

**GOVERNMENT-TO-GOVERNMENT
2022 ACTIVITY REPORT**

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

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PROGRAMS AND SERVICES:

The mission of the Department of Consumer and Business Services is to protect and serve Oregon's consumers and workers while supporting a positive business climate.

DCBS is Oregon's largest consumer protection and business regulatory agency. We are a resource to consumers and businesses in the areas of workers' compensation, occupational safety and health, financial services, insurance, and building codes.

Our goals:

- Protect consumers and workers in Oregon.
- Regulate in a manner that supports a positive business climate.
- Be accountable to the public we serve, with excellent service to our customers.

DEPARTMENTAL STATEMENT:

The Department of Consumer and Business Services promotes positive relationships between the department and the tribes. Although few DCBS regulatory programs affect the tribes because of the tribes' sovereign status, there are occasions when the tribes choose to receive services. In addition, the department provides education and outreach to the tribes on issues such as homeownership, insurance and financial preparedness for wildfires, and workplace safety and health. DCBS has an agencywide policy that promotes such communication.

In 2021, the Oregon Legislature passed and Gov. Kate Brown signed House Bill 2167 – the Racial Justice Council Codification bill. The bill directs state agencies to take racial equity considerations in their plans and actions to promote and practice social justice and fairness for underserved and underrepresented communities, including tribal communities. In 2022, DCBS created a community engagement plan as a roadmap that will help us, in collaboration with our community partners, determine where we are and where we need to go. Our goal is greater community engagement with underserved and underrepresented communities so that we can correct historical inequities and better perform our mission.

A. BUILDING CODES DIVISION (BCD)

1. Issue Name:

Building department services

Issue Description:

The Confederated Tribes of Umatilla Indian Reservation (CITUR) has previously requested that the division provide plan review, inspection, and building official services on certain projects on tribal land. The division has had an intergovernmental agreement (IGA) with the tribe since 2014.

Action Taken:

Through its Pendleton field office, the Building Codes Division will continue to provide the services as requested. The current agreement provides availability to the services of a building official by phone during normal business hours; this service is available only for projects related to residential structures and for which commercial plan review has previously been conducted or is in progress by DCBS.

Actions Planned:

The division will continue to provide building department services as requested by the tribes. The current intergovernmental agreement expired on March 1, 2022, but has been extended until March 2025.

2. Issue Name:

Boiler and elevator consultation inspection services

Issue Description:

Occasionally, a tribe will request a consultation inspection regarding boiler or elevator equipment located and operated on tribal lands. These requests come at irregular intervals and affect a different program than the site-built inspection services described on the first issue. The division charges an hourly rate for consultation inspection services in this program.

Action Taken:

The division provides consultation inspection services through the boiler and elevator programs as requests are received.

Actions Planned:

The division will continue to provide boiler and elevator related services as requested by the tribes.

B. OCCUPATIONAL SAFETY AND HEALTH DIVISION (Oregon OSHA)

Tribal lands, including reservations and trust lands, pose a unique jurisdictional situation with regard to occupational safety and health regulations. Federal OSHA has jurisdiction over tribal governments and tribal enterprises, as well as private-sector businesses performing work on tribal and trust lands. Federal OSHA requires states to maintain

jurisdiction over public-sector employers performing work on tribal lands. Because federal and state occupational safety and health standards are nearly identical, this separation of authority has caused little or no confusion for affected employers and employees. Oregon OSHA maintains a close working relationship with federal OSHA, so either agency can help employers and employees and direct them to the appropriate resources.

1. Issue Name:

Occupational safety and health education, consultation, and the Resource Center

Issue Description:

Although Oregon OSHA does not have regulatory jurisdiction over tribal governments and enterprises, the division makes education, consultation, and Resource Center services available to these entities at no cost.

Actions Taken:

Oregon OSHA provides safety and health outreach services to the nine tribes in Oregon by offering – upon request – consultations, conferences, virtual and in-person workshops, online training, and education. For the period Oct. 1, 2021, through Sept. 30, 2022, the following services were provided to members of the Oregon tribes:

Consultations:

- Oregon OSHA fulfilled one request to provide consultative services to a tribal employer in 2022.

Public Education Training Courses:

- Forty-eight tribal members completed Oregon OSHA online training courses.
- Virtual classroom workshops were attended by tribal members as follows:
 - Job Hazard Analysis (1 person)
 - Hazard Identification and Control (1 person)
 - Worker Protection Standard – Pesticide Emphasis (2 people)
 - Safety Meetings and Committees (1 person)
 - Hazard Communication Aligned with GHS (1 person)
 - Lockout/Tagout and Machine Safeguarding. (1 person)

Safety and Health Conferences:

Due to COVID 19, Oregon OSHA co-sponsored a reduced schedule of safety and health conferences in 2022. Four of the nine typically presented conferences were offered. One attendee self-identified as a member of a tribal organization at a workplace safety and health conferences in 2022.

