

**Management Labor Advisory Committee
Vocational Rehabilitation Subcommittee
Thursday, November 20, 2003
Conference Room E, Labor & Industries Building**

Members Present:

Ken Hector, CNF Service Company, Portland, OR
Diane Janzen, NorPac Foods, Lake Oswego, OR
John Kirkpatrick, IUPAT District Council #5, Portland, OR
Bob Shiprack, Oregon Building Trades Council, Tualatin, OR
Sheri Sundstrom, Hoffman Construction Company, Portland, OR

Member Absent:

J.L. Wilson, NFIB, Oregon Chapter, Salem, OR

Staff Present:

Nancy Bieber, Workers' Compensation Division
Teri Bledsoe, Director's Office
Myrna Curzon, Director's Office
Mike Manley, Information Management Division
Dan McNally, Workers' Compensation Division
Meg Reinhold, Workers' Compensation Division
Lou Savage, Director's Division
John Shilts, Workers' Compensation Division
Travis Wall, Injured Workers' Ombudsman
Edith Hayden, Assistant Injured Workers' Ombudsman

WELCOME

Bob Shiprack brought the vocational rehabilitation subcommittee meeting to order at 9:15 a.m.

John Kirkpatrick moved that Sheri Sundstrom be elected chair of the subcommittee. Seconded by Diane Janzen. There were no objections. The meeting was turned over to Sheri as the chair of the vocational rehabilitation subcommittee.

REVIEW OF EXISTING VOCATIONAL REHABILITATION PROGRAMS

Nancy Bieber, Workers' Compensation Division, gave an overview of the current Vocational Rehabilitation Program. She distributed a printed copy of a Powerpoint presentation titled, Return to Work, a Look at Current Return-to-Work assistance Programs in Oregon's Workers' Compensation System. A copy of the presentation is made a part of these minutes.

John Kirkpatrick: For wage calculation % of what?

Nancy: Usually, the wage upon which time loss is based.

Ken Hector: Re: Preferred worker. If the employee expresses an interest in return to work on the preferred worker program then at the 11th hour the worker says no they don't want to do that, then the employer has already made some changes to accommodate for the worker and now is not eligible for reimbursement. Discussed the possibility of changing so that the worker has two chances at eligibility.

Current initiatives:

WCD Regulatory Streamlining Initiatives

- WCD will be reviewing all programs including vocational assistance. The goal is to complete the review by mid-January and then present a report to MLAC.

Questions on Current Initiatives are the questions that will be asked by WCD as they review the program.

Voice of the Customer:

WCD will survey workers, employers, insurers and vocational providers to get their input on what works for them, and what they feel would improve the system. Will survey very specific about how the three programs are working

PWP Outreach Initiative

Current work going on to try to energize the program.

OVRS Initiative

WCD has been working with OVRS to develop a pilot project to provide direct job placement assistance to Preferred Workers. However, DOJ questions whether the transfer of funds necessary to implement this pilot is allowed under current statute and is studying the question.

REVIEW OF EXISTING RETURN TO WORK PROGRAM

Mike Manley, Information Management Division

Two handouts were distributed: Return to Work in the Oregon Workers' Compensation System, Accident Year 1997 disabling Claims; Vocational Assistance in the Oregon Workers' Compensation System, 2000. The subcommittee members were given numbers on the history of usage of EAIP, and statistics showing the employment statistics for those that use the Employer at Injury Program vs those that do not. Similar numbers were given for the Preferred Worker Program. These numbers are also included in the PowerPoint presentation handout given to the committee, which is included in the file.

PUBLIC COMMENT:

Scott Wroot

Mr. Wroot commented on the Preferred Worker Program. He said that being a preferred worker he had tried to use the preferred worker card. He felt that when he presented the card it gave the prospective employer the opportunity to focus on his injuries in the interview questions. He said that he felt that he was denied employment based on fears.

Committee Discussion following Mr. Wroot's comment:

The committee members had further discussion on the employer usage of the preferred worker program. The committee discussed the need to educate employers about the program and work on increasing the number of employers who use the programs available.

Mike Manley continued to discuss the data regarding Vocational Assistance. Referred the members to a publication on Return to Work in the Oregon Workers' Compensation System. Reviewed the wage employment after injury data including looking at the data for denied claims.

Nancy Bieber: Explained the inconsistency in the numbers between the data she provided the committee and the data Mike Manley provided the committee. Nancy looked 4 years out for their data whereas Mike's data is only 13 quarters out. At 4 years out the numbers improve dramatically because of workers completing vocational assistance programs.

John Kirkpatrick: There is a peak of workers found eligible for vocational assistance in 1997 and 1998. If I were to draw a chart of the hours in construction they would also peak in 1997 and 1998. Can we also track the numbers on employment over the same time period? Are we still getting the same proportion of injured workers in the system? We need a comparison of that number as compared to the EAIP. We need to look at a snapshot of total employment for the same period of time to be able to really understand what significance the numbers mean.

John Shilts: WCD will work on some sort of rate of workers found eligible for vocational assistance compared to employment rates.

PUBLIC TESTIMONY

Mike Maier: District 3 SEIU 503

District 3 SEIU 503 includes workers from Linn, Benton and Lane counties. Mr. Maier made a request that the MLAC Committee come to Eugene, Albany, Springfield areas so that injured workers in those areas can provide testimony to the committee.

Committee Discussion following Mr. Maier's testimony:

Bob Shiprack: We are going to start taking meetings on the road. We have a tentative date for a meeting in Bend. We are working on taking meetings to other cities.

Scott Wroot: Read written testimony to the committee. Written testimony is included as part of these minutes. Mr. Wroot asked the committee to study the law and research the original intent of the law. He also asked the committee to see education and rehabilitation of severely injured workers as a priority. Mr. Wroot expressed a concern that CDA's are causing a big part of the problem. The attorney's want to settle so that they can get their money right away. The injured workers may be accepting the CDA because of the stress that is put upon them.

POSSIBLE AGENDA ITEMS FOR FUTURE MEETINGS:

8 questions that were presented by WCD.

Public comment to get the human side of the issues.

Looking at the programs and trying to simplify the process in order to benefit the worker.

Eligibility for Vocational Rehabilitation.

Standard vocational rehabilitation program is all privatized now. When an individual is clearly eligible for the program—what happens then? Also, what are the time frames from beginning to end? Perhaps from people out in the field—PROs

PUBLIC COMMENT:

Scott Wroot: Suggested the committee also look at whether or not they have an authorized training program at claim closure.

NEXT MEETING

Another subcommittee meeting will be scheduled for mid-January.

ADJOURNMENT

The meeting was adjourned at 10:25 a.m.