic, similar to "Schoolhouse Rock" videos, which would allow a broader range of stakeholders to understand the process of MLAC. Sara Duckwall liked Scott Strickland's concept, but she shared that it might be too broad to put into a three-minute whiteboard video format. Initially, Sara Duckwall thought the video was aimed at anyone making a proposal to MLAC. She proposed that the video format would align with the legislative review guidelines, incorporating questions such as defining MLAC and determining when proposals should be brought forth. This approach would speak to both a broader audience, as Scott Strickland stated, and to individuals proposing a bill to MLAC.
- (00:39:01) Sara Duckwall suggested asking the division to provide a time line on what the video would look like as well as a proposal on putting the video together. Scott Strickland seconded this suggestion, commenting that WCD could put together information as to whether it is feasible as well as a timeline or resources needed to make the video. Tammy Bowers added that a good template would be a finalized legislation review guidelines document.
- (00:40:44) Scott Strickland explained that the next steps would be an updated draft, that would be disseminated out to co-chairs before other members and stakeholders. The co-chairs will also meet with the agency to talk about the next steps in-between meetings. And during the next meeting there will be an updated draft, similar to information on video concepts and what the timelines would be. The MLAC committee agreed.
- Workday training issues**
- (00:43:00) Patrick Priest mentioned that in the past, there have been difficulties with training in Workday. Teri Watson made an announcement, encouraging anyone experiencing issues with Workday to reach out to her for assistance. Theresa Van Winkle added that there was an issue with Scott Strickland's account on Workday and is working with the Department of Administrative Services.
- (00:44:58) Sara Duckwall acknowledged that Workday can be challenging and asked for any assistance that could be offered to ease the new members' experience with Workday. She suggested sharing best practices for navigating through
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Workday, this would help new members avoid encountering the same issues encountered in the past. Theresa Van Winkle added that she would reach out to the governor's executive appointment team because there are other boards and commission members that have similar issues.

Marcy Grail shared that she sits on the Oregon Energy Facility Board, and it was also frustrating navigating through Workday simultaneously. She continued that the system should be better. Scott Strickland suggested hands on IT support with navigating through Workday for both new and maybe old members. Sara Duckwall commented that setting the authenticator is challenging and she does not want that to be hard for a volunteer position.

(00:49:16) Scott Strickland suggested addressing it again in the future, which prompted Sarah Merrick to share that as a new member she can report back to the committee on her experience with Workday. Patrick Priest asked if members have to use Workday since they are volunteers. Theresa Van Winkle confirmed that they do have to use Workday alongside state employees. Patrick Priest shared that setting up the authenticator requires the use of the authenticator for other sign-ins outside the committee. Theresa Van Winkle commented that she will pass along the feedbacks received. Scott Strickland suggested identifying which authenticator work since there are a range of options for MFA (multi-factor authentication). MLAC members may find issues with utilizing the platforms which may cause unintended consequences. Workday could be a deterrent to volunteers wanting to join MLAC.

Upcoming meeting schedule – August 17 and September 14

(00:52:26) Teri Watson announced that she sent a draft for the meeting schedule for 2024 and the next two meetings are scheduled for August 17 and September 14.

Sara Duckwall commented that she has different dates on her calendar compared to the 2024 meeting schedule and others confirmed that they do too. Sara Duckwall suggested that a calendar invite would be helpful. Tammy Bowers noted that the initial calendar invite was sent out and she would wait to see if it changes. Theresa Van Winkle stated it could be changed

(00:55:26) Marcy Grail asked for clarification on the plans for the 2024 meeting schedule. Teri Watson commented that she would update the 2024 meeting schedule to match the calendar dates on people's schedule and send it out.

(00:55:46) Scott Strickland summarized that the draft meeting schedule will be updated and discussed among co-chairs. Scott Strickland thanked Patrick Priest for stepping in and everyone for their patience.

During the discussion it was confirmed that the next meeting will be on August 17.

Meeting Scott Strickland adjourned the meeting at 11:08 a.m.
Adjourned

*These minutes include time stamps from the meeting audio found here:
<https://www.oregon.gov/dcbs/mlac/Pages/2023.aspx>

**Referenced documents can be found on the MLAC Meeting Information page here:
<https://www.oregon.gov/dcbs/mlac/Pages/2023.aspx>