

**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: 436-060-0025, "Rate of Temporary Disability Compensation"))))	TRANSCRIPT OF TESTIMONY
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The proposed amendment to the rules was announced in the Secretary of State's Oregon Bulletin dated Dec. 1, 2017. On Dec. 18, 2017, a public rulemaking hearing was held as announced at 9 a.m. in Room "F" of the Labor and Industries Building, 350 Winter Street NE, Salem, Oregon. Fred Bruyns, from the Workers' Compensation Division, acted as hearing officer. The record will be held open for written comment through Dec. 21, 2017.

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TRANSCRIPT OF PROCEEDINGS

Fred Bruyns:

Good morning 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 9 a.m. on Monday, Dec. 18, 2017. We are in Room F of the Labor & Industries Building at 350 Winter St. NE, in Salem, Oregon.

We are making an audio recording of today's hearing.

If you wish to present oral testimony today, please sign in on the "Testimony Sign-In Sheet" on the table by the entrance. If you're planning to testify over the telephone, I will sign in for you. Is there anyone on the telephone who would like to testify? Okay – you'll have an option to say so later if you change your mind.

The Department of Consumer and Business Services, Workers' Compensation Division proposes to amend chapter 436 of the Oregon Administrative Rules, division 060, Claims Administration, specifically, rule 0025, "Rate of Temporary Disability Compensation."

The department has summarized the proposed rule changes in the *Notice of Proposed Rulemaking Hearing*. This hearing notice, a *Statement of Need and Fiscal Impact*, and proposed rules with marked changes, are on the table by the entrance.

Transcript of public rulemaking hearing
Dec. 18, 2017

The Workers' Compensation Division: Filed the *Notice of Proposed Rulemaking Hearing* and *Statement of Need and Fiscal Impact* with the Oregon Secretary of State on Nov. 13, 2017; mailed the *Notice* and *Statement* 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: Dec. 1, 2017.

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 Dec. 21, 2017, and will make no decisions until all of the testimony is considered. We are ready to receive testimony. If you are reading from written testimony and give the agency a copy of that testimony, we will add it to the rulemaking record.

Could Kimberly Wood come up and testify? Good morning.

Kimberly Wood:

Good morning. Kimberly Wood with Perlo Construction. Reading through the rules, under section "5" sub "d," there is some confusion about the last sentence, and the possibility that it might lead people to believe that after Dec. 31st 2017, that the calculations for union hall hiring expires, and that it would go back to the preceding "a," "b," or "c." And, so for clarification we would ask that you delete the last sentence. Then the new last sentence, or the first sentence, at the end of the first sentence, "the number of days actually worked per week," injuries – for injuries with dates – let's see if I can figure this out – for injuries occurring after from Jan. 1st 2017 and thereafter, because then it makes it clear that it applies from January 1st on, and it doesn't appear that it goes away. Okay?

Fred Bruyns:

Okay – thank you very much Kimberly – appreciate it. Sheri Sundstrom? Good morning.

Sheri Sundstrom:

Good morning. Sheri Sundstrom with Hoffman Construction. I would ditto what Kimberly Wood has requested as it does – we appreciate that if there were any question in the future that it could cause a lot of confusion going forward. So, if we can make those changes that she requested.

Fred Bruyns:

Okay, thanks so much, Sheri. And, Sommer Tolleson.

Sommer Tolleson:

Good morning, Sommer Tolleson, with Maher & Tolleson, and I simply wanted to make sure in the event that Kim hadn't covered that – that that's what was covered and concur with her recommendations.

Fred Bruyns:

Okay. We appreciate it. Thank you very much. Is there anyone else here present who would like to testify this morning? Anyone on the telephone who'd like to testify?

It's our policy to leave our hearings open a minimum of one-half an hour, just to make sure if someone arrives late that they don't find an empty room. So, just again, you may submit testimony in any written form, whether hard copy or electronic. I encourage you to submit your testimony by email or as attachments to email. However, you may also use fax, USPS mail, courier, or you may hand deliver testimony to the Workers' Compensation Division Central Reception on the second floor of this building. On the table by the entrance are business cards that include my contact information. I will acknowledge all testimony received, so make sure if you submit testimony that you do hear from me, because I will confirm that I have received it. That's important. We wouldn't want something to be missed.

And with that, this hearing is recessed at 9:06 a.m.

Back on the record – and, is there anyone here who would like to testify this morning? It's not too late. Anyone on the telephone? Okay. I guess I should have said I resumed the hearing at 9:30, but now the hearing is adjourned. It's still 9:30. Have a safe drive, and thank you for coming.

Transcribed from a digital audio recording by Fred Bruyns, Dec. 18, 2017.