

**GOVERNMENT – TO – GOVERNMENT
2007 ACTIVITY REPORT**

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

Key Contact:

Greg Malkasian, Deputy Director
350 Winter St NE
Salem, OR 97301-3878

503-947-7872 Telephone
503-378-6444 Fax
gregory.a.malkasian@state.or.us

PROGRAMS AND SERVICES:

The Department of Consumer and Business Services 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 agency. The department administers state laws and rules and protects consumers and workers in the areas of workers' compensation, occupational safety and health, financial services, insurance, building codes, and targeted contracting opportunities for small businesses.

Our agency goals are:

To protect consumers and workers in Oregon,

To regulate in a manner that supports a positive business climate, and

To be accountable to the public we serve, with excellent service to our customers.

DEPARTMENTAL STATEMENT:

Adopted in August 1997, revised in December 2003.

AGENCY ISSUES AND ACTIONS BY DIVISION:

A. OCCUPATIONAL SAFETY AND HEALTH DIVISION (OR-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. OR-OSHA maintains a close working relationship with Federal OSHA so either agency can assist employers and employees and direct them to the appropriate resources.

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

Action Planned:

OR-OSHA will periodically review the need to negotiate MOU's with those tribal governments with whom we do not currently have agreements.

2. Issue Name:

Occupational safety and health education, consultation and Resource Center

Issue Description:

Although OR-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 2007 the following services were provided:

Education:

Klamath Tribal Health & Family Services

101 – Safety and Health Management – The Basics (workshop) – 2 attendees

Indian Health Services

101 – Safety Committee Operations (workshop) – 1 attendee

102 – Conducting an Accident Investigation (workshop) – 1 attendee

Kla Mo Ya Casino

112 – Safety and the Supervisor (workshop) – 1 attendee

122 – Safety Committee Meeting Management (workshop) – 1 attendee

Chinook Winds Casino Resort

102 – Conducting an Accident Investigation (workshop) – 1 attendee

126 – Incentive and Recognition Programs (workshop) – 1 attendee

212 – Workplace Emergency Action Plan (workshop) – 1 attendee

The Mill Casino & Hotel

101 – Safety Committee Basic Training (workshop) – 1 attendee

104 – Identifying and Controlling Hazards (workshop) – 1 attendee

Resource Center:

Confederated Tribes of Grand Ronde – 1 borrowed DVDs

Chemawa Indian Health Clinic – 5 borrowed DVDs

Chemawa Indian School – 12 borrowed DVDs

Chemawa Indian Health Clinic -- Requested and was provided 6 publications

Actions Planned:

For 2008, OR-OSHA will continue to provide requested consultation, education and Resource Center services to tribal governments at no cost and upon their request.

B. BUILDING CODES DIVISION (BCD)

1. Issue Name:

Electrical Inspection

Issue Description:

BCD performed one low-voltage inspection at the Mill Casino.

Actions Planned:

The Building Codes Division will continue to provide technical consultation, plan reviews, and inspection services to the tribes upon request.

C. WORKERS' COMPENSATION DIVISION

1. Issue Name:

Workers' Compensation Requirements and Jurisdiction

Issue Description:

An individual and their attorney sought information as to whether the State of Oregon imposed any choice of laws standard in regard to workers' compensation coverage for The Mill Casino in North Bend, a Coquille Tribe enterprise. Additional queries were

made in regard to any administrative rules that address intention of fairness and due process for the tribal enterprise activity.

Action Taken:

The inquiry was responded to and the parties were referred to the HR Director of the Coquille Indian Tribe in North Bend, Oregon.

2. Issue Name:

Stay-at-Work and Return-to-Work for Injured Workers

Issue Description:

Data clearly indicates that Oregon's injured workers benefit from use of reemployment assistance programs. Those who stay at work or return to work with use of those programs retain employment longer and achieve higher wages than their peers who do not use the programs. Nevertheless, use of the programs by Oregon employers has declined in recent years.

The Workers' Compensation Division wanted to know what type of assistance, if any, Oregon employers want to assist them with post-injury employment of these workers.

Action Taken:

In order to obtain pertinent information, the division arranged for focus group meetings with employers in five geographical areas. The eastern Oregon focus group was held in Pendleton. The human resources director for the Confederated Tribes of the Umatilla Indian Reservation and the safety coordinator for Wild Horse Resort and Casino were among the 10 attendees in Pendleton.

D. DIVISION OF FINANCE AND CORPORATE SECURITIES (DFCS)

1. Issue Name:

Consumer education about home buying

Issue Description:

The Division of Finance and Corporate Securities' Mortgage Lending Consumer Information Program provides information to the public, homeowners, and home buyers particularly first-time and low- to moderate-income home buyers who may be recipients of sub-prime mortgage loans. In addition, this program provides a variety of fraud-prevention and consumer protection information.

Action Taken:

The division taught home buying classes in Portland in February and in Keizer in September on Predatory Lending and Foreclosure Prevention at an event sponsored by the Housing Finance Department of the Confederated Tribes of Siletz Indians.

A total of 39 tribal members attended the classes for first-time homebuyers. The division also distributed consumer protection information including brochures on “Applying for a loan purchase or refinance a home in Oregon” and “Foreclosure, you can avoid it.”

Action Planned:

The division will continue to offer classes upon request of the tribes.

2. Issue Name:

Attended vendor luncheon on July 24, 2007 at the Native American Youth Association for a discussion about the home buying fair.

Issue Description:

The Native American Youth Association staff offered information to vendors and instructors for the Home buying fair in July. The discussion included issues to be considered when offering available services and products at the home buying fair.

Action Taken:

The division offered the information that will be presented at the home buying fair.

3. Issue Name:

Home Buying Fair sponsored by the Native American Youth Association

Issue Description:

DFCS participated in the home buying fair in Portland on July 28, 2007.

Action Taken:

DFCS participated as a vendor. Fernando Velez, consumer information specialist, taught a workshop about foreclosure prevention.

Action Planned:

DFCS has committed to participate in future home buying fairs, although no dates have been identified yet.

**E. OFFICE OF MINORITY, WOMEN, AND EMERGING SMALL BUSINESS
(OMWESB)**

1. Issue Name:

Business certification and qualification

Issue Description:

Communication between tribal members and OMWESB staff relating to OMWESB certification process, including seeking information regarding proof of tribal membership to qualify for certification.

Action Taken:

The office certified 16 new Native American businesses in 2007.

A total of 73 Native American firms are certified as of Dec. 11, 2007 in the following categories:

Disadvantaged Business Enterprise (DBE)	– 39
Minority Business Enterprise (MBE)	– 60
Woman Business Enterprises (WBE)	– 12
Emerging Small Business (ESB)	– 36

Note: Many of the firms included above are certified in more than one program.

Actions Planned:

OMWESB plans to continue and increase the number of certification workshops in 2008. We will be working with the ODOT, Office of Civil Rights in order to encourage more participation in contracting opportunities.

F. DIRECTOR'S OFFICE (DO)

General Activities:

The Director's Office has attended and actively participated in the Health Services and Economic Development Cluster meetings. DCBS Deputy Director Greg Malkasian and Ruth Kemmy, manager of multicultural communications, are the tribal liaisons for the department.

Ruth Kemmy attended the 10th annual Government-to-Government Summit held at the Kah-Nee-Ta Resort in Central Oregon.

Ruth Kemmy attended the Native American Chamber Fundraiser event on October 13.

DCBS staff attended the Tribal Training and the Tribal Information Day on May 18.

Actions 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.