

SENATE COMMITTEE ON LABOR

June 21, 1991 Hearing Room C 03:00 p.m. Tapes 141 - 142
MEMBERS PRESENT: Sen. Grattan Kerans, Chair Sen. Larry Hill, Vice
Chair Sen. Peter Brochnan Sen. Bob Shoemaker MEMBERS EXCUSED: Sen.
Bob Kintigh STAFF PRESENT: Annette Talbott, Committee Cowel Roberta
White, Committee Assistant

MEASURES HEARD HB 3584 - WORKERS' COMPENSATION BOARD HB 2432 - 15-DAY
RULE

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 142, SIDE A

001 CHAIR KERANS: Calls the meeting to order at 3:10 p.m as a
subcommittee with Senators Shoemaker and Kintigh excused, and Senator
Brockman in the Judiciary Committee.

WORK SESSION ON HB 3584 - AUTHORIZES POSTPONEMENT OF 15-DAY DEADLINE BY
ADDITIONAL 50 DAYS IF WITHIN 15 DAYS DEPARTMENT OF INSURANCE AND FINANCE
MAILS ORDER ALLOWING REVIEW BY MEDICAL ARBITER

WITNESSES: LARRY YOUNG, DEPUTY ADMINISTRATOR, WORKERS' COMPENSATION
DIVISION, DEPARTMENT OF INSURANCE AND FINANCE LARRY WEEKS, DIRECTOR,
DEPARTMENT OF INSURANCE AND FINANCE, (DIF)

007 ANNETTE TALBOTT, COMMITTEE COUNSEL: Details the (-4) Amendments
(EXHIBIT A).

CHAIR KERANS: Recesses the hearing. (3:13 p.m.)

CHAIR KERANS: Calls the hearing back to order. (3:14 p.m.)

040 CHAIR KERANS: What does it mean on line 25 of page 3 when it says
or where an order", taking out "of postponement.?"

045 LARRY YOUNG, DEPUTY ADMINISTRATOR, WORKERS' COMPENSATION
DIVISION, DEPARTMENT OF INSURANCE AND FINANCE: It doesn't fit in there;
there Senate Committee on Labor June 21, 1991 - P - e 2

is a 60 day postponement when you have to use a medical arbiter and I
think they were trying to tie it into that.

050 MOTION: CHAIR KERANS moves the adoption of the (-4) amendments to
HB 3584. SENATOR HILL: Why do we need such a long waiting period?

060 LARRY WEEKS, DIRECTOR, DEPARTMENT OF INSURANCE AND FINANCE,
(DIF): We have spent considerable time looking at how long it takes to
process these and we have spent time with the trial lawyers on what they
believe to be a fair amount time for us to process these and this is the
agreement we reached. We think we can do a good job under these
conditions; this gives us a chance to get the job done yet passes the
claim forward if we fail to do so. SENATOR HILL: 15 working days would
be more equitable. CHAIR KERANS: If you want to make a substitute motion
you are free to do that. 120 MOTION: SENATOR HILL moves to adopt 15
working days in lieu of 18 working days. CHAIR KERANS: It doesn't look

like we have consensus so the Chair will call for the main motion on the (4) amendments. SENATOR HILL: What harm would come from keeping the statute the way it is now? WEEKS: We can't do it. SENATOR HILL: You have additional personnel, why can't you do it; what about 16 working days? CHAIR KERANS: I'm not going to support that. 164VOTE: Hearing one objection the motion fails.

PUBLIC HEARING ON HB 2432 - DIRECTS GOVERNOR TO APPOINT TWO MEMBERS OF WORKERS' COMPENSATION BOARD, THUS INCREASING MEMBERSHIP OF BOARD FROM THREE TO FIVE

WITNESSES: LYNN MARIE CRIDER, CHAIR, WORKERS' COMPENSATION BOARD
CHESS TRETHERWEY, PRACTICING ATTORNEY, SALEM, OREGON CHRIS MOORE, OWCA
AND MALIGON, MOORE & JOHNSON DIANE ROSENBAUM, OREGON STATE INDUSTRY
UNION COUNCIL & THE OREGON AFL-CIO FRANK BIEHL, ASSOCIATION OF WESTERN
PULP & PAPER WORKERS

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- CHAIR KERANS: Explains the B-Engrossed bill.

190 LYNN MARIE CRIDER, CHAIR, WORKERS' COMPENSATION BOARD: Submits and describes informative material in support of HB 2432-B, (EXHIBIT B)
CRIDER: The board supports the bill as written with the exception of the language on page 3, lines 17 & 18 which we would ask you to delete.

260 CHAIR KERANS: What were the intentions and the rationale behind the changes?

290 CRIDER: Hands out schematic (EXHIBIT C) of the organization of the Workers Compensation Board.

· We have created intermediate supervisory positions with one key person, the Administrator, being responsible for the day to day operations of the agency.

360 CRIDER: The Board could conceivably abuse its power over time with regard to interfering in referee decisions and this organizational scheme seeks to protect its independence.

