**News from WCB – WC Section Annual Meeting, October 30, 2020**

By Constance L. Wold, Board Chair/Agency Administrator

and Joy Dougherty, Presiding Administrative Law Judge

As we come to the final two months of 2020, we would like to take this opportunity to express our heartfelt, sincere appreciation to the Oregon workers’ compensation community for its support, innovation, and adaptability in responding to the unprecedented challenges of the COVID-19 pandemic. Despite all of this adversity, we have pulled together to conduct our core business functions, albeit differently, and to accomplish some important administrative rule changes.

First of all, the response to the pandemic has led to several temporary procedural changes at the Workers’ Compensation Board (WCB). To avoid transmission of the virus, the Board suspended in-person hearings in March, 2020, and began conducting telephonic hearings in April. The Board’s offices are closed to the public through the end of 2020, with additional information to come at a later date.

To better support our stakeholders working remotely during the “Stay Home. Save Lives.” executive orders, and to promote a “touch-free” work environment, our Hearings Division also launched a secure file transfer process in April for hearings exhibits and correspondence. More than 500 case files have been submitted by electronic file transfer as of early October, 2020. In September, the Hearings Division began conducting hearings by videoconference, using Zoom. We were required to go through an extensive testing and security analysis to obtain approval for Zoom, a videoconference platform which provides the necessary functionality and information security at an affordable price to the State of Oregon (and free to stakeholders). When appropriate, we will get back to in-person hearings, utilizing safety tools and procedures to reduce the potential for virus transmission. We are actively working on a plan for reopening, and will be communicating with to you as this develops.

With the assistance of an advisory committee, and the input of stakeholders throughout a series of meetings over the last two years, the Board conducted its biennial attorney fee review pursuant to ORS 656.388(4). This resulted in administrative rule changes to OAR 438-015 that added additional factors for determining an assessed attorney fee, provided an annual adjustment to the hourly rate for an attorney’s time spent during an investigative interview or deposition, and allowed bifurcation of the attorney fee award for cases at Board Review. In conducting this review, the Board developed additional metrics and statistical analyses of attorney fee award trends and changes over the course of time. We can update and analyze this data for future biennial reviews.

The WCB Portal continues to be a popular and effective method for filing litigation requests, pleadings and settlements, with an increase in activity since the pandemic. The Request for Hearing form was updated in March, 2020 with a new horizontal “tab” format.

To improve communication with non-English speaking populations, the Board in 2020 developed a multilingual “important document” notice, which is included with Hearing Notices, Orders and other correspondence. The document is translated into the five most frequently-utilized foreign languages that the Board supports through its interpreter program.

The pandemic, unfortunately, has made it impractical to provide appropriate send-off celebrations for some of our retiring staff, but we would like to recognize several people who you have come to know over many years. Administrative Law Judges Claudette McWilliams and Kathy Poland, who both served more than 30 years with WCB; Board Member Steve Lanning, who served two 4-year terms on the Board; Jim Moeller, who served as a staff attorney, managing attorney and Board Member at WCB; and longtime Managing Attorney Roger Pearson, who announced his upcoming retirement and then gracefully agreed to stay on for many additional months to assist our transition in Board Review. We haven’t let him go just yet.

We understand and we share many of the challenges you have experienced in serving your clients during this time. Your candid ideas and feedback, your ability to cooperate and adapt, and both your patience and your urgency, has helped us every step of the way. We look forward to the day we can once again get together in person. In the meantime, please do not hesitate to reach out to us.

Sincerely,



