



October 13, 2023

Notice of permanent changes to workers' compensation rules

Caption: 2024 Workers' Benefit Fund Assessment Rate

The Workers' Compensation Division has adopted permanent changes to: OAR 436-070, "Workers' Benefit Fund," rules 0003 and 0010

These changes are **effective** January 1, 2024.

Rulemaking Notice was published in the September 2023 *Oregon Bulletin*.

Summary of changes:

- **Amended rule 0003** includes the effective date for OAR 436-070, and this date will be revised from Jan. 1, 2022 to Jan. 1, 2024.
- **Amended rule 0010** will set the 2024 Workers' Benefit Fund (WBF) assessment rate. The WBF assessment rate will be lowered to 2.0 cents per hour for calendar year 2024.

Sally Coen

October 13, 2023

Authorized Signer

Printed name

Date

Final rules, with marked changes, have been posted to the Workers' Compensation Division's website:

<https://wcd.oregon.gov/laws/Pages/new-rules.aspx>.

Mailing distribution: Agency email lists



Workers' Benefit Fund Assessment Oregon Administrative Rules Chapter 436, Division 070

Effective Jan. 1, 2024

TABLE OF CONTENTS

Rule	Page
436-070-0003 Purpose and Applicability	1
436-070-0010 Assessment Rate: Method and Manner of Determining	1

HISTORY LINES: These rules include only the most recent "History" lines. A rule's history line shows when the rule was last revised and its effective date. To obtain a "Chapter 436 revision history index," please call the Workers' Compensation Division, (503) 947-7627, or visit the division's Web site: https://wcd.oregon.gov/laws/Documents/Rule_history/436_history.pdf.

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION**

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**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
WORKERS' BENEFIT FUND ASSESSMENT**

Revisions are marked: **Added** | ~~Deleted~~

436-070-0003 Purpose and Applicability

(1) Purpose.

These rules prescribe the rate of the Workers' Benefit Fund assessment under ORS 656.506 effective Jan. 1, 20~~22~~**24**, the method and manner for calculating the 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.

Stat Auth: ORS 656.506, 656.726(4)

Stats. Impltd: ORS 656.506

Hist: Amended 10/1/19 as WCD Admin. Order 19-055, eff. 1/1/20

Amended 10/11/21 as WCD Admin. Order 21-054, eff. 1/1/22

Amended 10/13/23 as WCD Admin. Order 23-053, eff. 1/1/24

See also the *Index to Rule History*: https://wcd.oregon.gov/laws/Documents/Rule_history/436_history.pdf.

436-070-0010 Assessment Rate: Method and Manner of Determining

(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 rate of ~~2.2 cents~~ 2.0 cents per hour.

(2) Factors considered by the director in developing the rate include, but are not limited to:

(a) The estimated annual fund expenditures and revenues;

(b) The fund balance requirements;

(c) The estimated annual hours worked per employee;

(d) The estimated number of employees covered by workers' compensation insurance; and

(e) Other records relating to fund expenditures and revenues.

Stat Auth: ORS 656.506, 656.726(4)

Stats. Impltd: ORS 656.506

Hist: Amended 10/1/19 as WCD Admin. Order 19-055, eff. 1/1/20

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