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WCDToday

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WCDToday

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Matt West

Administrator's notebook:

Continuing to improve and build on the past

By Matt West, acting WCD administrator.

Welcome to a special edition of *WCD Today*. For this edition, I am taking over the administrator's notebook article as Administrator Sally Coen recently retired after more than 35 years at the Workers' Compensation Division (WCD). Sally became the division administrator in November 2019, just months before the COVID-19 pandemic affected Oregon, and led the division through a time none of her predecessors could have imagined.

"We had to quickly pivot our operations to support remote work in order to keep our employees safe, while at the same time provide needed direction to the Oregon workers' compensation industry," she said. "We had to do all of this without an instruction manual.

"I am so proud of our division managers and staff who were flexible and creative, in small and large ways, and who never skimped on providing



service to our customers,” she added. “Helping lead the division during this time is something I will always remember.”

Sally has done an impeccable job of setting up the division to carry its work through the new year while we wait for a new administrator to be appointed. We will be sure to keep everyone updated about the recruitment. In the interim, Department of Consumer and Business Services Director Andrew Stolfi has appointed me as the acting administrator for WCD. I am optimistic that the 18 years I have spent at the division, along with the support of the dedicated staff members at the division, will help me during this time.

Every year, the division creates goals related to internal and external relationships, operations, regulations, and technology within our strategic plan. Looking back at 2023, division staff members made great strides in their efforts to modernize division processes and technology, [Page 12](#). They implemented the electronic document upload web application for insurers, reviewed dozens of required notices to improve readability, and made many more internal improvements. Watch for updates as the division continues to modernize and make division processes more efficient for its customers.

Switching gears, the division has several new laws to implement in 2024, and other issues that will require administrative rulemaking. There will be opportunities to work with WCD’s new rules coordinator, Marie Loiseau, [Page 9](#), and participate in rulemaking in the coming months. Divisions 060, claims administration, and 120,

vocational assistance, rules are currently open. Rulemaking advisory committee meetings were held on Jan. 25 for division 060 rules and Jan. 30 for division 120 rules. As a reminder, any interested party is invited to participate in the rulemaking advisory committee meetings.

Watch the division’s [website](#) or [sign up for updates](#) to be notified of rulemaking activities.

The short legislative session will be starting next month. The division will be watching for some

legislative concepts to become possible bills. We’ll be busy tracking any bills that have an effect on the workers’ compensation system.

As always, we are here to help the workers, employers, and anyone else affected by workers’ compensation in Oregon. Please contact me at matt.d.west@dcbs.oregon.gov if you have any feedback or suggestions on how the division can promote a fair and just workers’ compensation system. ■





Preferred worker success story: Jason Wallender

Jason Wallender works as a supervisor and trainer at Empire Rubber in Portland, teaching other workers how to create and splice the unique conveyor belts that Empire manufactures. The company is based out of Portland and is the largest independent distributor of conveyor belts and related industrial products in the Pacific Northwest. Empire primarily builds custom conveyor belts for food processors and the construction aggregate, wood, and paper industries. It is one of the only pineapple

Wallender demonstrates using a tool balancer with a grinder.

conveyor belt manufacturers in the world. One of Wallender's favorite work tasks is installing the belt on site in Hawaii.

At the time of Wallender's work injury, his responsibilities included locking up and closing the outside perimeter gate at the end of the day. In July 2018, as Wallender was closing the gate for the evening, the chain stopped the fence while he was in mid-stride, causing injuries to his arm, back, and shoulder. Over the next four years, Wallender received surgery, cervical injections, massage therapy, physical therapy, and acupuncture to treat his injuries. When Wallender's claim was closed, he was left with permanent work restrictions. He had significant range of motion loss, restrictions to how much he could lift, push and pull. He also had positional limitations and restrictions related to repetitive movements.

Wallender enjoyed his work and had become an industry expert. After working there for 24 years, his co-workers had become a second family for him. Both Wallender and his employer wanted Wallender to continue working there to the extent he was able. After his injury, Wallender took a week off. When he returned, he relied on using his left arm for tasks and trained other employees.

Reemployment Specialist Christy Johnson began the Preferred Worker Program (PWP) workers' compensation premium exemption for Empire the month after Wallender was released to work. The premium exemption means Empire will not be required to pay workers' compensation



Wallender wears an exosuit that supports his injured shoulder and arm.