· The Administrator collects some of the data for the Board, but will not have anything to do with the decision-making part of the work scheme.

430 CRIDER: There are hearing sites in which there have been as few as 4 cases a year and we are examining the question of whether or not we should continue to hold cases in those places. · The next part of the loop includes consulting with both sides of the bar and we also may make a special effort to get feedback from individual claimants around the state.

486 CHESS TRETHERWEY, PRACTICING ATTORNEY, SALEM OREGON: I want to call your attention to section 2, sub paragraph 2.

TAPE 143, SIDE A 035 TRETHERWEY: I am concerned that if there is an

expansion again allowed to the board, to get through the backlog, that the appointments during that period not be politicized.

· If we take those from the referees panel they will be immediately up to speed with the issues and the configuration of the law.

SENATOR HILL: This makes sense to me, as a way to minimize the political manipulation that could occur on the board.

TALBOTT: The possible 6th and 7th spoken to in section 4 are the short term, (6 month) kinds of people that they would use if they had more work than the 5 people could do.

080 CHRIS MOORE, OWCA & MALIGON, MOORE AND JOHNSON: Testifies in support of HB 2432.

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CHAIR KERANS: Do you have concerns over the changes taken place; do you feel it is necessary to say who will report to whom?

MOORE: The mood of the referees is very bad right now; they are extremely demoralized and concerned about their jobs.

· I'm not sure that this language accomplishes anything; I will be looking at other proposals for the next session. 111 TRETHERWEY: I concur; the mood I'm reading is one of demoralization.

· They are uncertain of their futures and it isn't a happy work site currently.

CHAIR KERANS: We will take this matter under advisement this interim, watching to see how this works. 170 DIANE ROSENBAUM, OREGON STATE INDUSTRY UNION COUNCIL & THE OREGON AFL-CIO: Testifies in support of the bill as it came to the Ways and Means Committee. · I think this amendment is stretching the "relating to" clause of the bill; I think these referees should get together and form a union. · We don't really have a position on this but we don't want anything to "muck up" this bill. CHAIR KERANS: There were no opposing votes on this bill.

195 ROSENBAUM: In regard to the suggested amendment, we feel strongly that this is not the vehicle to make changes as this is a major policy question that hasn't been given time. · The board seems to be on an even keel and we think that the present composition should be preserved.

FRANK BIEHL, ASSOCIATION OF WESTERN PULP AND PAPER WORKERS: Testifies in support of the bill. · I concur with Rosenbaum. 211 CHAIR KERANS: There is a question of 3 public members. CRIDER: We would echo the comments of Rosenbaum; there are some questions you could deal with over time, about whether boards should have public members or designated positions, but this isn't the bill to do it in.

WORK SESSION ON HB 2432 - DIRECTS GOVERNOR TO APPOINT TWO MEMBERS OF WORKERS' COMPENSATION BOARD, THUS INCREASING MEMBERSHIP OF BOARD FROM THREE TO FIVE

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MOTION: CHAIR KERANS moves to strike the bold faced language on line 17
& 18 on page 3. VOTE: Hearing no objection, the motion carries. Members
excused: Senators Hill & Kintigh MOTION: CHAIR KERANS moves HB 2432 as
amended to the floor with a do pass recommendation. VOTE: Hearing no
objection the motion carries. Members excused: Senators Hill & Kintigh
WORK SESSION ON HB 3584 - AUTHORIZES POSTPONEMENT OF 15-DAY DEADLINE BY
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MAILS ORDER ALLOWING REVIEW BY MEDICAL ARBITER - WORK SESSION

CHAIR KERANS: Senator Hill will go for 18 working days, but needs to
know if you will be back to expand that in the near future. WEEKS: I
will make a commitment to you that we won't come back in this biennium
and I don't expect in the next biennium; if we can't do the job in 18
working days the order will move to the board, as the bill says. MOORE:
We just want assurance that we won't be revisiting this. CHAIR KERANS:
We need to change the effective date from October 1, 1991 to September
1, 1991. MOTION: CHAIR KERANS moves that on page 5, line 3, October 1,
1991 be changed to September 1, 1991. VOTE: Hearing no objection, the
motion carries. 315 MOTION: CHAIR KERANS moves the (-4) amendments to
HB 3584.

VOTE: Hearing no objection, the motion carries. 318 MOTION: CHAIR
KERANS moves the bill as amended to the floor with a "do pass.
recommendation. 320 VOTE: Hearing no objection, the motion carries.
CHAIR KERANS: The meeting is adjourned at 4:12 p.m. Submitted by:
Reviewed by:

Roberta White Annette Talbott - Senate Committee on Labor June
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A - HB 3584 proposed amendments submitted by OWCA & WCD and a hand
engrossed version submitted by staff, pp 6 B - HB 2432 informative
material submitted by CRIDER, pp 5 C - HB 2432 informative material
submitted by CRIDER, pp 1

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contents of the proceed igll, pleare refer to the tapec.