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WCDToday

Preferred worker Chris Matthews

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WCDToday

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community
Workers' Compensation





Administrator's notebook: Welcome to *WCD Today*

By WCD Administrator Lou Savage

Welcome to the first edition of *WCD Today*. As those of you who have been part of Oregon's workers' compensation system for awhile likely remember, our biannual newsletter was discontinued a few years ago due to mailing cost considerations. We have heard from many stakeholders that they miss getting news and updates from the Workers' Compensation Division (WCD), so we have decided to launch an online newsletter.

This newsletter is published for you, so it is important to us that we receive feedback and suggestions for what you want to see. It is always difficult to balance the desire for technical information from some of our stakeholders with the need of other stakeholders for more general information. However, we will do our best to address both needs.

Oregon's workers' compensation system continues to be a success story. The 2019 average rates for employers are \$1.12 per \$100 of payroll for workers' compensation insurance, down from \$1.23 in 2018. This is the sixth year

in a row that businesses will experience an average decrease in their workers' compensation costs. And, Oregon's workers' compensation rates remain among the lowest in the nation. A recent nationally recognized study done by the Oregon Department of Consumer and Business Services (DCBS) ranked Oregon as the sixth least expensive in the country. Employer costs have continued to decline even as workers receive good, stable benefits.

Oregon's workers' compensation system is a success because it is a group effort. WCD's role as regulator includes enforcing requirements that employers carry insurance for their workers; keeping medical costs under control; and helping injured workers return to work quickly – through incentive programs to employers – and earn their pre-injury wages. Oregon OSHA focuses on preventing on-the-job injuries by enforcing workplace health and safety rules and consulting with employers about how to improve worker safety and health.

But, these efforts would not be enough if we

did not have the community of stakeholders who are dedicated to making our system work for both employers and workers. We have a culture of safety in Oregon that is the envy of many states. Our return-to-work programs have received national awards. We also have a culture of collaboration with the Management-Labor Advisory Committee (MLAC), as its touchstone. While labor and management can disagree about specific issues, what binds us together is the recognition that when workers are injured on the job, the focus should be on getting workers the medical care they need so that they can return to work as soon as they are able.

If we want to continue Oregon's success story and meet the challenges ahead, it is essential that we communicate with each other. This newsletter is an opportunity for WCD to keep those lines of communication open. We welcome your input on what you want to see and what information would be helpful. We look forward to hearing from you. ■

Meet the Workers' Compensation Division section managers



Sally Coen

Sally Coen has been the deputy administrator of the Workers' Compensation Division since May 2016, but she started with the division in 1988. She has been in administrative and technical positions, managed the sanctions and performance audit programs, and was the manager of the Performance Section. Except for an initial seven-month stint at another state agency, she has spent her whole professional career with WCD and can't imagine working anywhere else. Coen is a Willamette University graduate.

Non nobis solum nati sumus – Not unto ourselves alone are we born.



Lori Graham

Lori Graham is the operations manager of the Workers' Compensation Division. She has been with the division for five years. Before that, Graham worked as the ePermitting manager and policy manager in the Building Codes Division of the Department of Consumer and Business Services. She also worked for the City of Portland as the primary policy analyst, legislative coordinator, and codes specialist.

WCD staff are dedicated public servants, advancing a leading workers' compensation system that represents integrity and fairness for Oregonians.



Adam Breitenstein

Adam Breitenstein has been the performance manager of the Workers' Compensation Division since August 2016. Prior to this, he spent several years working as a policy analyst and in various management roles, including with the Oregon Employment Department. Breitenstein received his bachelor's degree from the University of Oregon. In his personal time, he enjoys spending time with his wife and four children and doing anything outdoors related.



Jim Van Ness

Jim Van Ness has been the resolution manager of the Workers' Compensation Division since January 2014, but he started with the division in 2001. He started his public service career as the Appellate Review Unit assistant manager, which quickly changed to the Appellate Review Unit manager. In 2013, he managed the Employment Services Team. Before coming to the state, he spent the previous 15-plus years in various management positions with manufacturing and service organizations. ■

Meet WCD's Administrator: Lou Savage

Lou Savage has been the administrator of the Workers' Compensation Division since May 2016.

