

**GOVERNMENT – TO – GOVERNMENT
2012 ACTIVITY REPORT**

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

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PROGRAMS AND SERVICES:

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

DCBS is Oregon's largest business regulatory and consumer protection agency. The department administers state laws and rules to protect consumers and workers and support a positive business climate 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, and

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 their sovereign status, there may be occasions when the tribes choose to receive services. In addition, the department often provides education and outreach to the tribes on issues such as homeownership, workplace safety and health, and Medicare. DCBS has an agency-wide policy that promotes such communication.

A. OCCUPATIONAL SAFETY AND HEALTH DIVISION (Oregon OSHA)

1. Issue Name:

Occupational Safety and Health

Issue Description:

Tribal lands, including reservations and trust lands, pose a unique jurisdictional situation with regard to occupational safety and health regulation. The U.S. Department of Labor, Occupational Safety and Health Administration (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 assist employers and employees and direct them to the appropriate resources.

Oregon OSHA currently has a memorandum of understanding (MOU) with the Confederated Tribes of the Umatilla. The MOU describes Oregon OSHA jurisdiction on the Umatilla reservation, and associated rights and responsibilities. However, because of the sovereign status of tribal governments, Oregon OSHA may not regulate public sector workplace safety and health on tribal lands without the agreement of the affected tribal government.

Action Taken:

Oregon OSHA will periodically review the need to negotiate MOUs with those tribal governments with whom we do not currently have agreements.

2. 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, or private sector employers performing work on tribal lands, the division nonetheless makes education, consultation, and Resource Center services available to these entities at no cost.

For the period October 1, 2011 through September 30, 2011, the following services were provided to members of the Oregon tribes:

Education

On-Line Training	54 attendees
1204 - Ergonomics for Everyone	32 attendees
1230 - Lockout/Tagout and Machine Safeguarding	21 attendees
1330 - Portable Ladder Safety	1 attendee

Workshops

42 attendees

Bletscher Landscape Service

1095 - Safety and Health Management - The Basics 1 attendee

Clackamas County Technology Services

1095 - Safety and Health Management - The Basics 1 attendee

Commonwealth Real State Services

1101 - Introduction to Safety Meetings and Committees 1 attendee

Confederated Tribes of Warm Springs

1410 - Worker Protection Standard 1 attendee

Deseret Farmer

1410 - Worker Protection Standard 2 attendees

Eco Solar

1120 - Identifying and Controlling Hazards 1 attendee

1160 - Safety and the Supervisor 1 attendee

1310 - Fall Protection 1 attendee

1330 - Portable Ladder Safety 1 attendee

Forest Protection

1410 - Worker Protection Standard 1 attendee

GB Manchester/Prairie Electric

1204 - Ergonomics for Everyone 1 attendee

Gordon Trucking

1095 - Safety and Health Management - The Basics 4 attendees

1120 - Identifying and Controlling Hazards 1 attendee

1121 - Conducting a Job Hazard Analysis (JHA) 4 attendees

1163 - Safety Leadership 1 attendee

MAPS Credit Union

1101 - Introduction to Safety Meetings and Committees 2 attendees

1110 - Conducting an Accident Investigation 2 attendees

McDonald Excavating

1120 - Identifying and Controlling Hazards 1 attendee

1204 - Ergonomics for Everyone 1 attendee

1230 - Lockout/Tagout and Machine Safeguarding 1 attendee

Mikes Irrigation Repair Service

1204 - Ergonomics for Everyone 1 attendee

Pacific Belting

1101 - Introduction to Safety Meetings and Committees	1 attendee
1120 - Identifying and Controlling Hazards	1 attendee
1125 - OSHA 300 Recordkeeping	1 attendee

Shough MT Sprayers

1240 - Hazard Communication Program	1 attendee
1410 - Worker Protection Standard	1 attendee

Umpqua Indian Development - HR

1110 - Conducting an Accident Investigation	3 attendees
1111 - Root Cause Analysis	3 attendees

Wildhorse Resort & Casino

1204 - Ergonomics for Everyone	1 attendee
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Action Planned:

For 2012, Oregon OSHA will continue to provide requested consultation, education, and Resource Center services upon request.

Oregon OSHA would welcome the opportunity to make a presentation to the Commission on Indian Services so that all tribes are aware of the occupational safety and health services available to them.

B. DIVISION OF FINANCE AND CORPORATE SECURITIES (DFCS)

1. Issue Name:

Homeownership and foreclosure prevention

Issue Description:

DFCS participated in the 7th-annual Native American Housing to Homeownership Fair sponsored by the Native American Youth Association in Portland on July 28, 2012. Approximately 300 individuals attended this Portland-based housing fair. The event is open to all tribes who administer affordable housing and home ownership programs. Many of the attendees were members of Oregon Tribes.

Action Taken:

The division participated as a vendor. Fernando Velez, consumer information specialist, staffed an information booth and taught two workshops about foreclosure prevention.