Actions Planned:

Oregon OSHA will continue to provide consultations, education, and Resource Center services. Oregon OSHA will also seek opportunities to make presentations to tribal entities or associations on safety or health topics, as well as the occupational safety and

health services available to them. In addition, through an active pursuit of the goals outlined in our Community Engagement Plan and Racial Equity and Inclusion Statement, we recognize that additional outreach efforts should include tribal members who work for private or public employers outside of the tribes themselves. This work hopes to identify and serve worker communities facing barriers that limit their ability to access our services, engage with and inform vulnerable workers of their rights and protections provided by both federal OSHA and the Oregon Safe Employment Act, and guide these communities to participate in division policymaking, budget development, and the expansion of strategic resource materials.

C. WORKERS' COMPENSATION DIVISION (WCD)

1. Issue Name:

Subjectivity of tribal-affiliated businesses operating on non-tribal lands

Issue Description:

Because of their sovereign status, tribes are not subject to Oregon workers' compensation law. Tribes can elect workers' compensation coverage through Oregon's workers' compensation system. When a tribe or tribal enterprise elects to obtain coverage through Oregon's workers' compensation system, the procedures and benefits under the state system apply.

Questions were raised about the subjectivity of an employer associated with the Cow Creek Band of Umpqua Tribe of Indians. This is a continuation of the issues examined in 2021, with the questions centered around the subjectivity of tribal-affiliated businesses operating on non-tribal lands.

Action Taken:

WCD staff members worked with Oregon Department of Justice to obtain advice regarding the above case and various scenarios. Most importantly, WCD learned that, like tribes, businesses created by a tribe under its powers of self-government possess sovereign immunity, even when not operating on tribal land. WCD does not have the authority to require entities with sovereign immunity to maintain workers' compensation coverage or assume liability for claims. This is less of a concern when these businesses have workers' compensation coverage through the tribe.

Action Planned:

WCD will establish more formal outreach to Oregon tribes in order to discuss these issues and establish a mutual understanding regarding the importance of workers' compensation coverage for employers. WCD's Employer Compliance Unit is taking the lead, and has identified staff members to facilitate and lead these conversations.

D. CENTRAL SERVICES DIVISION (CSD)

1. Issue Name:

Business Identification Number (BIN) 0260836-00

Issue Description:

Employer business was changed to a Non-Subject account due to tribal exemption, a refund for Workers' Benefit Fund (WBF) paid was sent to employer on Dec. 1, 2021, for \$13,937.81 for quarters reported and paid prior to Dec. 1, 2021. The employer reported and paid for fourth quarter 2021 on Feb. 1, 2022, in the amount of \$966.79. A refund was processed and returned to employer in the amount of \$966.79 on April 21, 2022.

Action Taken:

Notes were added to account and was updated to Non-Subject Employer to WBF.

Actions Planned:

Assessments will continue to address, research, and refund payments when an employer is determined to be a recognized Indian tribe.

2. Issue Name:

Business Identification Number (BIN) 1235183-0

Issue Description:

Employer reported and paid WBF Assessment for fourth quarter 2021 in the amount of \$555.93, although the business is exempt from paying WBF. This error was identified by assessment staff and the employer was refunded \$555.93 on Feb. 14, 2022.

Action Taken:

Notes were added to account and was updated to Non-Subject Employer to WBF.

Actions Planned:

Assessments will continue to address, research, and refund payments when an employer is determined to be a recognized Indian tribe.

E. DIVISION OF FINANCIAL REGULATION (DFR)

1. Issue Name:

Wildfire community preparedness

Issue description:

The Division of Financial Regulation (DFR) offers education on steps consumers can take to prepare for disasters by using insurance and safeguarding their finances. Wildfires have become an increasing problem for rural communities and some tribal lands are susceptible to wildfire damage. In order to promote a National Wildfire Community Preparedness Day that is culturally appropriate, it is important that the campaign is based on the skills, knowledge, and experience the tribes have with cultural burns, aka prescribed burns.

Actions taken:

To create a culturally respectful campaign for wildfire community preparedness, outreach staff members presented the concept to the Economic Development and Community Services Tribal Cluster.

We consulted with four tribal entities that volunteered to help us develop the public service campaign. Staff from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) suggested messages recognizing the importance of protecting first foods and the value of prescribed burns while encouraging community members to prepare for wildfire season. The message was reviewed by staff from the Burns Paiute Tribe, the Confederated Tribes of the Siletz Indians (CTSI), and the Confederated Tribes of Warm Springs (CTWS).

