

**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 Sept. 1, 2023. On Sept. 21, 2023, a public rulemaking hearing was held as announced at 4 p.m. via teleconference from the Labor & Industries Building, 350 Winter Street NE, Salem, Oregon. Marie Loiseau, from the Workers' Compensation Division, was the hearing officer. The record will be held open for written comment through Sept. 28, 2023.

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**TRANSCRIPT OF PROCEEDINGS**

Marie Loiseau:

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

The time is 4:01 p.m. on Thursday, September 21, 2023. We are streaming this virtual meeting from the Labor & Industries Building, at 350 Winter St. NE, in Salem, Oregon. 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 add your name to the roster.

The Department of Consumer and Business Services Workers' Compensation Division proposes to amend chapter 436 of the Oregon Administrative Rules, specifically: Division 070, the Workers' Benefit Fund Assessment. The department has summarized the proposed rule changes and prepared an estimate of the fiscal and economic impacts in the notice of proposed rulemaking. This notice and the 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 August 28, 2023.
- 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.

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The Oregon Secretary of State published the hearing notice in its *Oregon Bulletin* dated September 1, 2023.

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 September 28, 2023 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, September 21, 2023:

“The Workers’ Benefit Fund (or 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 2024, our analysts recommend lowering the assessment from 2.2 cents per hour worked in 2023 to 2.0 cents per hour worked in 2024. The WBF is healthy, and employment is expected to remain stable in 2024. This allows the rate to be reduced in 2024.”

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

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 5 p.m. today. We will close the hearing at 5 p.m.

Again, the record remains open for written testimony through and including September 28, 2023.

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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 4:06 p.m.

Hello. The hearing is resumed at 4:58 p.m.

Does anyone else wish to testify this afternoon?

Hearing no one, this hearing is adjourned.

The time is now 4:58 p.m.

Thank you so much for coming!

Transcribed from a digital audio recording by Marie Loiseau, September 25, 2023.