

BRUYNS Fred H * DCBS

From: García Orjuela, Nelly Paola 
Sent: Tuesday, May 22, 2018 4:37 PM
To: BRUYNS Fred H * DCBS
Cc: González Hernández, Claudia Helietta; Departamento de Protección y Asuntos Legales Portland 3
Subject: RE: Rulemaking meeting on multi-language help page - agenda posted
Attachments: oregon_crime_victim_compensation_application.pdf

Good afternoon Fred,

I am sorry for getting back to you so late but it has been a couple busy weeks for us. About the comments, we reviewed the Issues Document that you shared for the meeting and here are some comments about the options and topics raised:

Issue #1:

- We believe that all documents sent to workers (not just those who contain deadlines or legal rights) should be translated into the language stated as first language by the worker (or as other formats have side to side translated general forms – English-Spanish eg. the victim’s comp format *attached*), as this would actually guarantee the understanding of all information regarding their claim and effectively provide equal (not just greater compared to now) access to justice, as workers are in a disadvantaged position as they spend more time and money searching for a translator, and all this just because they are not English speakers.
- However, we understand that this would mean a greater cost for businesses. So the actual multi-language help page would be very helpful and we believe it should be included in ALL documents related to their claims vs. only the ones with action required. We believe they have the right to understand every piece of information sent to them as this affects the other critical notices and could potentially harm their claim of not fully understood.

Issue #2:

- For the languages included, we believe the notice should follow the OED’s notices guidelines and include Spanish, Russian, Romanian, Chinese, Hmong, Vietnamese, Laotian and Cambodian. This is based on our contact with workers and employers.
- Also, we would recommend getting the opinion from refugee’s organizations, as they are a growing community whose members are gradually incorporating into the workforce. They would be a very vulnerable population that should be covered by this. They maybe also willing to assist with adequate translation.
- As for the translation in Spanish, we would be more than happy to review it so it can be as clear as possible.

Issue #3:

- As for the draft notices, following are the comments on each. However, we believe the one in letter E (US DOL directive) should be the standard with some modifications:
A – As we would recommend the notice to come in ALL documents sent to the workers, the language would be inadequate.
B – This one is missing the part regarding having a reliable person translating the contents of the document and has some repetitive language.
C – Missing all the information, however the number for the free language lines is important to include in the final version.
D – The notice states that the individual may request the letter in another format/language. This would be an extra document and if they already have the information why not send the translated document in the first place.

E – Ideal information just cross out the “unemployment” from the first paragraph, include the Ombudsman line in the “xxx-xxx-xxxx” section and add the paragraph in letter C (“ATTENTION: If you do not speak English, free language assistance services are available to you. Call XXX-XXX-XXXX”).

Issue #4:

- Format to make it stand out: other color page might be good but we recommend the notice is placed before the actual document.
- Not provide it electronically unless the other document is sent in that format as well (and this in the case the worker requested the electronic service).

Issue #5:

- If the sender has the capacity to produce the document, just make sure it complies with the minimum notice from the WCD, in other case we would believe that if the WCD prints the formats then we can ensure the accuracy of the information provided to the workers.

Issue #6:

- If possible to submit (given timing and what instances would have to issue it), we would suggest adopt one rule applicable to ALL documents to be accompanied by the language help page. Cover all bases.
- We believe it would be of major help to have the documents (at least the relevant notices) available in all the languages listed on the division’s website.

I believe this would be the main comments, however my colleague Jesus Quintero (ccied in this email) will be attending the conference by phone. For this let me know if you would need any more information or he can just join with the information provided (Teleconference dial-in number: 213-787-0529, access code: 9221262#).

Thank you so much for making us a part of this, we appreciate you considering us to provide some input in this important matter.

Best,



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NOTE: Page 1 (only) is included with advice - complete form is on file with the Workers' Compensation Division.

Please tear off and keep this page with our contact information below. Thank you!

Favor de cortar y mantenga esta página junto con nuestra información de contacto que aparece abajo. Gracias!

