

Handbook of the Workers' Compensation Management- Labor Advisory Committee (MLAC)



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I. MLAC Statement of Purpose and Values

MLAC supports a workers' compensation system that:

- Provides adequate and cost-effective financial and medical benefits
- Achieves maximum possible value for labor and management by balancing benefits, quality, and costs
- Protects the financial integrity of Oregon's employees and their families
- Supports exclusive remedy
- Emphasizes prevention
- Encourages administrative efficiency, timeliness, and non-adversarial problem solving
- Is a product of agreement between management and labor

MLAC provides an effective forum for business and labor to meet to explore, discuss, and resolve issues involving the workers' compensation system.

When making recommendations, MLAC members apply a common set of values:

Balance and Fairness	A system designed to deal even-handedly with all parties, is administered fairly and meets the needs of both workers and employers.
Adequacy	A system in which benefits are commensurate with the severity of the injury or illness and sufficient to protect the financial integrity of the worker's family.
Affordability	A system which provides quality care in a cost-effective manner and contributes to a healthy business climate.
Efficiency	A system which is user friendly, streamlined, and maintains high standards.
Stability and Flexibility	A system stable enough to encourage consistency and efficiency, yet flexible enough to change when necessary.
Predictability	A system in which benefits, costs, and consequences are known and can be planned for.

II. Committee Operating Rules

Quorum

1. A quorum shall be comprised of three members appointed to represent labor and three members appointed to represent management. In the absence of a quorum, the committee may convene as a subcommittee for the sole purpose of hearing testimony.

Co-chairs – selection and duties

2. A co-chair representing labor and a co-chair representing management shall be elected by their respective caucus. Each shall act as presiding officer at a meeting on a rotating basis unless the co-chairs agree otherwise.
3. The co-chairs shall set meeting agendas and cause notice of the time and place of the meeting to be given in accordance with Oregon Public Meetings Law.
4. The co-chairs may establish informal groups to work through an issue under discussion by the committee. Membership is restricted to:
 - a. Up to two members of the management caucus;
 - b. Up to two members of the labor caucus; and
 - c. Equal representation from proponents and opponents.

Caucuses

5. A co-chair may call a meeting of their caucus members to discuss:
 - a. Items on a committee agenda;
 - b. The committee work plan; or
 - c. Other issues related to the committee.
6. Meetings may include other parties at the request of the co-chair. However, no more than two members of the opposite caucus can attend.
7. A co-chair can ask for caucus meeting support from committee staff and agency staff.

Open meetings, agendas, and minutes

8. All meetings shall be audio or video recorded and the audio/video and meeting materials posted on the committee website. Meetings shall be open to the public and remote access provided when possible. Committee staff shall prepare abbreviated minutes that reflect matters discussed, including:
 - a. Members present, excused, or absent;
 - b. All motions and their disposition;
 - c. The result of votes; and
 - d. A summary of discussions on any matter.

Voting

9. A motion shall require a second. A vote of three labor members and three management members is required to:
 - a. Cause a matter or measure to be sponsored by the committee;
 - b. Recommend committee support or opposition of a matter or measure;
 - c. Table a matter or measure;
 - d. Remove a matter or measure from the table; or
 - e. Amend the committee Handbook.

Subcommittees

10. Subcommittees may be appointed by the co-chairs. When referring a matter to a subcommittee, the co-chairs shall specify the date by which the subcommittee report should be made to the committee. In creating a subcommittee, the co-chairs shall:
 - a. Designate an equal number of MLAC members to the subcommittee from management and labor; and
 - b. Give the subcommittee a specific charge and target deadline.
11. The co-chairs may appoint non-voting public members to a subcommittee.
12. Subcommittee meetings must have at least one member of each caucus present. However, any MLAC member may attend a subcommittee meeting.
13. All subcommittee meetings will have agendas issued in accordance with Oregon Public Meetings Law. Meetings shall be open to the public, audio or video recorded, and have minutes taken. Audio/video recordings and meeting materials will be posted on the committee website.
14. Subcommittee recommendations require support of a majority of the appointed voting members of both management and labor. If a majority of both caucuses do not agree, the subcommittee will report lack of consensus to the committee with a summary of the varying viewpoints.

Other procedures

15. Robert's Rules shall apply to cases not provided for in this Handbook.

III. MLAC Statute

ORS 656.790 Workers' Compensation Management-Labor Advisory Committee; membership; duties; expenses. (1) The Governor shall appoint a Workers' Compensation Management-Labor Advisory Committee composed of 10 appointed members. Five members from organized labor shall represent subject workers and five members shall represent subject employers. In addition to the appointed members, the Director of the Department of Consumer and Business Services shall serve ex officio as a member of the committee. The appointment of members of the committee is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(2) The director may recommend areas of the law which the director desires to have studied or the committee may study such aspects of the law as the committee shall determine require their consideration. The committee shall biennially review the standards for evaluation of permanent disability adopted under ORS 656.726 and shall recommend to the director factors to be included or such other modification of application of the standards as the committee considers appropriate. The committee shall biennially review and make recommendations about permanent partial disability benefits. The committee shall advise the director regarding any proposed changes in the operation of programs funded by the Workers' Benefit Fund and shall review any plan the Department of Consumer and Business Services devises to increase the balance of the fund to meet the requirement set forth in ORS 656.506 (5). The committee shall report the committee's findings to the director for such action as the director deems appropriate.

(3) The committee shall report to the Legislative Assembly such findings and recommendations as the committee considers appropriate, including a report on the following matters:

(a) Decisions of the Supreme Court and Court of Appeals that have significant impact on the workers' compensation system.

(b) Adequacy of workers' compensation benefits.

(c) Medical and legal system costs.

(d) Adequacy of assessments for reserve programs and administrative costs.

(e) The operation of programs funded by the Workers' Benefit Fund.

(4) The members of the committee are appointed for a term of three years and shall serve without compensation, but are entitled to travel expenses. The committee may hire, subject to approval of the director, such experts as the committee may require to discharge the committee's duties. All expenses of the committee must be paid out of the Consumer and Business Services Fund.

History of changes to this statute:

1969 c.448 §2; 1975 c.556 §49; 1977 c.804 §32; 1990 c.2 §41; 1995 c.332 §55b; 1995 c.641 §25; 2007 c.274 §7; 2017 c.63 §1; 2019 c.494 §2