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Exhibit "3"

November 26, 2025

Marie Rogers
Policy Analyst/Rules Coordinator
Workers' Compensation Division
350 Winter St. NE
Salem, Oregon 97312

Re: Written comments regarding WCD's Proposed Changes to OAR 436-030, -060, -075

Dear Ms. Rogers:

OTLA thanks the Workers' Compensation Division (WCD) for the opportunity to provide written comments related to the Proposed Changes to OAR 436-030, -060 and -075.

OTLA offers the following written comments for the Division's consideration.

OAR 436-060-0025(9)

OTLA disagrees with the broad exclusion of one time signing bonuses from the Average Weekly Wage calculation. Signing bonuses are used to increase a worker's overall compensation, and entice them to accept an offer of employment. This is an especially common practice in nursing and other fields where workers are in greater demand and change positions more frequently. Signing bonuses should be treated differently than relocation payments because the former is used as a way to pay extra compensation in the first year, which is more akin to the bonus payments that are currently included.

OAR 436-060-0060(1)(b)(B)(iii)(I)

This provision allows the insurer to deny a request for lump sum payment if the worker's vocational program is approved and scheduled to begin within 30 days of the decision deadline on the lump sum request.

This provision exceeds the statutory language of ORS 656.230(1)(d), which allows the insurer to deny the lump sum only when the worker is enrolled and actively engaged in training. The rule language deprives the worker of 45 days in which to exercise the right to obtain a lump sum payment of Permanent Partial Disability prior to starting vocational rehabilitation and losing access to their impairment compensation for the duration of their program. This creates additional risk for a worker who wants to appeal their closure.



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There is not a good policy argument to support these additional restrictions, and they are ripe for challenge if WCD maintains them. This provision must conform to the Statute, and should be amended.

OAR 436-060-0200

The proposed revision to the rule language is unnecessary, and would provide less guidance to all involved than the current language. OTLA echoes SAIF's concerns in this regard.

Unless the language WCD labels as redundant has caused a significant problem, there is no reason to amend it on such a large scale. At best, the change will do nothing but eliminate a bit of language from a still lengthy set of rules. At worst, it could diminish guidance and enforcement at a time when we are hearing that medical providers are having major problems with response times and general compliance with the rules.

Thank you for considering our comments.

Sincerely,

Keith Semple

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