

August 14, 2026

RULES COORDINATOR
WORKERS' COMPENSATION DIVISION
DEPT. OF CONSUMER & BUSINESS SERVICES
350 WINTER ST. NE
SALEM, OR 97312

Re: Written comments regarding WCD's proposed changes to OAR 436-180, -162, -050, -060, -105, and -110

Rules Coordinator,

SAIF Corporation thanks the Workers' Compensation Division (WCD) for the opportunity to provide written comments following the August 6, 2026, rulemaking hearing on professional employer organization (PEO) rules. SAIF offers the following comments for the division's consideration.

Proposed OAR 436-180-0110(1)(a) and (3)

The proposed rule requires a carrier-insured PEO to notify its insurer within 7 days after the PEO becomes responsible for providing coverage to a client or reinstates coverage for a client. SAIF proposed this deadline to ensure prompt notice and reduce the risk of gaps between the PEO's coverage responsibility and the insurer's knowledge of that coverage. Although PEO stakeholders suggested 30 days, SAIF continues to prefer 7 days because a PEO should know the agreed coverage date when negotiating with a client employer and can notify the insurer within 7 days. However, if the division determines that additional flexibility is appropriate while also maintaining prompt notice to insurers, SAIF would support extending the notification period to 15 days.

Proposed OAR 436-180-0115(2)(b)

The proposed rule requires an insurer to issue a policy to the PEO and to the client and link the policies through a multiple coordinated policy (MCP) endorsement. SAIF appreciates the WCD's adoption of an MCP as it aligns with the insurer's reporting obligations to the Department of Consumer and Business Services with the NCCI statistical plan as adopted by OAR 836-042-0045.

In addition, SAIF thanks the WCD that the proposed change applies to policies renewing or incepting on and after January 1, 2028. The delayed implementation period is important to allow sufficient time for SAIF to update its internal processes and systems.

August 14, 2026

Page 2

Proposed OAR 436-180-0150(2)

The proposed rule requires a PEO to submit a client list to the director every twelve months. SAIF has no concerns with the proposed rule. SAIF would appreciate clarification on whether the director will notify an insurer if the PEO's client list differs from the policies reported to DCBS by the insurer. If a discrepancy exists, notice to the PEO and insurer would allow the parties to clarify coverage before an issue arises.

As always, SAIF appreciates the WCD's engagement and commitment to the rulemaking process as well as its collaborative approach.

Sincerely,

/s/ Elaine Schooler
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