

Exhibit “2”

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To: [DCBS WCD Policy * DCBS](#)
Subject: Comments to proposed changes OAR 436-060
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It has come to my attention that some comments regarding the proposed change found in 436-060-0010 paragraph (1) (C) (A &B) have suggested that the word “And” be removed and replaced by “or.”

I request that the word And is retained as noted below:

(c) Form 3283, "A Guide for Workers Recently Hurt on the Job," must be provided by the employer to the worker, must be provided and may be printed on the back of Form 801. Form 3283 must be provided by the employer to the worker at the time:

(A) The worker files a claim for workers' compensation benefits; . **AND**

(B) The employer has the worker evaluated by an on-site provider to assess the nature or extent of the worker's injury if the worker has informed any supervisor or manager of the employer that the worker has been injured while working. Form 3283 may be printed on the back of Form 801.

It is clear that all injured employees need to be informed of their right and be given a guide to the worker's compensation process. It seem the right thing to prescribe that when an employee files a claim and seeks medical attention, a Form 3283 should be given. However, if manufacturing companies that have medical personnel on site are required to provide this form in a condition where “or” applies, then this become overburdensome and unnecessary.

First, there are many reasons that a supervisor may recommend an employee see the “on-site nurse.” Many of those reason may be for something a reasonable person would not consider an injury. As an example:

If a new-hire person has a bit of soreness while learning the work, a supervisor may ask the person to visit the nurse for evaluation where the nurse can then provide training info on warmup exercises for the tasks the person does.

A supervisor may ask an employee to see an on-site nurse to get a finger bandage where the employee had even the tiniest sliver. Yes, this could be viewed as an injury; however, it is absolutely minor first aid and it hardly warrants the rigid requirement of providing Form 3283, documenting to prove it was given, and establishing a file system for the maintenance of this. The issue would not warrant medical treatment and a first aid trained supervisor would/could hand the bandage exactly the same as the nurse, but the supervisors wouldn't (nor should they be required), to give out the Form 3283.

A supervisor may ask an employee to visit an on-site nurse for a minor blister on a finger for evaluation. In most cases the employee will voluntarily ask the nurse for a “bandaid” to cover the blister. Again, a supervisor can provide this same care.

A supervisor may ask an employee to visit the nurse because the employee had a piece of dust in the eye that was rinsed out and the supervisor just want to double ensure the debris is gone and the employees' eye is fine or if a visit to the clinic would be warranted. If all is well, its just a check, if not it's a claim. The "AND" supports the need for a Form 3283, if a clinic visit is needed or if the employee wants further treatment at the clinic.

In discussing these types of absolute very minimal first aid activities with on-site nurses, it is clear that these situations play out with regular routine. There nurses understand the difference between a need for a warmup exercise and a need for refer to a clinic for treatment. They understand the difference of something that may need a claim rather than a simple bandage. They understand that the employer shall not direct care, but many times the employee will simply ask the nurse to have a minor scrape looked and for the right bandage. In the "or" structure, every time an employee was sent to see an onsite nurse, the nurse would have to give the Form 3283, and then have some form of documentation to prove the form was given and then create a tracking system. This should not be warranted in so many of the cases as noted above.

As stated here:

(c) Form 3283, "A Guide for Workers Recently Hurt on the Job," must be provided by the employer to the worker, must be provided and may be printed on the back of Form 801. Form 3283 must be provided by the employer to the worker at the time:

(A) The worker files a claim for workers' compensation benefits; . AND

(B) The employer has the worker evaluated by an on-site provider to assess the nature or extent of the worker's injury if the worker has informed any supervisor or manager of the employer that the worker has been injured while working. Form 3283 may be printed on the back of Form 801.

The word "and" after paragraph (1) (C) (A) makes this issue so much more reasonable and manageable. The apparent goal of what these changes are attempting to do are reasonable make sense when "and" is used, but not so with "or." As well, asking an evaluation for a minor soreness while developing technique, is this defined as a work injury or just a course of new movements that any human would experience? If "or" is used then there is a burden for no apparent reason.

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