Wallender can now use an electric jack to attach a utility trailer to his work vehicle.

premiums for Wallender for three years. In the event Wallender has another injury during that time, the cost of the claim would be reimbursed to the insurer at the end of the claim. Now that Wallender's worksite modification is complete, Johnson will administer the PWP wage subsidy benefit. For six months, Empire Rubber will receive wage reimbursement for half of Wallender's wages. The exemption and wage subsidy act as incentives to employers to bring workers back after they've been injured and to hire preferred workers.

Empire's president, Casey Hutchinson, is grateful



Wallender wears his exosuit to demonstrate using a heat gun to attach pieces of rubber together.

for the respite the wage subsidy will provide the company. The last two-and-a-half years have been difficult due to challenges across the manufacturing industry. Hutchinson plans to update some of the company's older, heavier equipment with the capital saved through the wage subsidy and premium exemption.

PWP provides a wide range of help to workers with permanent work restrictions. Worksite modification consultants can assist in modifying the work environment so the worker can keep their at-injury position. PWP provides a myriad of work-related benefits ranging from job

placement to union dues. Wallender was able to receive work-appropriate clothing, tools, and equipment he was required to have for his job, and other miscellaneous expenses that have helped Wallender stay in his position and work within his physical restrictions. Wallender was even able to get an eye exam and new prescription safety glasses.

Worksite Modification Consultant Jennifer Rice purchased equipment for Wallender with his PWP benefits. The benefits allowed the gate that caused the injury to be modified to be closed with much less force, preventing another injury for Wallender or other employees. Wallender was able to have his workstation modified with a fully adjustable custom chair, adjustable-height desk, keyboard tray, and monitor arms to bring the computer monitors to the appropriate height to prevent pain due to his work injury.

Before his injury, Wallender used pneumatic tools that would recoil, something that could hurt his injured shoulder. Rice was able to acquire air fittings that regulate the pressure of the air that comes through the hoses. The fittings eliminate the kickback.

Wallender works with raw rubber that sometimes weighs more than 200 pounds and feeds it into cutting machines. PWP benefits provided a scissor-lift table and cart. Now he is able to retrieve the heavy raw materials with a forklift, move them to the scissor-lift cart, and lift it to the appropriate height to feed into the cutting machine. Afterwards, he is able to put the cut rubber on the table without having to lift it.



Wallender can use a scissor table and cart to move heavy raw materials.

Part of Wallender's position requires him to use a heat gun and grinder. Holding these securely and firmly for long periods of time are outside of Wallender's repetitive-use limitation. Rice suggested purchasing a tool balancer and a passive arm support exoskeleton, or exosuit. The exosuit holds his position in a stable, neutral posture for long periods of time while the tool balancer supports the weight of the tool itself. Wallender is then able to manipulate the heat gun or grinder for use and stay within his physical restrictions. If Wallender leaves his position at Empire, he'll be able to take the exosuit to his next position.

Wallender was using a standard pallet jack to move pallets and freight materials around the shop. These materials are extremely heavy and moving them would be outside of his push-and-pull restrictions. With PWP benefits, Rice purchased a self-propelled electric pallet jack to allow Wallender to move freight and materials by simply guiding the machine to the right location.

Empire Rubber provides on-site repair and installation of its equipment. Wallender used to

need to crank a jack repetitively to attach a utility trailer with the needed tools and equipment. This repetitive use was outside of Wallender's shoulder restriction, so Rice purchased a 7,000-pound electric jack to lift the weight of the trailer when it is parked. Wallender can now simply press a button to raise or lower the trailer instead of needing to crank.

Empire will be able to keep much of the equipment that was purchased to assist Wallender, making the positions at Empire more physically accessible for other employees. Wallender, of course, will also be able to keep his new work clothes, glasses, and exosuit if he decides to leave Empire. The Preferred Worker Program has been mutually beneficial to this worker and his employer. Purchasing the equipment would have been cost prohibitive for Empire, while Wallender is able to continue doing the work he knows and loves.

If you're interested in how the Preferred Worker Program can help you, call 800-445-3948 (toll-free) or email pwp.oregon@dcbs.oregon.gov. ■

Meet the new rules coordinator: Marie Loiseau

The division's new rulemaking coordinator has been making progress to implement new and amended rules for laws that took effect Jan. 1, as well as other administrative changes. The

rulemaking coordinator's position is an integral part of WCD's work to implement statutes. The rules coordinator facilitates WCD's rulemaking activities and acts as a liaison between the division and the public. The coordinator also works with the DCBS Director's Office in conducting the rulemaking for the annual workers' compensation premium assessment ratemaking and the Worker's Benefit Fund assessment rate. The position is also responsible for reviewing, tracking, and responding to public records requests received by the division.