The Department of Consumer and Business Services (DCBS) developed print ads for publication in newspapers run by the four tribes. CTWS' radio station, KWSO, produced a radio ad using local voice talent. DFR ran the ad on KWSO and CTUIR's station – KCUW – along with two commercial radio stations that serve the Burns area.

Actions planned:

This is an annual campaign and the outreach team anticipates to continue consulting with the tribes for future campaigns.

2. Issue name:

DFR outreach sponsorship program

Issue description:

The DFR outreach team initiated an outreach sponsorship program for organizations that engage in financial empowerment work. The goal of the sponsorship program is for consumers in underserved communities to gain increased awareness of the services and resources provided by DFR and to develop increased capacity to make good decisions about insurance and financial services. The outcomes include that the sponsored organization and the consumers they serve gain increased awareness of DFR as a trusted source of information on insurance and financial services.

Actions taken:

DFR awarded five sponsorship contracts of \$25,000 each. Priority was given to organizations whose activities address the needs of underserved communities, especially African Americans, Latino, Latina, and Latinx people, Native Americans, Asians and Pacific Islanders, other people of color, immigrants and refugees, youth who are underserved, LGBTQ+ people, survivors of domestic violence, formerly incarcerated people, people with disabilities, and seniors. Additional priority was given to organizations serving women in underserved communities.

Two of the five organizations selected were tribal organizations.

- Nixyaawii Community Financial Services (NCFS). NCFS serves the Confederated Tribes of Umatilla Reservation. The NCFS mission is to improve the financial wellbeing of individuals and families in the Umatilla Indian Reservation Community through loans and development services.
- Warm Springs Community Action – The Warm Springs Community Action Team (WSCAT) serves the Warm Springs Indian Reservation and Burns Paiute

Reservation. WSCAT's mission is to promote community development in Warm Springs by empowering individuals and groups of people to realize their potential, become self-reliant, and effect positive change for themselves, their families, and their community.

Actions planned:

Each organization has clear plans for how the DFR outreach team will partner with them, including using DFR materials in their financial education classes, having DFR staff members facilitate classes, and hosting DFR at community events. Partner organizations will share DFR social media postings and promote DFR services in their local media outlets. All five of the organizations will participate in annual consumer roundtable discussions on finance and insurance with DFR.

3. Issue name:

Balance billing/Quest Diagnostics labs

Issue description:

DFR received an inquiry from the tribal liaison at the Health Insurance Marketplace that the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians and the Ko-Kwel Wellness Center from the Coquille Indian Tribe were experiencing difficulties paying claims to Quest Diagnostics for lab work. Tribal members are being billed and sent to collections. Staff at the clinics wanted to know if DFR could help with complaints and provide contact information for Quest.

Actions taken:

DCBS tribal liaison Ruth Kemmy and DFR employees Tricia Goldsmith, Cassandra Soucy, and Karla Martinez met on Nov 30, 2022, with Michael Stickler and Marina Cassandra from Oregon Health Authority, Nancy Spray and Kelli Nelson from Coos, Lower Umpqua and Siuslaw Indians, and Trudy Simpson from Ko-Kwel Wellness Center, to discuss the "No Surprises Act and Oregon's law" on balance billing.

Actions planned:

Tricia Goldsmith will search contact information for Quest Diagnostics and will get back to Nancy Spray, Kelli Nelson, and Trudy Simpson.

Cassandra Soucy will reach out for a contact at Centers for Medicare and Medicaid Services (CMS).

4. Issue name:

2023 Oregon Scam Jam

Issue description:

Oregon AARP, the Oregon Department of Justice, and DFR continued their annual collaboration to host a series of events about common scams and how to avoid and recover from fraud. The event spotlights schemes that target older Oregonians. Each session focused on different topics, including why people get scammed, how to protect

your finances and personal information, scams during natural disasters, romance scams, and tips and resources to help fight fraud. Attendees learned about scams related to COVID-19, robocalls, and catfishing. The presenters included Oregon Attorney General Ellen Rosenblum and representatives from the Federal Trade Commission, Internal Revenue Service, Adult Protective Services, AARP, Oregon Construction Contractors Board, and DFR.

Actions taken:

DFR suggested to the Scam Jam committee (DOJ, AARP, and DFR) to offer an event focused on scams and fraud affecting tribal communities. A draft plan was submitted to DFR management and the plan was approved.

Actions planned:

DFR will consult with the Siletz tribe on the idea and the possibility of joining efforts to host the first Scam Jam focused on culturally specific scams affecting tribal communities.

5. Issue name:

StartUp Oregon/ONAC

Issue description:

The Oregon Native American Chamber's (ONAC) Startup Oregon platform houses on-demand business development modules that help Native entrepreneurs to grow their businesses. ONAC contacted DFR to explore possibilities to partner in creating a new module for the platform.