He served the Department of Consumer and Business Services as a senior policy advisor and legislative director for nearly 10 years. His responsibilities included administrator of the workers' compensation Management Labor Advisory Committee (MLAC).

From 2011 to 2013, he served as the Oregon insurance commissioner.

Savage is a member of the Oregon State Bar and has a law degree from Lewis & Clark College and a bachelor's degree from the University of Oregon.

Before joining state government, he spent his career working on consumer and business issues in the nonprofit, private, and public sectors.

His background includes serving as director of Multnomah County Legal Aid, state director for Oregon Congressman (now Senator) Ron Wyden's office, and working at a private law practice.

Savage also spent two-and-a-half years in Tunisia consulting and training with attorneys in North Africa and the Middle East.

From the time Savage joined the Workers' Compensation Division, it has undergone extensive changes and is working hard to be active, increase customer outreach, and engage the workers' compensation community.

"The division has been working closely with workers, businesses, and other stakeholders to build on Oregon's workers' compensation success story and to address the emerging needs of our changing workplaces," said Savage. "One of the keys to Oregon's success in workers' compensation is the ability of everyone in the system to work together to solve issues and make improvements."

"We are doing this by increasing employee and management visibility and providing stakeholders with dependable and engaged services," he said. ■

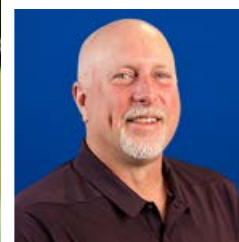


Oregon's return-to-work programs

By Worksite Modification Consultant Brian Nease



Preferred worker Chris Matthews



Brian Nease

Oregon's [Workers' Compensation Division](#) (WCD) has been successfully returning injured workers to work for more than 25 years. Together, the [Employer-at-Injury Program](#) (EAIP) and the [Preferred Worker Program](#) (PWP) have provided cost savings to employers and benefits to eligible

workers that allow these workers to not only return to work, but to continue on a career path that provides them higher wages and greater job security.

These two programs are primarily paid out of a dedicated fund that is financed by Oregon employers and workers, who pay equal amounts through a payroll assessment. The current assessment is 2.8 cents per hour worked.

EAIP encourages early return to work by enhancing an employer's ability to return an injured worker to its workforce.

Studies by the [Workers' Compensation Institute](#) on outcomes for injured workers show that, regardless of the severity of an injury, the longer injured workers are away from their employers, the less likely they are to ever return.

Since 1995, the program has helped facilitate transitional work for more 160,000 injured workers through incentives, such as wage subsidies, equipment purchases, and training. These incentives allow employers to keep their injured workers engaged and productive, while the workers are being treated for their injuries. When compared to nondisabling workers' compensation claims, EAIP data demonstrates that employers who use EAIP retain their [injured workers](#) at a level equal to or greater than workers with nondisabling claims.

A unique aspect of EAIP is that it is insurer driven. [EAIP rules](#) require that Oregon insurers be an active participant in EAIP for their customers who

want to use the program to return their injured workers back to work.

Workers whose treatment ends without a full release to their job at injury due to permanent work restrictions, may become eligible for the Preferred Worker Program (PWP). This program provides lifetime assistance that can provide permanently modified work and employment incentives for their employers at injury or for new employment.

PWP's return-to-work success is demonstrated by usage data that shows eligible workers who use their preferred worker benefits are 29 percent more likely to be employed after their compensable injury compared to those who do not use their benefits.

Even more remarkable, during the same time span, they are employed at a percentage higher than workers who suffer only nondisabling work injuries.

However, simply possessing this vast assortment of benefits does not guarantee a successful

return to work. Many eligible injured workers find themselves neither prepared nor skilled in today's job market. They may have been in their job at injury for years or decades and the idea of preparing for job changes never occurred to them. Add the barrier of their work restrictions and many eligible workers are unprepared to find a suitable job.

