

**GOVERNMENT – TO – GOVERNMENT
2008 ACTIVITY REPORT**

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

Key Contact:

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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.

The following services were provided in 2008:

Education:

Chinook Winds Casino Resort

0101 – Safety Committee Basic Training Workshop – 2 attendees

0102 – Conducting an Accident Investigation Workshop – 2 attendees

0112 – Safety and the Supervisor Workshop – 2 attendees

Klamath Tribal Health & Family Services

0101 – Safety Committee Basic Training Workshop – 2 attendees

0106 – What to Expect for an OR-OSHA Inspection Workshop – 7 attendees

0116 – Safety and Health Program Evaluation Workshop – 6 attendees

Consultation:

OR-OSHA consultative services are available to all tribal governments at no cost.

Thirteen consultations were provided in 2008:

Confederated Tribes of the Warm Springs – Safety Consultation

Confederated Tribes of the Warm Springs – Health Consultation

Coquille Economic Development Corporation – Safety Consultation

Coquille Economic Development Corporation – Health Consultation

Sprit Mountain Gaming Inc. - Health Consultations (4) Safety Consultations (5)

Resource Center:

Video Lending Library

Wildhorse Resort and Casino – 13 safety & health videos requested

Kla Mo Ya Casino – 2 videos requested

Publications

Spirit Mountain Casino – 5 publications requested

Burns Payute Tribe – 1 publication requested

Actions Planned:

For 2009, OR-OSHA will continue to provide requested consultation, education and Resource Center services to tribal governments at no cost as requested by the tribes.

B. SENIOR HEALTH INSURANCE BENEFITS ASSISTANCE (SHIBA)

1. Issue Name:

Medicare Education, Training and Enrollment Assistance

Issue Description:

Conduct outreach to American Indian populations through Area Indian Health Boards and other partnerships with the Indian Health System.

Actions Taken:

Confederated Tribes Coos, Lower Umpqua and Siuslaw:

Training and Enrollment Assistance provided to Sara Blount, Assistant Health Director, to help provide individual counseling and enrollment assistance to tribal members.

Confederated Tribes of the Umatilla Indian Reservation:

Contact was made with Linda Hettinga, Business Office Manager for the Yellow Hawk Tribal Health Center.

Klamath Tribe:

Consulting services were provided to Roberta Frost & Mary Lamphier from the Indian Health Services. Consultation was regarding information for individual clients and general Medicare options.

Participation in health cluster quarterly meetings – Senate Bill 770.

Participation in the Portland Area Indian Health Board quarterly meeting, attending 50 – February 20, 2008.

Participation in the Northwest Tribes Elders Honor Conference in North Bend, outreach information table, attending 400 – March 14, 2008.

Attended the Tribal Information Day at the Oregon State Capitol in Salem – May 16, 2008.

Klamath Indian Tribal Center, Chiloquin – Training and presentation to tribal members and IHS staff attending 40 – July 29, 2008.

Oregon Tribes Annual Native Caregivers Conference, North Bend, outreach information table, attending 200 – October 23 and 24, 2008.

Presentation at the SB 770 Health Cluster quarterly meeting in Florence, attending 45 – November 12, 2008.

Actions Planned:

Continue outreach to Oregon's nine recognized tribes. Contacts will be made with health and business officials at tribal headquarters and Federally Qualified Health Centers (Indian Health Service) clinics, including the Native American Rehabilitation Association. Medicare education, training, counseling services and enrollment assistance will be offered.

C. WORKERS' COMPENSATION DIVISION (WCD)

1. Issue Name:

Workers' Compensation Requirements and Jurisdiction

Issue Description:

An individual sought information through Senator Ferrioli's office as to whether the State of Oregon imposed any choice by law in regard to workers' compensation coverage for the Warm Springs Tribe in Central Oregon. This individual was alleging that he had suffered an injury at work. The Warm Springs has opted out of the State of Oregon Workers' Compensation System. However, they had set up their own workers' compensation program.

Action Taken:

WCD contacted the tribe to determine where to refer this worker to file a claim. The information about the tribal program, the phone number, and who to contact was provided to Senator Ferrioli's Office who informed the worker.

D. DIVISION OF FINANCE AND CORPORATE SECURITIES (DFCS)

1. Issue Name:

Home Buying Fair sponsored by the Native American Youth Association.

Issue Description:

DFCS participated in the 3rd annual home buying fair in Portland on July 26, 2008.

Action Taken:

DFCS participated as a vendor. Fernando Velez, consumer information specialist, staffed an information booth and taught two workshops 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 28 new Native American businesses in 2008.

A total of 61 Native American firms are certified as of December 16, 2008 in the following categories:

Disadvantaged Business Enterprise (DBE)	– 34
Minority Business Enterprise (MBE)	– 61
Woman Business Enterprises (WBE)	– 10
Emerging Small Business (ESB)	– 27

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 continue our outreach in order to encourage more participation in contracting opportunities and to ensure that Native American owned businesses are fairly represented at workshops and information fairs seeking minority contractors.

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 11th annual Government-to-Government Summit held in Florence at the Confederated Tribes of Coos, Lower Umpqua and Siuslaw's Three Rivers Casino and Hotel held November 13, 2008.

DCBS staff attended the Tribal Training and the Tribal Information Day held May 16, 2008.

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.