

BRUYNS Fred H * DCBS

From: Bob Livingston <LivingstonB@comcast.net>
Sent: Friday, October 28, 2016 1:42 PM
To: BRUYNS Fred H * DCBS
Subject: proposed change to OAR 436-060-0025

Dear Mr. Bruyns:

On behalf of the Oregon State Fire Fighters Council who represent career fire fighters throughout our great state, we are concerned with the proposed rule change as it relates to time loss benefits and would request that you hold the record open for additional comment. If I understand correctly this proposal, the agency is seeking a different calculation that factors in the last 52 weeks of an injured workers employment rather than their current salary. As written, this may have unintended consequences in protecting the earned benefits of employees - particularly employees who may be eligible for regular step increases or that may realize an increase in pay for a variety of reasons.

In my attempt to gather information regarding this change, it is also my understanding that perhaps MLAC was not made aware of this change and while this type of change may not rise to the level of discussion of MLAC, it does serve as a way to ensure the various stakeholders are aware of changes that may impact employee benefits - particularly when calculating time loss benefits. Further, it is my understanding that this rule was made to make it easier to calculate benefits. We are not sure that this should be the reasoning behind a rule change - particularly when it comes to ensuring the benefits of an injured worker. In fact, it has and should be the goal of the agency to ensure that an injured worker receives accurate and timely benefits. Additionally, as you may be aware, recent law changes have made it clear that when it comes to ensuring proper payment of workers when it comes to their wages, employers must ensure that this information is readily available on a workers paycheck, and many employers are having to make changes to paycheck stubs in order to comply with this law. It appears that this new rule may be inconsistent with this law which was intended to make sure that employers and employees alike understand important information that is essential in ensuring wages are clearly understood and accurately accounted for. Again, this new rule as written appears to create confusion along with the propensity to reduce the benefits rightly owed by many workers.

In closing, due to the importance of this rule change and the impact that it may have on injured workers time loss benefits, we would respectfully request that the agency at a minimum hold the record open longer for a better understanding by stakeholders, and in the absence of this action, would oppose the proposed rule as drafted. Thanks for your attention to this matter and please do not hesitate to contact me if you are in need of additional information regarding this matter.

Respectfully,

Bob Livingston
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