On Jan. 15, 2017, PWP created Job Search Skills and Placement Benefits. These new benefits allow a public or private agency whose primary business is job placement to help preferred workers successfully return to work. Preferred workers have funding up to \$1,000 to build their job search skills. With this benefit, workers can get help with skill assessments, resumes, job development, and interviews.

In addition, the placement benefit provides payment to these agencies once they place a preferred worker in a job. Then, if the worker stays, an additional payment of \$500 can be provided if the placement lasts 30 or more days. Having an experienced agency involved in job searches has transformed the opportunities available to preferred workers within Oregon.



A good example of the preferred worker benefits are exemplified with Chris Matthews' injured worker case. Chris suffered a severe injury to both of his arms in a farming accident in rural Oregon.

The permanent work restrictions from his injury prevented Chris from ever returning to his town's primary industry.

Without the ability to become employed in farming, Chris faced a severe barrier to returning to work. Chris secured a job more suited to his work restrictions in another part of the state. This new job as an accounting technician was eligible for significant use of preferred worker benefits. With the help of PWP, Chris was able to move his family to a new city, assist his employer in affording the costs of creating a worksite, ensure that he could complete his job duties in spite of his significant restrictions, and reduce his employer's risk in hiring an injured worker.

His preferred worker support did not end with his initial benefit usage. Eligible workers can use their preferred worker for three years from job hire and, through the years, Chris has accessed additional benefits to assist with his continued training and job duties. He is currently preparing to take his exam in anticipation of becoming a certified public accountant. That is a long way from being an injured worker and is attributed to his dedication and ability to use the effective return-to-work benefits afforded to injured Oregon workers. To watch Chris talk about his experiences with returning to work and learn more about EAIP and PWP, visit wcd.oregon.gov/rtw.

We want to continue to improve our services, and EAIP wants to hear from you. Please take this [survey](#) to share your thoughts and feedback about the program. ■



Learn more about Chris's experience

- [Oregon Preferred Worker Program video](#)
- [Oregon OSHA Resource article](#)



2018 Workers' Compensation Educational Conference

By Conference and Training Coordinator Kara Null

The Workers' Compensation Division celebrated its 16th Workers' Compensation Educational Conference, Sept. 26 and 27, 2018, at the Red Lion on the River – Jantzen Beach.



Kara Null

The International Workers' Compensation Foundation (IWCF) sponsors the conference. IWCF is a nonprofit organization established in 1988 dedicated to workers' compensation

education and outreach. The foundation sponsors conferences in 11 states.

The goal of the conference is to provide informative and relevant education to those who participate in Oregon's workers' compensation system and to create opportunity for dialogue among these participants.

The conference offers workshops, informational

booths, exhibits, and networking opportunities. Participating vendors show the latest in services, equipment, and materials. The conference also provides educational credit hours for insurance agents, vocational providers, attorneys, claims examiners, disability management professionals, and claims managers.

Workshops included an assortment of workers' compensation topics such as claim processes; case law; return-to-work programs; ADA and FMLA information for employers; appellate updates; how to avoid penalties; chronic pain; leadership; marijuana and the workplace; brain injuries; opioid misuse; safety issues; wage calculations; third-party claims; and many other trending issues.

More than 190 people and nine exhibitors attended this year's conference. Presenters included speakers from SAIF Corporation; the Oregon Pain Management Commission; the OHSU Comprehensive Center; the Advanced Pain Management Center; the Ombudsman for Injured Workers; the Small Business Ombudsman; the Workers' Compensation Board; Oregon OSHA;



Corban University; Barren Liebman; Preferred Medical; Sherwin Williams; and the Workers' Compensation Division.

This conference is a huge team effort from beginning to end. It would not be possible without the creativity, ideas, and support of IWCF, WCD employees, and our wonderful presenters.

For information about the conference, visit the WCD Workers' Compensation [Educational Conference webpage](#).