In August 2023, Marie Loiseau joined WCD as a policy analyst and the new rules coordinator following longtime employee Fred Bruyns' retirement. Marie has a bachelor's degree in English professional writing from Elizabethtown College and a Juris Doctor from Temple University Beasley School of Law in Philadelphia, Pennsylvania.

Marie worked as an estate planning and administration attorney in Salem before coming to the division. She has experience as a freelance writer; was a civil litigator in Corvallis; and was staff editor on the Temple Law Review,

reviewing and editing legal articles for publication.

Marie has done a great job of organizing rulemaking efforts these past several months. House Bill (HB) 3412 (2023) expands the treatment authority of physician assistants, including the time a physician assistant may act as a worker's attending physician. HB 2696 (2023) created the Board of Sign Language Interpreters and changed licensing requirements for sign language interpreters providing services to workers. A rulemaking hearing to implement those rule changes was held Oct. 24, and the amended rules became effective Jan. 1, 2024.

WCD also opened rule divisions 009, 010, and 015, and held a rulemaking advisory committee meeting regarding those divisions on Nov. 30. The public hearing is scheduled for Feb. 13, and rule changes are projected to take effect April 1.

Rule divisions 060 and 120 are open and rulemaking advisory committee meetings were held Jan. 25 and Jan. 30, respectively. Public rulemaking hearings for divisions 060 and 120 are expected to take place in April.

Watch the division's [website](#) or [sign up for updates](#) to be notified of rulemaking activities. ■



Marie Loiseau



Industry notices

The Workers' Compensation Division issued two industry notices at the end of 2023.

The division reminded [insurers, self-insured employers, and service companies of the requirement to promptly respond to worker inquiries within 48 hours](#). It is imperative that workers receive correct and timely information about their claims for them to make important decisions.

Under Oregon Administrative Rule 436-060-0015(3)(e), insurers must provide contact information with a worker's first disability check or in their earliest written correspondence to "reasonably ensure that inquiries from the worker are responded to within 48 hours, not including weekends or legal holidays." Insurers, self-insured employers, and service companies are encouraged to review their internal policies to ensure they are meeting this requirement. Questions regarding the notice may be directed to Audit Manager Barbara Belcher at 503-947-7687 or by email at barbara.belcher@dcbs.oregon.gov. The full text of the notice can be found on the division's [website](#).

House Bill (HB) 4138 (2022), which became effective Jan. 1, 2024, amended laws relating to temporary disability benefits, medically stationary status, and recovery of overpayments. These changes apply to all claims that exist or arise on or after Jan. 1, 2024, regardless of the

date of injury or the date on which the claim is filed.

Retroactive authorization of temporary disability benefits has been extended from 14 to 45 days. Exceptions to the 45-day limit are specified in Oregon Revised Statutes 656.262(4)(g) and (j). Insurers may not end temporary disability benefits without written notice to the worker or the worker's attorney, if they have one, and must include an explanation for why the worker is no longer eligible for these benefits.

HB 4138 also limits the amount of time a physician or nurse practitioner may retroactively determine the date a worker becomes medically stationary to 60 days before the date of the determination.

Finally, the [new law](#) states that an insurer or self-insured employer may not recover more than 50 percent of a worker's total compensation as overpayment, offset, or credit of wage loss. Insurers and self-insured employers are limited to declaring overpayments to compensation paid in the previous two years before the date of declaration.

For questions about these changes, contact the division at 800-452-0288 (toll-free) or email workcomp.questions@dcbs.oregon.gov. ■

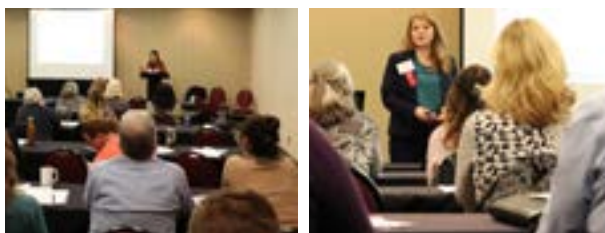


Jennifer Hlad

The wait is over – let's get back together: 2024 Workers' Compensation Educational Conference

By Jennifer Hlad, conference and training coordinator.

The Workers' Compensation Division is excited to welcome you back to an in-person conference! Our next educational conference will be held May 9-10 at the Holiday Inn – Columbia Riverfront in Portland. Early bird registration pricing for tickets is \$325. Be sure to register before April 1 to get the discounted early bird rate. Registration after April 1 will cost \$400.