Action Planned:

DFCS welcomes any opportunity of participating in homeownership fairs, foreclosure prevention, or other financial consumer-related events sponsored by any of the federally recognized Tribes in Oregon.

- 2. Issue Name:**
Financial Consumer Protection

Issue Description:

DFCS participated in the Native Caring Conference in Pendleton in March of 2012. The conference brings in tribal outreach workers and tribal elders to discuss health and other issues including consumer protection.

Action Taken:

The Division participated as a vendor. Diane Childs, financial information outreach coordinator, staffed an information booth and had direct interaction with approximately 75 individuals.

Action Planned:

DFCS is interested in continuing conducting outreach to tribal elders and welcomes the opportunity to attend future Native Caring Conferences.

- 3. Issue Name:**
Predatory Lending

Issue Description:

DFCS was invited to a lunch time meeting with Klamath tribal elders to discuss predatory lending practices and the resources available through DFCS.

Action Taken:

Diane Childs, DFCS Outreach Coordinator attended and presented information regarding predatory lending practices and the resources available through the department to ten tribal elders.

Action Planned:

The staff in DFCS will continue to be a resource for information and welcomes any opportunity for presentations regarding our services.

C. WORKERS' COMPENSATION DIVISION (WCD)

- 1. Issue Name:**
Workers' compensation insurance coverage

Issue Description:

Because of their sovereign status, tribes are not generally subject to Oregon workers' compensation law. At the tribe's option, the tribe 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. In 2012 a worker filed a complaint with the Coquille Indian Tribe as the employer. The tribe does not maintain Oregon specific coverage.

Action Taken:

The tribe's sovereignty was recognized and the tribe was determined to be a non-subject employer and not required to purchase workers' compensation insurance. The director does not have jurisdiction in these matters involving a claim, unless the tribe voluntarily purchases insurance. In this case, the claim was processed by the tribe outside the workers' compensation system.

Action Planned:

WCD will continue to be a resource, continue to provide requested consultation, and answer to inquiries upon request of tribal workers, employers, and tribal enterprises.

D. SENIOR HEALTH INSURANCE BENEFITS ASSISTANCE (SHIBA)

1. Issue Name:

Medicare education, training, and enrollment assistance

Issue Description:

Assistance with Part D comparisons for tribal elders.

Action Taken:

Last annual enrollment period (AEP), Cynthia Hylton the state lead for SHIBA on tribal outreach spent several hours of one-on-one time with a new tribal clinic staff person for Confederated Tribes in Coos Bay assisting her with Part D comparisons for tribal elders.

2. Issue Name:

Medicare benefits eligibility

Issue Description:

The Confederated Tribes of Coos Bay Tribal Clinic referred a tribal member becoming eligible for Medicare benefits due to disability. The issue was very complex and was referred to SHIBA for resolution.

Action Taken:

Cynthia Hylton spent several hours conferring with the tribal member and his wife about options.

Action Planned:

SHIBA will continue to offer Medicare education, counseling services, and enrollment assistance as requested by the tribes.

3. Issue Name:

Tribal outreach and consultation

Issue Description:

Five Warm Springs Indian Health Services staff attended the new volunteer training, July 24 and 25, 2012. She also offered consulting about Part D comparison for this AEP to the Warm Springs HIS.

Cynthia does consulting via phone and email with the Klamath Tribe IHS staff regarding questions and issues for tribal Medicare beneficiaries on a regular basis.

Action Planned:

SHIBA welcomes any opportunity to offer Medicare education, training, counseling services, and enrollment assistance to Oregon tribes.

E. DIRECTOR'S OFFICE (DO)

General Activities:

1. The DO has attended and actively participated in the Health Services and Economic Development Cluster meetings. DCBS Director Patrick Allen and Ruth Kemmy, manager of multicultural communications, are the tribal liaisons for the department.
2. Deputy Director Jean Straight and Ruth Kemmy attended the Tribal Training meeting with tribal leaders on May 10, 2012 in preparation to the 2012 Tribal Government Day.
3. Ruth Kemmy and various DCBS staff attended the Tribal Government Day event held at the Capitol on May 11, 2012.
4. Ruth Kemmy attends the SB 770 Health Services and Economic Development clusters attended the Economic Development quarterly meetings.
5. Jean Straight and Ruth Kemmy will attend the Economic Development, and SB 770 Health Services Cluster meetings with the Oregon Tribes and other activities on November 28, 2012 in preparation for the Government to Government Summit.
6. Deputy Director Jean Straight and Ruth Kemmy will attend the Government to Government Summit hosted by the Coquille Indian Tribe – November 29, 2012 in North Bend.

Action Planned:

DCBS will continue to attend and support the SB 770 Health Services and Economic Development clusters and their activities.

The department will continue to provide information about its services, programs, and will continue to identify areas that could benefit or serve the tribes.

DCBS will continue to maintain its positive relationships with all the tribes.