



Workers' Compensation Overview / HB 2764-A

**John Shilts, Administrator
Oregon Workers' Compensation Division
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Oregon's Workers' Compensation System

- Coverage
- No fault
- Exclusive remedy
- Comprehensive medical treatment
- Payment for wage loss and disability
- Workplace safety
- Efficient dispute resolution

Oregon's System Today

- Affordable system for employers
- Strong benefits for workers
- Employers pay premiums that fund benefits
- Employers and workers equally pay for return to work, cost of living increases, and other programs

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Claimant Attorney Fees

- Attorneys cannot charge a worker for their services
- Attorney fees only paid when they prevail
- Fees are authorized in statute

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Claimant Attorney Fee Examples

- Reversing a denial
- Obtaining an increase in compensation
- Proving an unreasonable delay or refusal to pay benefits
- Preventing a decrease in compensation
- Negotiating settlements

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Where Can Fees Be Awarded?

- Administrative disputes before the director
- Hearings Division of the Workers' Compensation Board
- Full Workers' Compensation Board
- Court of Appeals or Supreme Court

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Out-of-Compensation Fees

- Paid out of worker's award or settlement
- Most are based on percentage formula
- Typically for settlements or disability benefits increase

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Assessed Fees

- Paid by insurer in addition to compensation
- Does not reduce benefits to worker
- Based on adjudicator's judgment of reasonable fee

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Management-Labor Advisory Committee Process

- MLAC Co-Chairs here to talk about their process
- Decisions based on agreed upon principles

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– A7 Amendments

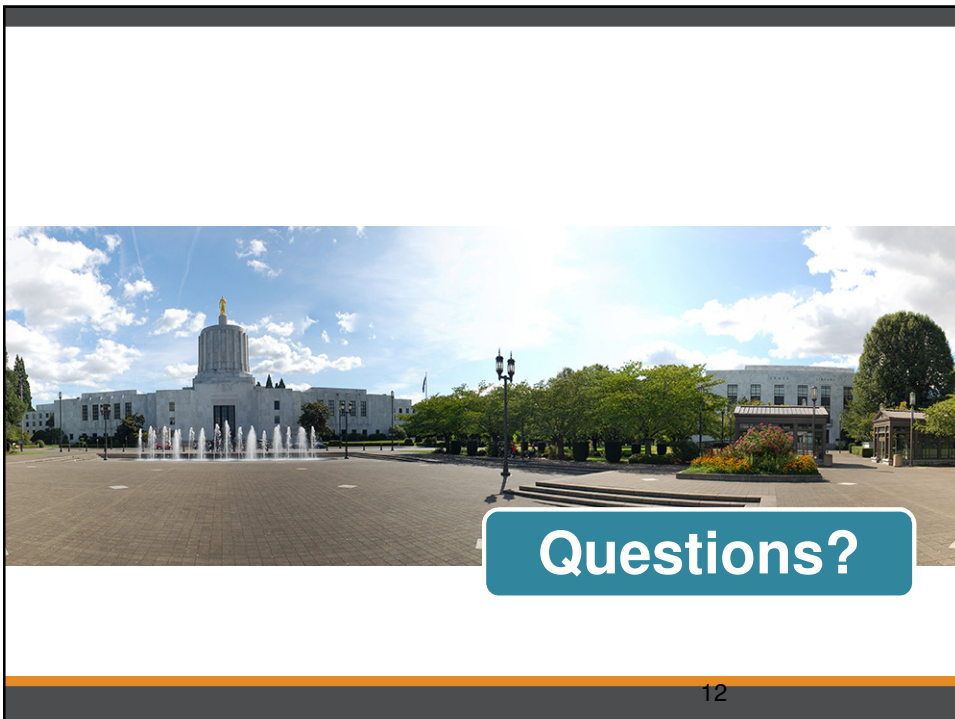
- Add a policy statement
- Add new assessed attorney fees in a number of areas
- Increase two statutory caps
- Add an hourly attorney fee for time spent during depositions and interviews of the worker that the worker is required to attend.

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– A7 Amendments

- Allow interest to accrue while attorney fees and costs are being appealed
- Require the Board to review their attorney fee schedules biennially and consider specific factors in that review.
- Apply the changes to orders issued and attorney fees incurred on or after the effective date of the bill (Jan. 1, 2016)

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