

House Bill 2634

Sponsored by Representative CLEM (at the request of Oregon Self Insurers Association) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Self-Insurer Security Fund for certain employers subject to workers' compensation laws. Requires self-insured employers to become members of fund. Instructs Director of Department and Consumer and Business Services to adopt rules related to fund and alternative security deposit system. Requires fund to adopt certain bylaws and to set assessment for members. Requires fund to make annual report to director and members of fund. Imposes penalties for certain violations.

A BILL FOR AN ACT

1
2 Relating to self-insurance of workers' compensation obligations; creating new provisions; and
3 amending ORS 656.018 and 656.704.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 to 11 of this 2013 Act are added to and made a part of ORS**
6 **chapter 656.**

7 **SECTION 2. As used in sections 2 to 11 of this 2013 Act:**

8 (1) **"Board member"** means a member of the board of trustees of the Self-Insurer Secu-
9 rity Fund.

10 (2) **"Composite deposit"** means an alternative security deposit system under which all
11 eligible self-insured employers collectively secure, in whole or in part, aggregate self-insured
12 workers' compensation liabilities through the Self-Insurer Security Fund.

13 (3) **"Insolvent self-insured employer"** means a self-insured employer:

14 (a) **That has been declared insolvent by a court of competent jurisdiction; or**

15 (b) **That has failed to pay compensation and whose security deposit has been called by**
16 **the director pursuant to ORS 656.407.**

17 (4) **"Member"** means a private self-insured employer that participates in the Self-Insurer
18 Security Fund.

19 (5) **"Self-insured employer"** means an employer certified under ORS 656.430 as meeting
20 the qualifications set out by ORS 656.407. **"Self-insured employer"** does not include self-
21 insured employer groups and public entities.

22 **SECTION 3. (1) There is established the Self-Insurer Security Fund, in the form of a**
23 **nonprofit mutual benefit corporation. Each self-insured employer shall become and remain**
24 **a member of the fund as a condition of the self-insured employer remaining certified under**
25 **ORS 656.430, except as provided by administrative rule. Self-insured employers whose liabil-**
26 **ities have been turned over to the fund by the Director of the Department of Consumer and**
27 **Business Services shall forfeit their membership in the fund.**

28 (2) **The fund shall be governed by a board of trustees. The board of trustees shall consist**
29 **of an odd number of board members elected by the members of the fund, subject to the ap-**
30 **proval of the director. Board members shall be representatives of self-insured employers.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (3)(a) The fund shall adopt bylaws necessary to effectuate the purposes of this section,
 2 to carry out the responsibilities of the fund under this chapter, including, but not limited to,
 3 any obligations imposed by the director pursuant to ORS 656.403, 656.407 and 656.430, and to
 4 provide for governance of the fund. The fund and self-insured employers participating in the
 5 fund are not obligated to pay any amounts or assessments to the Self-Insured Employer
 6 Adjustment Reserve established under ORS 656.614.

7 (b) The fund may carry out its responsibilities directly or by contract, and may purchase
 8 services and insurance and borrow funds as it deems necessary for the protection of the
 9 board members and employees of the fund.

10 (4) The fund may receive confidential information concerning the financial condition of
 11 self-insured employers whose liabilities to pay compensation may devolve upon the fund and
 12 shall adopt bylaws to prevent dissemination of that information.

13 **SECTION 4.** (1)(a) As an alternative to each self-insured employer securing its own in-
 14 curred liabilities as provided in ORS 656.407, the Director of the Department of Business and
 15 Consumer Services may adopt by rule an alternative security deposit system whereby all
 16 self-insured employers designated for full or partial participation by the director shall col-
 17 lectively secure their aggregate incurred liabilities through the fund.

18 (b) The rules adopted under subsection (1) of this section shall require the director to set
 19 a total security requirement for participating self-insured employers based on a review of the
 20 participating self-insured employers' annual reports and any other information required by
 21 the director.

22 (c) The fund shall submit to the director annually a proposed composite deposit, which
 23 may consist of a combination of cash and securities, surety bonds, irrevocable letters of
 24 credit, insurance or other financial instruments or guarantees sufficient to meet the security
 25 requirement set by the director. The director may object to the proposed composite deposit
 26 within 30 days of submission of the proposed composite deposit by the fund. If the director
 27 does not object within 30 days of submission, the proposed composite deposit is approved by
 28 the director. If the proposed composite deposit is not approved, each self-insured employer
 29 shall secure its incurred liabilities in the manner required by ORS 656.407.