Conference schedule at-a-glance

Thursday, May 9

7:30-8 a.m.	Registration
8-9 a.m.	Opening address
9:15-11:30 a.m.	Breakout sessions
11:45 a.m.-12:45 p.m.	Networking lunch
1-4:30 p.m.	Breakout sessions
4:30-5:30 p.m.	Exhibitor reception

Friday, May 10

7:30-8:30 a.m.	Breakfast with exhibitors
8:30-9:30 a.m.	Keynote session
9:45 a.m.-noon	Breakout sessions

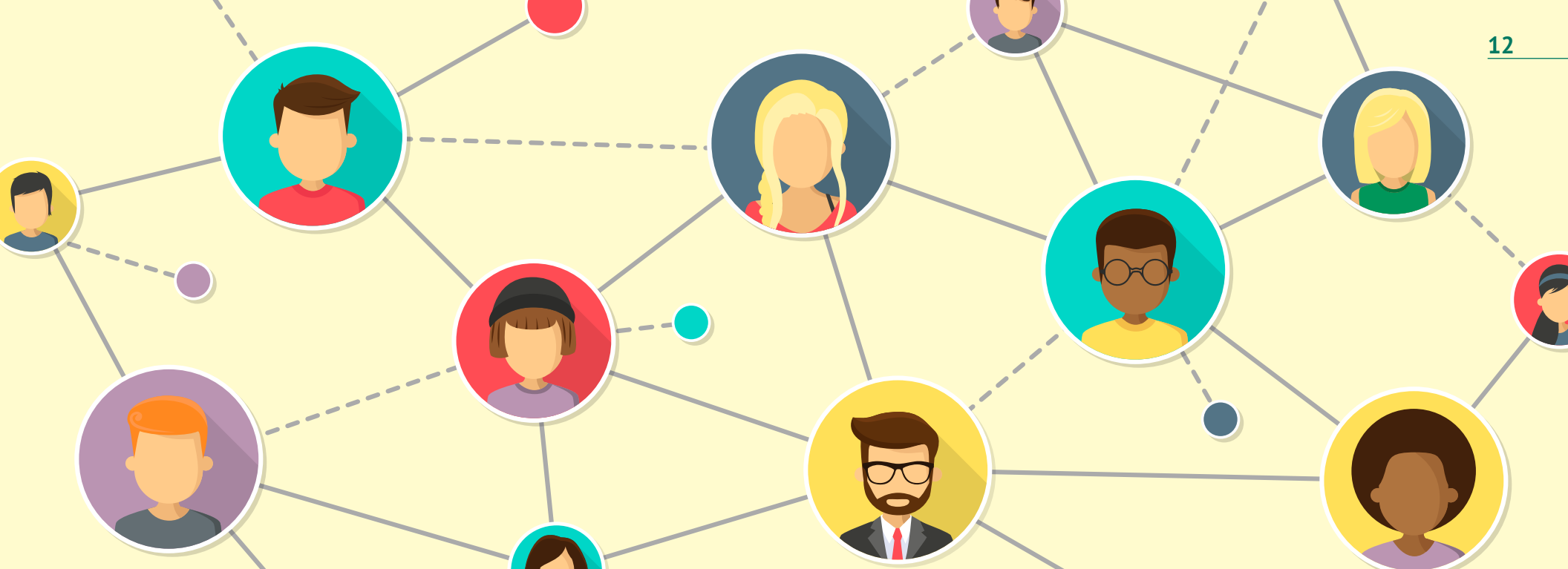
The full conference agenda is available on the division's website. Learn more about the event at <https://wcd.oregon.gov/training/conference/Pages/edu-conference-faqs.aspx>. The agenda includes trending topics from across the industry, content suggestions from past attendees, research from other state programs, and suggestions from social media input.

The conference will feature more than workers' compensation education. Conference attendees will have the chance to network with others industry professionals and division staff members, as well as see the latest in services, equipment, and materials from exhibitors. The conference will offer continuing education from a variety of professional organizations and associations.

Registration for attendees, exhibitors, and sponsors is now open. Register today at <https://workcompevent.com/oregon/oregon-workers-compensation-conference-2024>.

If you have not already added your name to our mailing list, or if you have questions about the conference, contact Jennifer Hlad at 971-719-6023 or Jennifer.L.Hlad@dcbs.oregon.gov. ■





Modernization update

By Heather Williamson, Modernization Program manager.

