

**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
---	------------------	----------------------------

The proposed amendment to the rules was announced in the Secretary of State's Oregon Bulletin dated Sept. 1, 2021. On Sept. 16, 2021, a public rulemaking hearing was held as announced at 4 p.m. by video and teleconference from the Labor & Industries Building, 350 Winter Street NE, Salem, Oregon. Fred Bruyns, from the Workers' Compensation Division, was the hearing officer. The record will be held open for written comment through Sept. 23, 2021.

**INDEX OF WITNESSES**

<b>Witnesses</b>	<b>Page</b>
No public testimony.....	NA

**TRANSCRIPT OF PROCEEDINGS**

Fred Bruyns:

Good afternoon and welcome. This is a public rulemaking hearing. My name is Fred Bruyns, and I'll be the presiding officer for the hearing.

The time is 4:01 p.m. on Thursday, Sept. 16, 2021. We are streaming this hearing from the Labor & Industries Building, 350 Winter St. NE, in Salem, Oregon. We are making an audio recording of today's hearing and will create a transcript. If you wish to present oral testimony today, I will add your name to the roster in just a moment.

The Department of Consumer and Business Services, Workers' Compensation Division proposes to amend chapter 436 of the Oregon Administrative Rules, specifically division 70, Workers' Benefit Fund Assessment. The department has summarized the proposed rule changes and prepared an estimate of fiscal and economic impacts in the notice of proposed rulemaking. This notice and proposed rules with marked changes are posted to the division's website: [WCD.Oregon.gov](http://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 Aug. 30, 2021;
- 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 Sept. 1, 2021.

This hearing gives the public the opportunity to provide comment about the proposed rules. In addition, the division will accept written comment through and including Sept. 23, 2021, and will make no decisions until all of the testimony is considered.

Andrew Stolfi, the director of the Department of Consumer and Business Services, was unable to attend the hearing today. However, I will read an extract of the director's written testimony into the record, which is the majority of a memo dated today, Sept. 16, 2021.

“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 to employers that hire injured workers, such as wage subsidies, premium exemptions, and reimbursements for worksite modifications and equipment. 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 2022, our analysts recommend no change in the current assessment, which means it would remain at 2.2 cents per hour worked.

“More details about the 2022 assessment can be found in the staff recommendation memo, which will be entered into the record of this hearing.”

That was the director’s testimony. The “staff recommendation memo” referenced in that testimony has been posted to the Workers’ Compensation Division’s website as Exhibit 1. The director’s testimony will be posted to the website as “Exhibit 2.”

We are now ready to receive public testimony. Is there anyone on the connection who would like to testify at this time?

For the record, no one wishes to testify at this time.

In a moment I will recess the hearing, and we will resume for additional testimony, if anyone arrives before 5 p.m. and wishes to testify. We will close the hearing at 5 p.m.

Again, the record remains open for written testimony through and including Sept. 23, 2021.

Transcript of public rulemaking hearing  
Sept. 16, 2021

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 U.S. mail. My contact information is on the Notice of Proposed Rulemaking posted to our website. I will acknowledge all testimony received.

This hearing is recessed at: 4:06 p.m.

This hearing is resumed at: 4:59 p.m.

Does anyone else wish to testify this afternoon?

Hearing no one, this hearing is adjourned at 5 p.m.

Thank you for joining us today – goodbye.

Transcribed from a digital audio recording by Fred Bruyns, Sept. 17, 2021.