

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
OF THE STATE OF OREGON**

PUBLIC RULEMAKING HEARING

In the Matter of the Amendment of OAR: 436-070, Workers' Benefit Fund Assessment))))	TRANSCRIPT OF TESTIMONY
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The proposed amendment to the rules was announced in the Secretary of State's Oregon Bulletin dated September 1, 2025. On September 18, 2025, a public rulemaking hearing was held as announced at 4 p.m. via teleconference. Marie Rogers, from the Workers' Compensation Division, was the hearing officer. The record will be held open for written comment through September 25, 2025.

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TRANSCRIPT OF PROCEEDINGS

Marie Rogers:

Good afternoon and welcome. This is a public rulemaking hearing.

My name is Marie Rogers, and I'll be the presiding officer for the hearing.

The time is 4 p.m. on Thursday, September 18, 2025.

We are making an audio recording of today's hearing and will make a transcript.

If you wish to present oral testimony today, I will ask for your name when it is time for testimony.

The Department of Consumer and Business Services, Workers' Compensation Division addresses today chapter 436 of the Oregon Administrative Rules, specifically: Division 070, the Workers' Benefit Fund Assessment.

In a notice sent on August 28, 2025, the Division announced a rulemaking hearing on the Workers' Benefit Fund assessment rate and explained that the specific, proposed rate change would be announced by the middle of September. The proposed rate is 1.8 cents per hour worked in 2026, lower than the current rate of 2.0 cents per hour worked.

The department has summarized the proposed rule language and prepared an estimate of the fiscal and economic impacts in the notice of proposed rulemaking.

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This notice and the proposed language are posted to the Division's website: wcd.oregon.gov under "Laws and Rules," and then "Proposed Rules and testimony."

The Workers' Compensation Division:

- Filed the notice of proposed rulemaking with the Oregon Secretary of State on August 28, 2025.
- Mailed the notice to its postal and electronic mailing lists;
- Notified Oregon legislators as required by ORS chapter 183; and
- Posted public notice and the proposed rules to its website.

The Oregon Secretary of State published the hearing notice in its Oregon Bulletin dated September 1, 2025.

This hearing gives the public an opportunity to provide comment about the proposed rules. In addition, the division will accept written comment through and including September 25, 2025 and will make no decisions until all of the testimony is considered.

Sean O'Day, the Interim Director of the Department of Consumer and Business Services, has provided testimony for today's hearing. I will read an extract of the Interim Director's written testimony into the record, which is the majority of a memo dated today, September 18, 2025:

The Workers' Benefit Fund (WBF) assessment provides benefit increases to permanently disabled workers and to families of workers who died from a workplace injury or disease. These cost-of-living adjustments are made to reflect improvements to benefits and changes in average wages.

The WBF also supports Oregon's highly successful programs to help injured workers return to work sooner and earn their pre-injury wages. These programs offer financial assistance, such as wage subsidies, premium exemptions, and reimbursements for worksite modifications and equipment, to employers that hire injured workers. These programs help keep Oregon's workers' compensation costs low.

The fund's revenue comes from a cents-per-hour-worked assessment. Employers and workers each pay half of the assessment. The assessment is paid directly to Oregon's Employment and Revenue departments through quarterly payroll tax reports, and the revenue is transferred to DCBS.

For 2026, our analysts recommend lowering the assessment to 1.8 cents per hour worked, the lowest rate since the inception of the cents-per-hour assessment in 1996.

That was from the Interim Director's testimony. The staff memo referenced in that testimony has been posted to the Workers' Compensation Division website as Exhibit 1. The Interim Director's testimony will be posted to the website as Exhibit 2.

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We are ready to receive public testimony.

Is there anyone on the connection who would like to testify at this time?

For the record, no one is coming forward to provide testimony.

In a moment I will recess the hearing, and we will resume for additional testimony if anyone arrives and wishes to testify before 4:30 p.m. today.

We will close the hearing at 4:30 p.m.

Again, the record remains open for written testimony through and including September 25, 2025.

You may submit testimony in any written form. I encourage you to submit your testimony by email or as attachments to email. However, you may also use fax or US mail. My contact information is listed on the Notice of Proposed Rulemaking which is published on our website.

I will acknowledge all testimony received.

OK. This hearing is recessed at 4:05 p.m.

Hello. The hearing is resumed at 4:28 p.m.

Does anyone else wish to testify this afternoon?

Hearing no one, this hearing is adjourned.

The time is now 4:29 p.m.

Thank you so much for coming!

Transcribed from a digital audio recording by Marie Rogers on September 18, 2025.