WCD is already making plans for this year's conference. Mark your calendars for Oct. 17 and 18, 2019. The conference will be at the Red Lion on the River – Jantzen Beach in Portland again. ■

Public rulemaking: Request for advice

By Policy Analyst and Rules Coordinator Fred Bruyns



Fred Bruyns

The Workers' Compensation Division relies on advice from worker and employer representatives; insurers and self-insured employers; service companies; health care providers; and other stakeholders when it adopts new rules or revises existing rules.

Most of the advice is provided during rulemaking advisory committee meetings, although some advice is delivered in writing or by telephone.

Many times at the committee meetings, we do not have enough attendees representing the interests of people and organizations affected by the subject rules.

Existing options to participate in division rulemaking are described [here](#).

In order to improve our services and help us increase input and feedback during public rulemaking, please complete the brief survey below.

Click: [Rulemaking Participation](#)

Thank you for your participation and comments. ■

2019 Legislative session

By Senior Policy Analyst Cara Filsinger



Cara Filsinger

The legislature is returning to the capitol this month to begin its 160-day regular session. Workers' compensation topics will be among the many issues discussed by legislators as they consider law and policy changes.

The Workers' Compensation Division has requested one piece of legislation. HB 2087 addresses the statutory cap on civil penalties issued to address poor performance in processing worker benefits and the timely reporting of employer coverage information.

This civil penalty was established in 1975 and is limited to \$2,000 per violation and capped at \$10,000 per three-month period or about \$40,000 per year. The division analyzed the current penalty cap and determined that some insurers have had civil penalties reduced or deferred because of the limit on penalty amounts.

To improve future compliance, the legislation increases the total cap and per-violation amounts for insurers, self-insured employers, and service companies that fail to pay assessments or comply with the law,

rules, or orders of the director. The new cap under the proposal would be \$9,000 per violation up to \$180,000 per year. These figures approximate the amount of inflation since 1975. The bill also proposes to change the cap to a calendar year, instead of a three-month rolling period, so all parties can understand their penalty obligations.

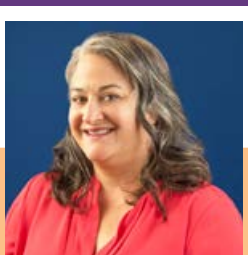
We also requested a budget package to start modernizing the division's workers' compensation information systems, a series of computer systems that rely primarily on forms submitted on paper. The request would fund a planning team to begin the long-term process to modernize the division's business processes and computer systems to make it easier for stakeholders to interact with the division.

In addition to the division's legislative agenda, the division expects the legislature will consider many other policy proposals from legislators and other stakeholders. The Management-Labor Advisory Committee will continue its important role reviewing and providing recommendations to the legislature and the Governor about these ideas.

More information about this work and meeting schedule is [online](#). ■

WCD is available through social media

By Communications Coordinator
Ana Contreras



Ana Contreras

If you have questions, contact WCD Communications Coordinator [Ana Contreras](#) at 503-947-7523.

Follow the Preferred Worker Program on Facebook

The Workers' Compensation Division's Preferred Worker Program (PWP) is now on [Facebook](#). Our page is called "Preferred Worker Program - State of Oregon."

In the past, the Preferred Worker Program used to publish a newsletter for preferred workers to help keep them up-to-date on what benefits the program can provide, as well as describing success stories.



To keep up with the times, and to save money on postage, the program created its own social media page.

Follow us to find out more information about job listings, presentations, workshops, success stories, and a question of the week. ■



DCBS Twitter account

The Department of Consumer and Business Services (DCBS) has been using Twitter for several years to help provide consumer information and news to the public.

The Workers' Compensation Division's original Twitter account, along with other DCBS divisions' accounts, were deactivated and added under the main DCBS account in an effort to help consumers, workers, and businesses understand the programs and services that the entire agency provides.



If you are not familiar with Twitter, it is a social messaging tool that lets people stay connected through brief text message updates. This particular communication tool is important because state agencies and the public are embracing social media and other communication mediums.

The Workers' Compensation Division regularly tweets topics such as rule and bulletin changes; industry notices; and issues that affect the workers' compensation community.

If you have not signed up yet, visit us at [@oregonDCBS](#). ■