30 (d) Self-insured employers not designated for full or partial participation by the director
 31 shall meet all requirements as established by the director and by the fund.

32 (2) In order to provide the composite deposit approved by the director, the fund shall
 33 assess each participating self-insured employer a deposit assessment payable within 30 days
 34 of assessment. The amount of the deposit assessment charged to each participating self-
 35 insured employer shall be set by the fund.

36 (3)(a) In order to make a composite deposit proposal to the director and set the deposit
 37 assessment to be required of each participating self-insured employer, the fund shall have
 38 access to the annual reports and other information submitted by all self-insured employers
 39 to the director.

40 (b) The director shall adopt rules that specify the conditions for access by the fund to
 41 the information specified in paragraph (a) of this subsection. The rules adopted under this
 42 subsection shall preserve the confidentiality of the self-insured employers' financial infor-
 43 mation.

44 (4)(a) Upon payment of the deposit assessment required under subsection (2) of this sec-
 45 tion, the self-insured employer paying the assessment loses all right to, title to and interest

1 in the deposit assessment.

2 (b) To the extent that in any one year the deposit assessment paid by self-insured em-
 3 ployers is not depleted in the purchase of securities, surety bonds, irrevocable letters of
 4 credit, insurance or other financial instruments or guarantees, the surplus shall remain as
 5 part of the composite deposit in subsequent years.

6 (c) If in any one year the fund fails to post the required composite deposit by the date
 7 required by the director, or if the director rejects the proposed composite deposit, and the
 8 director requires each self-insured employer to secure the incurred liabilities of the self-
 9 insured employer in the manner required by ORS 656.407, the deposit assessment paid in that
 10 year shall be refunded, upon the posting of sufficient individual collateral by the self-insured
 11 employer, to the self-insured employer that paid the deposit assessment.

12 (5)(a) If a self-insured employer objects to the calculation, posting or any other aspect
 13 of the deposit assessment required by subsection (2) of this section, upon payment of the
 14 deposit assessment in the time provided, the self-insured employer may appeal the assess-
 15 ment to the director, who shall have exclusive jurisdiction over the dispute.

16 (b) If a self-insured employer fails to pay the deposit assessment in the time provided,
 17 the director:

18 (A) Shall order the self-insured employer to pay a penalty of not less than 10 percent of
 19 the deposit assessment, and to post a separate security deposit in the manner provided by
 20 ORS 656.407. The penalty shall be paid to the director, who shall transfer moneys received
 21 to the fund.

22 (B) May revoke the certificate of self-insurance of the self-insured employer.

23 (c) The composite deposit, and all deposit assessments, shall be held by the fund. The
 24 director shall determine when a self-insured employer has failed to pay workers' compen-
 25 sation benefits as required by this chapter and order the fund to commence payment. Upon
 26 ordering the fund to commence payment, the director shall make available to the fund any
 27 deposit held by the director for payment of the workers' compensation benefit obligations
 28 of the self-insured employer that fails to pay the deposit assessment.

29 (6) The fund may hold and invest the cash portion of the deposit, and may draw upon it
 30 to pay claims of self-insured employers that fail to pay the deposit assessment, purchase fi-
 31 nancial instruments, pay reasonable administrative expenses of the fund or establish a cash
 32 reserve or for other purposes authorized by the director by rule.

33 (7)(a) The fund shall set minimum credit, financial or other conditions that a self-insured
 34 employer must meet in order to be a fully or partially participating self-insured employer in
 35 the alternative security deposit system.

36 (b) The fund may exclude a self-insured employer from participating in the alternative
 37 security deposit system for credit or financial reasons. In the event a self-insured employer
 38 is excluded from participation, the nonparticipating self-insured employer shall post a sepa-
 39 rate security deposit as set by the director in the manner provided by ORS 656.407.

40 (8) A self-insured employer that fails to submit reports or information as required by the
 41 director to implement the purposes of sections 2 to 11 of this 2013 Act is subject to the as-
 42 sessment of a civil penalty under ORS 656.745. A civil penalty collected under this section
 43 shall be paid to the fund.