Actions taken:

The DFR outreach team, in consultation with ONAC, developed a module designed to help small business owners assess and manage their risk by exploring types of business insurance and strategies for managing their customers' personal identifying information. The module was presented by DFR staff members and recorded by ONAC staff and the Startup Oregon content curator. The module is now available for viewing on the StartUp Oregon website.

Actions planned:

DFR will continue to collaborate and consult with ONAC to explore other opportunities to develop content for the Startup Oregon platform.

6. Issue name:

2022 Tribal/State Annual Summit

Issue description:

The DFR outreach team is developing consultative relationships with the nine federally recognized tribes in Oregon. DFR hopes to explore ways that the division can support consumers and businesses within these communities.

Actions taken:

The outreach team participated in the Government to Government Tribal/State Annual Summit held in Florence on Oct. 4, 2022. The summit provides an opportunity to gain perspective and connect with tribal leaders from the nine federally recognized Oregon tribes. The team initiated conversations with DCBS leadership to review the agency's Government to Government Relations with American Indian Tribes in Oregon document and work toward a plan for engaging more actively with the tribes.

Actions planned:

The DFR outreach team will attend future tribal/state summits and engage with tribal leaders to build consultative relationships.

7. Issue name:

Student loan debt tribal engagement

Issue description:

DFR's advocacy and outreach team has a new role – student loan ombuds – created by Senate Bill 485 in 2021. This role supports Oregonians with student loans. They are tasked with helping borrowers in the state navigate their student debt, and alerting them to the division's advocacy services and regulatory authority in the student loan space.

Actions taken:

Ruth Kemmy requested that Oregon Student Loan Ombuds Lane Thompson present at the Economic Development and Community Services Tribal Cluster Meeting. Thompson presented updates to federal student loan forgiveness programs, the role of the ombuds within state government, and ways to connect with DFR's team.

Actions planned:

Continued engagement with tribes through the Economic Development and Community Services Cluster and consultation with tribal leaders through our DBCS tribal liaisons.

DFR general activities:

Craig Vattiat, financial education outreach coordinator, attended the Economic Development and Community Services State-Tribal Cluster Meetings:

- Jan. 28, 2022
- Feb. 25, 2022
- March 25, 2022
- Oct. 26, 2022

Karla Martinez, consumer outreach liaison, attended the quarterly SB 770 Health and Human Services Cluster Meetings:

- Jan. 12, 2022
- April 13, 2022
- July 13, 2022
- Oct. 12, 2022

Also, DFR outreach staff members attended the annual Affiliated Tribes of Northwest Indians convention.

F. DIRECTOR'S OFFICE (DO)

General Activities:

1. DCBS Director Andrew Stolfi and Multicultural Communications Program Manager Ruth Kemmy are the tribal liaisons for the department.
2. Kemmy is the co-chairperson of the State-Tribal Economic Development and Community Services Cluster. Kemmy and tribal co-chairperson Bruce Zimmerman work together to organize and hold the cluster meetings. There were five meetings in 2022; the group held the first two in person meetings after the pandemic in May and October. The meetings were hosted by the Confederated Tribes of Siletz Indians in Lincoln City and the Confederated Tribes of the Umatilla Indian Reservation in Pendleton.
3. DCBS is a member of the Oregon Native American Chamber (ONAC). Diversity, Equity, and Inclusion Manager Veronica Murray and other DCBS staff members attend the bi-monthly luncheon meetings.
4. Stolfi attended the Health and Human Services Cluster meetings in January, April, July, and October.
5. Stolfi and various DCBS staff members attended the Annual Government-to-Government Summit on Oct. 4, 2022.
6. Murray attended a networking event at ONAC. The purpose of the event was to introduce the new Native Arts & Culture Foundation.
7. In celebration of the National Native American Heritage Month, DCBS – along with the Oregon Employment Department, Department of Administrative Services, and Business Oregon – hosted the presentation “Intersectionality: Oregon Indian Territory” by Dr. David Lewis, assistant professor of anthropology and ethnic studies at Oregon State University. Dr. Lewis is a member of the Confederated Tribes of Grand Ronde and a descendant of the Takelma, Chinook, Molalla, and Santiam Kalapuya peoples of western Oregon.
8. Stolfi is a member of the National Association of Insurance Commissioners’ (NAIC) American Indian and Alaska Native Liaison Committee, which provides a forum for ongoing dialogue between NAIC members and the American Indian and Alaska Native communities concerning insurance issues of common interest. He and various staff members attended meetings in March, November, and December.

Actions Planned:

DCBS will continue to attend and support the Tribal Health and Human Services and the Economic Development cluster meetings and their activities.

The department will continue to provide information about its services and programs and identify areas that could benefit or serve the tribes. DCBS will continue to maintain its positive relationships with the nine Oregon tribes.