

**NOTICE OF PUBLIC MEETING
WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE
SUBCOMMITTEE**

June 9, 2008
11:00 a.m. – 12:00 noon
Conference Room F, Labor & Industries Building
350 Winter Street NE, Salem, Oregon
(A map is available upon request)

Committee Members Present:

Linda Barno, ESIS, Inc., Portland
Tracy Brill, Portland Fire Fighters Association, Portland
Lon Holston, Laborers' International, Local 483, Portland
John Kirkpatrick, IUPAT District Council, Portland
Greg Miller, Gunderson LLC, Portland
Mike O'Rourke, Plumbing and Steamfitters UA 290, Tualatin
Sheri Sundstrom, Hoffman Construction Company, Portland

Committee Members Excused:

Bob Shiprack, Oregon Building Trades Council, Portland
Cory Streisinger, Ex-Officio Member, Department of Consumer and Business Services, Salem

MULTIPLE JOBS SUBCOMMITTEE

Linda Barno, subcommittee chair, called the meeting to order at 10:09 a.m.

The subcommittee reviewed the April 11, 2008 MLAC multiple jobs meeting minutes. By unanimous consent the subcommittee approved the minutes.

Dan Schmelling, Workers' Compensation Division, presented the subcommittee with a supplemental disability summary sheet. The summary included payment, reimbursement, and denied total for SAIF, insurers, and self-insured employers.

Mr. Schmelling also discussed the population of volunteers with assumed wages. He said the information is not available to capture.

Sheri Sundstrom asked if the administrative costs go out for bid periodically? Mr. Schmelling said yes it does go out for bid periodically.

Linda Barno asked how often does it go out to bid? Mr. Schmelling said the contract is up January 1, 2009. There were two bidders for the contract the last time it was up.

Ms. Barno said she is glad to see there are so few denials, which means the process is working. It was pointed out that insurers have such a low amount listed on the summary compared to SAIF, which is surprising and wonder if insurers are getting this information.

Ms. Barno asked Mr. Schmelling to please confirm the numbers. Mr. Schmelling commented that some of the insurers that are utilizing third party administrators might be captured in the third column under the self-insurers, but he would double check the numbers.

Ms. Barno asked when reviewing this process after five years in place, is there a way to look at the data to see the volunteer issue and who is collecting on this type of money whether retail or manufacturing? Mr. Schmelling said some of that information can be collected from the 801. The 801 is not quite clear on volunteer and mainly it gets captured in the type of job they are doing rather than that they are a volunteer.

Ms. Sundstrom asked for outsourcing it is \$150 a claim? Mr. Schmelling confirmed this is correct. Ms. Sundstrom asked if there was a similar reimbursement to the carrier for setting it up or the third party administrator or self-insurer? Mr. Schmelling said in those cases they get the percentage of payment from CPAC.

Ms. Barno said she appreciates Mr. Schmelling hard work.

Oregon Self-Insurers Association – Chip Bartel & Susan Lavier

Chip Bartel and Susan Lavier from the Oregon Self-Insurers Association (OSIA) have been working on a solution to correct the duplicate pay for volunteers where there is no wage lost. They requested a work group with the department on how to fix the volunteer issues in supplemental disability.

Ms. Barno said this is a complicated issue and the Oregon Self-Insurers Association represent cities and counties and special districts, which are most affected by the volunteer situation. She said the OSIA would like to do the right thing instead of a quick fix. They requested a work group for solutions with legislation or rules to come back to MLAC. Mr. Shilts indicated the department would like to work on this issue.

John Kirkpatrick sympathized with the cases where an injury really impacts a volunteer position. He said he would sit back and see what OSIA suggests and then respond.

Ms. Lavier said they wish to look at how it affects people and volunteers in a work group because it can affect the industry in so many different ways. She also discussed timelines were taken away so it is difficult to hold workers accountable.

Ms. Barno recommended the subcommittee look at these four issues:

1. Information available to worker in a way they can understand.
2. Timeframe for producing documents. There needs to be a timeframe for requesting supplemental disability.
3. Is the combining of time loss rate and volunteer supplemental disability the correct way to do it? Is this working or not working?

4. Someone in a volunteer situation benefiting more than a paycheck situation. This relates to people working in a part-time volunteer situation not full-time.

Mr. Shilts said the division would be happy to participate with a work group. He suggested interested parties that want to be involved participate fully and meeting notices be posted a few weeks early.

Greg Miller asked how many claims come through in the volunteer situation? Mr. Bartel said he is working on getting numbers, but he believes the numbers are not huge.

Lon Holston expressed concern with having a work group when there is already a subcommittee looking at this particular issue. He does understand the complexity of the situation.

Ms. Sundstrom said the specific supplemental disability issue was dealt with in SB 485. She suggested focusing in on the actual intent because it seems to have grown beyond the original intent. The original intent was to make sure workers that have second jobs and are injured are not totally devastated financially. She said the volunteer issue caught her off guard last session. If a work group must be formed, the focus should be on the original intent of the bill.

Ms. Barno said OSIA expressed a specific request to have everyone from both sides involved. She believes MLAC owes it to Oregonians to make sure the right people are getting the money.

Mr. Shilts said he would find out if the work group falls under public meeting law.

Mr. Kirkpatrick said when the subcommittee was first established there were other issues. He said it makes sense to get input on the volunteer issue, but it should stay in subcommittee if this is the focus of the subcommittee.

Ms. Sundstrom said another issue is aggravation rights. She believes at aggravation, if a person is not working a secondary job any longer and still getting those supplemental wages this should be reviewed.

Ms. Lavier said they are looking at just a reimbursement to keep it separate as a fix for this issue.

Ms. Barno said the fifth issue might be to see if it is in the appropriate place in the statute.

Mr. Holston recommended with the 2009 Session coming up soon that the work group or subcommittee gets moving on this issue.

Ms. Barno said if there are fixes that are simple then these should be outlined.

Mr. Miller asked what number of claims fall into this issue? If the claimant has the burden to file for the reimbursements, there should be a process for people to file for reimbursement.

Ms. Sundstrom asked have any workers that ask for supplemental disability had an attorney?
Mr. Bartel said he is not aware of any.

Mr. Kirkpatrick asked the subcommittee to look over the packet provided by OSIA.

Ms. Barno requested a response by the department and OSIA for the meeting within the next couple of weeks.

The subcommittee adjourned at 10:43 a.m.