44 **SECTION 5.** (1) A self-insured employer shall secure the incurred workers' compensation
 45 liabilities of the self-insured employer at all times, either in the manner required by ORS

1 **656.407 or through the alternative security deposit system.**

2 **(2) Employers that have ceased to be self-insured employers shall discharge their con-**
 3 **tinuing obligations to secure the payment of workers' compensation benefits that accrued**
 4 **during the period of self-insurance and shall comply with the following obligations of current**
 5 **certificate of self-insurance holders:**

6 **(a) Filing annual reports as required by the Director of the Department of Consumer and**
 7 **Business Services to carry out the requirements of this chapter.**

8 **(b) Depositing and maintaining a security deposit for accrued liability for payment of any**
 9 **worker's compensation benefits that may become due, pursuant ORS 656.430.**

10 **(c) Paying within 30 days of notice all assessments for when the employer's certificate**
 11 **of self-insurance was in effect.**

12 **SECTION 6. (1)(a) If the Director of the Department of Consumer and Business Services**
 13 **determines that a self-insured employer, including an employer that is no longer self-insured,**
 14 **has failed to comply with section 5 of this 2013 Act or has violated sections 2 to 11 of this**
 15 **2013 Act, the director may enter an order against the self-insured employer directing com-**
 16 **pliance and restitution for any losses and imposing a civil penalty, which shall be paid to the**
 17 **Self-Insurer Security Fund.**

18 **(b) Penalties assessed under paragraph (a) of this subsection may not exceed:**

19 **(A) For a failure to file a complete or timely annual report, the lesser of an amount up**
 20 **to five percent of the incurred liabilities reported in the last report or \$1,500 for each 30-day**
 21 **period or portion thereof during which there is a failure to file a complete or timely report.**

22 **(B) If the failure to file a complete or timely annual report was malicious, fraudulent, the**
 23 **result of bad faith or a repeated violation, twice the amounts assessed under section 4 (8)**
 24 **of this 2013 Act.**

25 **(C) For a failure to timely or completely pay a deposit assessment required under section**
 26 **4 of this 2013 Act, the lesser of an amount up to the total deposit assessment or \$2,500 for**
 27 **each 30-day period or portion thereof during which there is a failure to pay the total deposit**
 28 **assessment.**

29 **(c) Penalties imposed under this section are in addition to remedies and penalties other-**
 30 **wise provided for in this chapter for the failure to secure the payment of workers' compen-**
 31 **sation benefits.**

32 **(2) A self-insured employer may deposit and maintain a security deposit or pay a deposit**
 33 **assessment, while reserving the right of the self-insured employer to challenge the amount**
 34 **of the deposit assessment or liability for the assessment at a hearing as provided for in ORS**
 35 **656.740. If the director or a court, upon appeal, concludes that the amount assessed was ex-**
 36 **cessive or that the employer is not liable for the assessment, the director may waive, re-**
 37 **lease, compromise or order the refund of amounts that had been paid or deposited by the**
 38 **self-insured employer.**

39 **SECTION 7. (1) Upon order of the Director of the Department of Consumer and Business**
 40 **Services, the Self-Insurer Security Fund shall assume the workers' compensation obligations**
 41 **of an insolvent self-insured employer, including existing workers' compensation obligations**
 42 **of a self-insured employer that became insolvent prior to the creation of the fund. If the di-**
 43 **rector determines that the payment of benefits and claims administration shall be made**
 44 **through the fund, the fund shall commence payment of the self-insured employer's workers'**
 45 **compensation obligations within 30 days of notification from the director.**

1 (2) Upon the assumption of obligations by the fund pursuant to an order issued by the
 2 director, the fund shall have a right to immediate possession of any posted security, and the
 3 custodian, surety or issuer of any irrevocable letter of credit and the director shall convey
 4 to the fund the security and the interest that has accrued since the date of the self-insured
 5 employer's default or insolvency.

6 (3) The director shall advise the fund promptly after receipt of information indicating
 7 that a self-insured employer may be unable to meet its compensation obligations. The direc-
 8 tor shall also advise the fund of all determinations and directives made or issued pursuant
 9 to this section.

10 (4) Any decision by the director or the fund may be contested in the manner provided for
 11 in ORS 656.704.

12 (5) Nothing in sections 2 to 11 of this 2013 Act abrogates the ability of a self-insured
 13 employer to insure against known or unknown claims arising out of the self-insurance pe-
 14 riod.

