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PERMANENT ADMINISTRATIVE ORDER

WCD 5-2026

CHAPTER 436

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION

FILED: 10/07/2026 8:54 AM
ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: 2027 Workers' Benefit Fund Assessment Rate

EFFECTIVE DATE: 01/01/2027

AGENCY APPROVED DATE: 10/07/2026

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RULES:
436-070-0003, 436-070-0005, 436-070-0010

AMEND: 436-070-0003

RULE TITLE: Purpose and Applicability

NOTICE FILED DATE: 08/24/2026

RULE SUMMARY: Rule 003 is amended to:
-Revise the effective date for OAR 436-070 from Jan. 1, 2026 to Jan. 1, 2027
-Include reference to the BOLI Expenses Fund

RULE TEXT:
(1) Purpose. These rules prescribe the rate of the combined Workers' Benefit Fund and BOLI Expenses Fund assessment under ORS 656.506 effective Jan. 1, 2027, the method and manner for calculating the combined assessment rate, and the method and manner in which employers are to pay the assessment.
(2) Applicability.
(a) These rules apply to all employers.

(b) The director may waive procedural rules as justice requires, unless otherwise obligated by statute.

STATUTORY/OTHER AUTHORITY: ORS 656.506, ORS 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 656.506

AMEND: 436-070-0005

RULE TITLE: Definitions

NOTICE FILED DATE: 08/24/2026

RULE SUMMARY: Rule 005 is amended to:
-Include a definition for “Director”
-Remove the definition of “Fund”

RULE TEXT:
Unless a term is defined elsewhere in these rules, the definitions of ORS chapter 656 are incorporated by reference and made a part of these rules. For the purpose of these rules, unless the context requires otherwise:
(1) "Assessments" means the funds due from employees and employers under ORS 656.506.
(2) “Board” means the Workers’ Compensation Board and includes its Hearings Division.
(3) “Director” means the Director of the Department of Consumer and Business Services or the director’s designee.
(4) “Division” means the Workers’ Compensation Division of the Department of Consumer and Business Services.
(5) "Employee" means an Oregon subject worker as defined in ORS 656.005 and any otherwise nonsubject worker for whom coverage is elected under ORS 656.039.
(6) “Employer” means a subject employer as defined in ORS 656.005, including an employer that elects coverage for an otherwise nonsubject worker under ORS 656.039.
(7) "Fund balance" means the balance of the Workers’ Benefit Fund after revenue and investment income has been added and expenditures have been subtracted.

STATUTORY/OTHER AUTHORITY: ORS 656.506

STATUTES/OTHER IMPLEMENTED: ORS 656.506

AMEND: 436-070-0010

RULE TITLE: Assessment Rate: Method and Manner of Determining

NOTICE FILED DATE: 08/24/2026

RULE SUMMARY: Rule 0010 is amended to:
-Include reference to the BOLI Expenses Fund
-Set the combined 2027 Workers' Benefit Fund and BOLI Expenses Fund assessment rate. Analysis to determine the rate is ongoing. The proposed assessment rate will be announced by mid-September.
-Include additional factors considered when developing the assessment rates

RULE TEXT:
(1) The assessment owed by an employer under this rule division and ORS 656.506 must be calculated using the method in OAR 436-070-0020 and based on a combined rate of 2.4 cents per hour. The combined rate is the sum of:
(a) A Workers' Benefit Fund Assessment Rate of 2.2 cents per hour; and
(b) A BOLI Expenses Fund Assessment Rate of 0.2 cents per hour.
(2) Factors considered by the director in developing the Workers' Benefit Fund Assessment Rate include, but are not limited to:
(a) The estimated annual expenditures and revenues of the Workers' Benefit Fund;
(b) The fund balance requirements of ORS 656.506(5);
(c) The estimated number of employees covered by workers' compensation insurance;
(d) The estimated annual hours worked per employee; and
(e) Other records relating to fund expenditures and revenues.
(3) Factors considered by the director in developing the BOLI Expenses Fund Assessment Rate include, but are not limited to:
(a) The estimated annual fund expenditures and revenues of the BOLI Expenses Fund;
(b) The reserve amount requirements of ORS 656.506(6);
(c) The terms of the agreement between the director and the Commissioner of the Bureau of Labor and Industries under Chapter 30, Oregon Laws 2026;
(d) The estimated number of employees covered by workers' compensation insurance;
(e) The estimated annual hours worked per employee; and
(f) Other records relating to fund expenditures and revenues.

STATUTORY/OTHER AUTHORITY: ORS 656.506, ORS 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 656.506