The progress Modernization has made in the second half of 2023 has been the culmination of many years of work by everyone at the Workers' Compensation Division. Currently, the Modernization Team is working with contractors from Deloitte to map out systems for use by each of the division's program areas.

It's difficult to describe exactly how arduous



Heather Williamson

tracking down information about a single claim can be across the division. Some program areas have databases that are in Excel or use different applications for information about the same worker or insurer. A staff member may have to talk to a colleague in a different program or transfer a call to get needed information.

From the outside, and through creating a more robust information management system for the division, Modernization may seem to be solely about information technology and systems management. Nevertheless, the Modernization Team, including Deloitte, is taking a comprehensive look at the division's processes at

a much higher level than has been done before. To build a connected system with valid data, we are asking, "What is the ultimate goal when we access this data?"

This project is really about people and our connections to one another. It's the connection between a worker or an attorney looking for a status update or information about a claim and the staff member who assists them. When information is difficult to access or takes a long time to locate, there's frustration on both sides. Creating an organic system that follows the processes WCD already uses reduces frustration and increases connection. Our goal is to create the most efficient, effective way to respond to the people who are asking questions. We are looking at what we have now and asking, "What needs are

being fulfilled by what we have, what is missing, and what can we discard?"

By building a comprehensive database, the division can ensure that information is always up to date across every program area. It will be able to streamline and reduce the repetition of tasks. When staff members look at a record, they'll be able to have a complete picture of changes as they've happened.

We often lament, "If only we had more time!" By creating a database that allows us to find and relay information much faster, we'll finally get more time.

Part of the vision of this project is how it can support future projects. As we look toward the future, we hope this will allow stakeholders access to real-time information through the division's web portal.

Throughout this work, the program team is keeping in mind the people who will need this information. The division and the Modernization Team are here to support all of the parties involved in a workers' compensation claim: the injured worker, the employer, the insurer, and their legal representatives. If you have ideas about what we can do to support you, contact me at heather.williamson@dcbs.oregon.gov.

In the nontechnical area of our work, Modernization recently closed out our [Streamline Communications project](#). [Rulemaking](#) is ongoing as required notice language is in different rule divisions. The division is working with the [Management-Labor Advisory Committee](#) to increase worker accessibility to information. If there is a way the division can increase understanding of information or make that information more accessible, let us know. You are the experts, and we need expert opinions.

Modernization looks forward to what the next six months will bring. ■



A worker's journey with the Workers' Compensation Division

The division has created an [interactive flowchart](#) to explain the different stages of a workers' compensation claim. This chart takes you from initial claim filing all the way to claim closure. It includes points in time when a worker might contact the division and links to resources. While not representative of every claim, the flowchart touches on the most common circumstances where the division is involved. ■





Workers' Compensation Division in the community

Top left photo: On June 24-25, Employer Compliance Unit Investigators Mikaela Polk (left), Jason Hopkins, and Becka Hunt (not pictured) attended the Salem World Beat Festival.

Bottom left photo: On July 28, Worksite Modification Consultant Oscar Lopez (left), attended the Mid-Valley Literacy Center's outreach event.



On Aug. 18, Oscar attended the Lancaster Family Health Fair.



On Aug. 31 and Sept. 1, Oscar joined the Mexican Consulate in Portland to celebrate the 15th annual Labor Rights Week.



On Aug. 26, from left, Becka, Mikaela, Communications Coordinator Autumn Blake, and Worksite Modification Consultant Jennifer Rice (not pictured) attended Pride in the Park in Salem.



On Sept. 27, from left, the Division of Financial Regulation's Cassie Soucy, WCD's Jennifer, Autumn, and Legal Issues Coordinator Cathy Ostrand-Ponsioen (far right) attended the NW Equity Summit in Portland, along with Elizabeth Johnson (second from right) of the Director's Office.



Oregon OSHA hosted concurrent English- and Spanish-language conferences in Ashland in October. On Oct. 17, Oscar and Deputy Administrator Matt West (not pictured) attended the Spanish-language conference, while Reemployment Specialist Zoe Tacadena and Reemployment Assistant Jeffrey Warburton attended the English-language conference on Oct. 18 and 19. Field Investigators Yasmin Castaneda Benavides and Mikaela connected with attendees at both conferences.



On Oct. 19, Field Investigator Sarah Jones (bottom-left photo) attended the Northwest Native Chamber's Annual Gathering (above). ■