15 (6) Notwithstanding section 6 of this 2013 Act, the fund is not liable for the payment of
 16 any penalties assessed for any act or omission on the part of any person other than the fund,
 17 including, but not limited to, the penalties provided in ORS 656.382, 656.745, 656.750 or 656.990.

18 (7) The fund shall be a party in interest in all proceedings involving workers' compen-
 19 sation claims against an insolvent self-insured employer whose workers' compensation obli-
 20 gations have been paid or assumed by the fund. The fund may:

- 21 (a) Investigate, process, accept or deny claims.
- 22 (b) Receive notice of, adjust, compromise, settle and pay claims.
- 23 (c) Appear in any proceeding related to a claim, defend claims and appeal claims.

24 SECTION 8. (1) The Self-Insurer Security Fund shall obtain reimbursement from an in-
 25 solvent self-insured employer of amounts up to the amount of the self-insured employer's
 26 workers' compensation obligations and legal costs. This includes, but is not limited to, re-
 27 imbursement for wages and other necessities of life advanced to a claimant in any action to
 28 collect against the self-insured employer as the debtor in which the fund is the subrogee of
 29 the claimant.

30 (2) The fund shall obtain, from the security deposit of an insolvent self-insured employer,
 31 the amount of the self-insured employer's workers' compensation obligations, including rea-
 32 sonable administrative and legal costs, paid or assumed by the fund. The fund shall be a
 33 party in interest in any action to obtain the security deposit for the payment of workers'
 34 compensation obligations of an insolvent self-insured employer.

35 (3) The fund may bring an action against any person, including, but not limited to, an
 36 excess insurance carrier of the self-insured employer and a person whose negligence or
 37 breach of an obligation contributed to an underestimation of the self-insured employer's total
 38 accrued liability, as reported to the Director of the Department of Consumer and Business
 39 Services, to recover compensation paid and liability assumed by the fund.

40 (4) The fund may be a party in interest in an action brought by a person seeking damages
 41 resulting from the failure of an insolvent self-insured employer to pay workers' compen-
 42 sation benefits required under this chapter.

43 (5) The fund shall have the same preference over the other debts of the principal or the
 44 principal's estate as is given by law to the person directly entitled to workers' compensation
 45 benefits.

1 **(6) The liability of the fund for a claim brought under this chapter and under the federal**
 2 **Longshore and Harbor Workers' Compensation Act to pay for shortfalls in a security deposit**
 3 **is limited to the amount of claim liability owing the claimant under this chapter offset by the**
 4 **amount of any claim liability owing under the Longshore and Harbor Workers' Compensation**
 5 **Act.**

6 **(7) The insolvent self-insured employer loses all right to, title to and interest in, and any**
 7 **right to control, all assets or obligations posted or left on deposit as security. The director**
 8 **may liquidate the deposit as provided in ORS 656.443 and apply it to the insolvent self-insured**
 9 **employer's incurred liabilities either directly or through the fund.**

10 **SECTION 9. (1) The Self-Insurer Security Fund may assess each of its members amounts**
 11 **necessary to carry out the purposes of sections 2 to 11 of this 2013 Act. Moneys obtained by**
 12 **such assessments and moneys and other assets held by the fund may be used only for the**
 13 **purposes of sections 2 to 11 of this 2013 Act.**

14 **(2) The failure of a member to timely pay required assessments shall be good cause for**
 15 **revocation by the Director of the Department of Consumer and Business Services of the**
 16 **member's certification as a self-insured employer under ORS 656.430.**

17 **(3) The fund shall certify to the director the receipt, collection and delinquencies in**
 18 **payment of all moneys from assessments and penalties payable to the fund. The fund shall**
 19 **take any action deemed appropriate by the fund to collect delinquent assessments and pen-**
 20 **alties.**

21 **SECTION 10. (1) The Self-Insurer Security Fund shall annually contract for an inde-**
 22 **pendent certified audit of the financial activities of the fund. An annual report on the fi-**
 23 **ancial status of the fund as of June 30 of each year shall be submitted to the Director of**
 24 **the Department of Consumer and Business Services and to each member of the fund by De-**
 25 **cember 1 of each year.**

26 **(2) Except for taxes levied on real or personal property, the fund is exempt from payment**
 27 **of all fees and taxes levied by this state or by any city, county, district or other political**
 28 **subdivision of this state.**