DEPARTMENT OF JUSTICE
CRIME VICTIMS' SERVICES DIVISION

DEPARTAMENTO DE JUSTICIA
DIVISIÓN DE SERVICIOS PARA
VÍCTIMAS DEL CRIMEN

APPLICATION FOR CRIME VICTIM COMPENSATION

You may qualify for help through this program if you were the victim of a person crime in the state of Oregon. Claims will be verified by the program, through police and other reports.

An application must be filled out for each victim. If the victim is deceased, is a minor or an adult unable to fill this out, the applicant (person filing for victim) must be an adult who is responsible for the victim. Please fill out this application as completely and accurately as possible. Type or print clearly.

Unsigned applications will be returned unprocessed.

If you need help filling out the application please call your local Victim Assistance Office through the District Attorney's Office, or call Crime Victims Compensation at (503) 378-5348 or toll free 1-800-503-7983. You have one (1) year from the date of the crime to file an application.

Types of expenses we cover include:

Medical, dental, hospital, funeral, counseling, loss of wages & support, physical rehabilitation, and transportation.

There is NO award for lost or damaged property, or for pain and suffering. Loss of earnings is only payable if the victim is employed and working at the time of the incident.

Expenses related to the crime must first be submitted to your insurance for payment, including health, dental, and auto insurance. Any expenses not fully covered by insurance will be considered for payment.

You are not required to be a US Citizen to apply for Crime Victim Compensation.

Thank you for taking the time to fill out this application. We will let you know by mail or email when we receive your application, and then contact you again within 30 to 60 days with our claim decision.

What do you need to do?

- *Please let us know if your mailing address or phone number changes.*
- *If we request information from you, please be sure to respond within the allowed time.*

To learn more about the Crime Victims' Compensation Program, visit us online at:

www.doj.state.or.us/victims

SOLICITUD DE COMPENSACION PARA VÍCTIMAS DE CRÍMENES

Usted talvez puede calificar para ayuda a través de este programa, si es que usted fue víctima de un crimen personal en el estado de Oregon. Las solicitudes serán verificadas por el programa, por medio de la policía y otros reportes.

Cada víctima debe presentar una solicitud. Si la víctima ha fallecido, menor de edad, o un adulto incompetente que no pueda llenar este formulario, el solicitante (persona que solicita en nombre de la víctima) debe ser un adulto quien es responsable por el bienestar de la víctima. Por favor llene esta solicitud de la forma más completa y exacta. Escriba a máquina o en letra de molde legible. **Las solicitudes sin firma serán devueltas sin procesar.**

Si necesita ayuda para llenar la solicitud, llame a la oficina de Asistencia para Víctimas por medio de la oficina del Fiscal de Distrito, o llame al programa de Compensación para víctimas de crímenes al (503) 378-5348. Usted tiene un (1) año desde la fecha del crimen para presentar su solicitud.

Los gastos compensables incluyen:

Médicos, dentista, hospitales, funerarios, consejeros, pérdida de ingresos y apoyo, rehabilitación física, y transporte.

NO hay beneficios para pérdida o daño de propiedad, dolor y sufrimiento. Solamente pagamos pérdida de ingresos si la víctima estaba empleada(o) y trabajando en el momento del incidente.

Gastos relacionados a causa del incidente, primero deben presentarse a todas las fuentes de pago disponibles por ejemplo: compañías de seguro, incluyendo seguros de salud, dental, y auto. Los pagos no cubiertos completamente por dichas fuentes, serán considerados para el pago.

Para solicitar compensación para víctimas de crímenes no es requisito ser ciudadano de los Estados Unidos.

Gracias por tomarse el tiempo para llenar esta solicitud. Le avisaremos por correo postal o electrónico cuando recibamos su solicitud y luego nos comunicaremos con usted de nuevo dentro de un periodo de 30 a 60 días para informarle nuestra decisión sobre el reclamo.

¿Qué necesita hacer?

- *Avísenos si su dirección postal o número de teléfono cambian.*
- *Si solicitamos información de su parte, asegúrese de responder dentro del tiempo permitido.*

Para obtener más información sobre el Programa de Indemnización para Víctimas de Crímenes (Crime Victims' Compensation Program) visítenos en:

www.doj.state.or.us/victims