

**MINUTES OF THE WORKERS' COMPENSATION SECTION  
EXECUTIVE COMMITTEE  
May 8, 2015**

**I. CALL TO ORDER**

Chair Keith Semple called the Executive Committee (EC) to order at 10:00 a.m. at Salishan.

Committee members attending or absent were:

<b>Exec Board Member</b>	<b>Present in Person</b>	<b>Present by Phone</b>	<b>Absent</b>	<b>Comments</b>
Bohy, Ronald	X			
Caldwell, Katherine	X			
Chen, Bin	X			
Conratt, Linda	X			
DiCicco, Alana			X	
Frost, Christine	X (10:30)			
Harrell, Tom			X	
Jacobson, Jacqueline	X			
Lesh, Allison	X			
Ogawa, Jenny	X			
Olney, Kathryn	X			
Oswald, John	X			
Parks, Carol	X			
Schoenfeld, Steve	X (10:30)			
Semple, Keith	X			
Smitke, Ray	X			
Wren, Geoffrey			X	
<b>TOTAL (17)</b>	<b>14</b>		<b>3</b>	

**II. MINUTES**

A motion passed to approve the 4/10/15 EC Meeting Minutes (with a correction noting that a resolution was presented at the 4/10/15 meeting, but then withdrawn).

**III. GUEST SPEAKER - BOARD CHAIR HOLLY SOMERS**

Board Chair Holly Somers attended the EC meeting to provide information and address questions and concerns of the workers' compensation section about a potential move of the Portland Hearings Division offices to the Cover Oregon building in Durham.

EC Chair Keith Semple welcomed Board Chair Somers and stated some of the workers' compensation section members voiced concern about a move to the Cover Oregon location. Chair Semple made clear that the EC operates in an advisory capacity with suggestions only, not directives. The EC speaks for the workers' compensation section and voices concerns of the section.

Board Chair Somers wanted to make clear she has weighed many considerations for a potential move of the Portland Hearings Division. She stated she has not yet made a decision of where, if at all, to move offices. She has given no consideration for moving the Hearings Division offices in a proximity closer to her personal home. Rather, she received a list of properties to consider. She addressed the fact that SAIF is looking to move its Portland legal department offices and was working with the same realtor that is working with the WCB. SAIF was looking to move before the WCB considered moving. Consequently, Board Chair Somers felt it necessary to advise SAIF (before others in the section) that the Portland Hearings Division may be moving.

Board Chair Somers addressed the consideration of public transportation and whether it would affect accessibility to participants attending the Portland Hearings Division at the Cover Oregon building. She stated 5% of people coming to the current offices of the Portland Hearings Division use public transportation. Tentatively, the WCB is working with Tri-Met (Don Rhodes) about securing another bus line to service access to the Cover Oregon building. There is also consideration being given to providing a shuttle for people to access the Cover Oregon building. Also, Chair Somers stated there is the potential for litigants to request a hearing in Multnomah County which could be granted if the ALJ deems it reasonable/necessary (the ALJ has discretion).

Board Chair Somers stated there are 4 high-rises being built across from the current Portland Hearings Division offices which will diminish parking in the area.

Board Chair Somers stated that of the people who use the Portland Hearings Division forum, 30% are from Multnomah County, 20% Washington County, and 10% Clackamas County. In a Google search for hearings held in the last 6 months, it was determined that the Cover Oregon building in Durham was 4 miles further for claimants than the current Portland Hearings Division location. Board Chair Somers made clear that accessibility is a more important factor than convenience.

Board Chair Somers has weighed the possibility that if the Portland Hearings Division moved to the Cover Oregon building in Durham, the WCB may lose staff due to inconvenience and increased burden of transportation.

Board Chair Somers stated that ODOT information was considered. Also, looking at Census figures, Multnomah County is growing at a rate of 8%, whereas Washington County is growing at a rate of 20%.

The Ombudsman's office provided information. Jennifer Flood personally drove to the Cover Oregon building and agreed parking was an important consideration.

The issue of diversity was considered. With the Cover Oregon building in Durham, the question arose of whether only the white/Caucasian perspective was considered.

The Cover Oregon building is pre-wired which would be a large cost savings in any move from the current Portland Hearings Division offices. The biggest financial concerns that would accompany a move: (1) tenant improvements (which would largely be paid for by an \$800,000 Cover Oregon lease buy-out); (2) furniture (the hearings division would be able to purchase Cover Oregon furniture for \$.11 on the dollar); (3) infrastructure and wiring (the Cover Oregon building would be "plug-in-and-go" ready).

The current Portland Hearings Division space has a potentially indefinite lease at a fixed price. The Cover Oregon building space may not be available if another tenant is found before the WCB makes a decision (i.e. there is a risk it will be taken by another tenant).

#### **IV. CHAIR REPORT**

Chair Semple reported that the Oregon Minorities Section sent a "thank you" for a \$500 donation last year. A motion was presented and approved for another \$500 donation for 2015 (which Ron Bohy stated was already in the 2015 budget). Ron Bohy stated there was also a \$500 donation in the 2015 budget for Campaign for Equal Justice.

Chair Semple addressed the Newsletter and the posting of section news periodically. He stated that it is difficult to come up with more content for the Newsletter. Consequently, the question was whether to reduce publication. Also, should the Newsletter be put on the section website. It is difficult to measure readership and benefit to the section from the Newsletter. Consequently, discussion was posed about the need for a committee for the Newsletter versus ad hoc preparation. There is also a mechanism needed to announce updated news (putting it on the OSB website) and updating it periodically. Section members could possibly "opt in" or "opt out" of updates. In the end, the issue of how to address the Newsletter was tabled.

#### **IV. TREASURER REPORT**

Ron Bohy reported that the account for the section as of May, 2015, had a balance of \$31,945. There are currently 334 section members. The section received a bill of \$1,500 for its website construction. The Oregon Minority Lawyers 2015 donation, the Campaign for Equal Justice 2015 donation, and the 2016 Salishan deposit had been

paid. Finally, there was a total of \$2,100 in contributions from various vendors to the 2015 Salishan meeting.

## **V. COMMITTEE REPORTS**

### **A. Salishan**

No report.

### **B. Professionalism Award**

Steven Schoenfeld to present Larry Schucht with the 2015 award.

### **C. Access to Justice**

No report

### **D. Bench/Bar Forum:**

Via e-mail on 5/5/15, Ron moved, and Kathryn seconded, to approve the Salem Convention Center contract in general and forward it to the OSB for their approval. Motion passed. The approved contract was forwarded to Kevin Barrett.

### **E. Going Forward**

No report.

### **F. Legislative & Rules**

No report.

### **G. New Technologies/Communications**

No report. An ad hoc meeting is going to be set up

### **H. Nominations**

Joe DiBartolomeo was announced as the new EC member-nominee.

## **VI. OLD BUSINESS**

None

## **VII. NEW BUSINESS**

None

## **VIII. ADJOURNMENT & NEXT MEETING**

Meeting adjourned at 11:30. The next meeting will be on June 12, 2015 at OSB.