29 **SECTION 11. (1) If an insolvent self-insured employer is a party to a pending proceeding**
 30 **under this chapter, the proceeding shall be stayed for 60 days after the date the Director of**
 31 **the Department of Consumer and Business Services orders the self-insurer security fund to**
 32 **assume the workers' compensation obligations of the insolvent self-insured employer.**

33 **(2) If any claim under this chapter arises from a judgment based on the default of the**
 34 **insolvent self-insured employer or the failure of the insolvent self-insured employer to defend**
 35 **the claim, the fund may apply to have the judgment set aside, and shall be permitted to de-**
 36 **fend against the claim on its merits.**

37 **SECTION 12. ORS 656.704 is amended to read:**

38 **656.704. (1) Actions and orders of the Director of the Department of Consumer and Business**
 39 **Services regarding matters concerning a claim under this chapter, and administrative and judicial**
 40 **review of those matters, are subject to the procedural provisions of this chapter and such procedural**
 41 **rules as the Workers' Compensation Board may prescribe.**

42 **(2)(a) A party dissatisfied with an action or order, including actions by the Self-Insurer Se-**
 43 **curity Fund, regarding a matter other than a matter concerning a claim under this chapter may**
 44 **request a hearing on the matter in writing to the director. The director shall refer the request for**
 45 **hearing to the Workers' Compensation Board for a hearing before an Administrative Law Judge.**

1 Review of an order issued by the Administrative Law Judge shall be by the director and the director
 2 shall issue a final order that is subject to judicial review as provided by ORS 183.480 to 183.497.

3 (b) The director shall prescribe the classes of orders issued under this subsection by Adminis-
 4 trative Law Judges and other personnel that are final, appealable orders and those orders that are
 5 preliminary orders subject to revision by the director.

6 (3)(a) For the purpose of determining the respective authority of the director and the board to
 7 conduct hearings, investigations and other proceedings under this chapter, and for determining the
 8 procedure for the conduct and review thereof, matters concerning a claim under this chapter are
 9 those matters in which a worker's right to receive compensation, or the amount thereof, are directly
 10 in issue. However, subject to paragraph (b) of this subsection, such matters do not include any dis-
 11 putes arising under ORS 656.245, 656.247, 656.248, 656.260 or 656.327, any other provisions directly
 12 relating to the provision of medical services to workers or any disputes arising under ORS 656.340
 13 except as those provisions may otherwise provide.

14 (b) The respective authority of the board and the director to resolve medical service disputes
 15 shall be determined according to the following principles:

16 (A) Any dispute that requires a determination of the compensability of the medical condition for
 17 which medical services are proposed is a matter concerning a claim.

18 (B) Any dispute that requires a determination of whether medical services are excessive, inap-
 19 propriate, ineffectual or in violation of the rules regarding the performance of medical services, or
 20 a determination of whether medical services for an accepted condition qualify as compensable med-
 21 ical services among those listed in ORS 656.245 (1)(c), is not a matter concerning a claim.

22 (C) Any dispute that requires a determination of whether a sufficient causal relationship exists
 23 between medical services and an accepted claim to establish compensability is a matter concerning
 24 a claim.

25 (c) Notwithstanding ORS 656.283 (3), if parties to a hearing scheduled before an Administrative
 26 Law Judge are involved in a dispute regarding both matters concerning a claim and matters not
 27 concerning a claim, the Administrative Law Judge may defer any action on the matter concerning
 28 a claim until the director has completed an administrative review of the matters other than those
 29 concerning a claim. The director shall mail a copy of the administrative order to the parties and to
 30 the Administrative Law Judge. A party may request a hearing on the order of the director. At the
 31 request of a party or by the own motion of the Administrative Law Judge, the hearings on the
 32 separate matters may be consolidated. The Administrative Law Judge shall issue an order for those
 33 matters concerning a claim and a separate order for matters other than those concerning a claim.

34 (4) Hearings under ORS 656.740 shall be conducted by an Administrative Law Judge from the
 35 board's Hearings Division.

36 (5) If a request for hearing or administrative review is filed with either the director or the board
 37 and it is determined that the request should have been filed with the other, the dispute shall be
 38 transferred. Filing a request will be timely filed if the original filing was completed within the pre-
 39 scribed time.

40 **SECTION 13.** ORS 656.018 is amended to read:

41 656.018. (1)(a) The liability of every employer who satisfies the duty required by ORS 656.017 (1)
 42 is exclusive and in place of all other liability arising out of injuries, diseases, symptom complexes
 43 or similar conditions arising out of and in the course of employment that are sustained by subject
 44 workers, the workers' beneficiaries and anyone otherwise entitled to recover damages from the em-
 45 ployer on account of such conditions or claims resulting therefrom, specifically including claims for

1 contribution or indemnity asserted by third persons from whom damages are sought on account of
 2 such conditions, except as specifically provided otherwise in this chapter.

3 (b) This subsection shall not apply to claims for indemnity or contribution asserted by a rail-
 4 road, as defined in ORS 824.020, or by a corporation, individual or association of individuals which
 5 is subject to regulation pursuant to ORS chapter 757 or 759.

6 (c) Except as provided in paragraph (b) of this subsection, all agreements or warranties contrary
 7 to the provisions of paragraph (a) of this subsection entered into after July 19, 1977, are void.

8 (2) The rights given to a subject worker and the beneficiaries of the subject worker under this
 9 chapter for injuries, diseases, symptom complexes or similar conditions arising out of and in the
 10 course of employment are in lieu of any remedies they might otherwise have for such injuries, dis-
 11 eases, symptom complexes or similar conditions against the worker's employer under ORS 654.305
 12 to 654.336 or other laws, common law or statute, except to the extent the worker is expressly given
 13 the right under this chapter to bring suit against the employer of the worker for an injury, disease,
 14 symptom complex or similar condition.

15 (3) The exemption from liability given an employer under this section is also extended to the
 16 employer's insurer, the self-insured employer's claims administrator, the Department of Consumer
 17 and Business Services, **the Self-Insurer Security Fund, members of the Self-Insurer Security**
 18 **Fund, the Self-Insurer Security Fund's claims administrator**, and the contracted agents, em-
 19 ployees, officers and directors of the employer, the employer's insurer, the self-insured employer's
 20 claims administrator, [and] the department **and the Self-Insurer Security Fund**, except that the
 21 exemption from liability shall not apply:

22 (a) Where the injury, disease, symptom complex or similar condition is proximately caused by
 23 willful and unprovoked aggression by the person otherwise exempt under this subsection;

24 (b) Where the worker and the person otherwise exempt under this subsection are not engaged
 25 in the furtherance of a common enterprise or the accomplishment of the same or related objectives;
 26 or

27 (c) Where the injury, disease, symptom complex or similar condition is proximately caused by
 28 failure of the employer to comply with the notice posted pursuant to ORS 654.082.

29 (4) The exemption from liability given an employer under this section applies to a worker leasing
 30 company and the client to whom workers are provided when the worker leasing company and the
 31 client comply with ORS 656.850 (3).

32 (5)(a) The exemption from liability given an employer under this section applies to a temporary
 33 service provider, as that term is used in ORS 656.850, and also extends to the client to whom
 34 workers are provided when the temporary service provider complies with ORS 656.017.

35 (b) The exemption from liability given a client under paragraph (a) of this subsection is also
 36 extended to the client's insurer, the self-insured client's claims administrator, the department, and
 37 the contracted agents, employees, officers and directors of the client, the client's insurer, the self-
 38 insured client's claims administrator and the department, except that the exemption from liability
 39 shall not apply:

40 (A) When the injury, disease, symptom complex or similar condition is proximately caused by
 41 willful and unprovoked aggression by the person otherwise exempt under this subsection;

42 (B) When the worker and the person otherwise exempt under this subsection are not engaged
 43 in the furtherance of a common enterprise or the accomplishment of the same or related objectives;
 44 or

45 (C) When the injury, disease, symptom complex or similar condition is proximately caused by

1 failure of the client to comply with the notice posted pursuant to ORS 654.082.

2 (6) Nothing in this chapter shall prohibit payment, voluntarily or otherwise, to injured workers
3 or their beneficiaries in excess of the compensation required to be paid under this chapter.

4 (7) The exclusive remedy provisions and limitation on liability provisions of this chapter apply
5 to all injuries and to diseases, symptom complexes or similar conditions of subject workers arising
6 out of and in the course of employment whether or not they are determined to be compensable under
7 this chapter.

8
