

**GOVERNMENT – TO – GOVERNMENT
2009 ACTIVITY REPORT**

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

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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, and building codes.

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:

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.

AGENCY ISSUES AND ACTIONS BY DIVISION:

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.

However, in an effort to formalize this supportive relationship, Oregon OSHA has offered all tribes the option of entering into a memorandum of understanding to better structure the unique relationship. Oregon OSHA currently has a memorandum of understanding (MOU) with the Confederated Tribes of the Umatilla Indian Reservation. The MOU describes Oregon OSHA jurisdiction on the Umatilla reservation, and associated rights and responsibilities.

Action Taken:

Oregon OSHA will continue to 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 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, 2008, through September 30, 2009, the following services were provided to tribal governments:

Education:

Klamath Tribal Health & Family Services

0101 – Workplace Safety Meetings and Safety Committees Workshop – 2 attendees
0106 – What to Expect for an Oregon OSHA Inspection Workshop – 7 attendees
0116 – Safety and Health Program Evaluation Workshop – 6 attendees

Kla-Mo-Ya Casino

0102 – Conducting an Accident Investigation Workshop – 1 attendee

Wildhorse Resort & Casino

0101 – Workplace Safety Meetings and Safety Committees Workshop – 1 attendee
0205 – Hazard Communication Program Workshop – 2 attendees

Consultation:

Oregon OSHA consultative services are available to all tribal governments at no cost – 13 consultations were provided in 2009:

Confederated Tribes of the Warm Springs – 5 Safety Consultations
Confederated Tribes of the Warm Springs – 5 Health Consultations
Confederated Tribes of Coos, Lower Umpqua & Siuslaw – 1 Safety Consultation
Confederated Tribes of Coos, Lower Umpqua & Siuslaw – 1 Health Consultation
Coquille Economic Development Corporation – 1 Safety Consultation

Resource Center:

Video Lending Library

Wildhorse Resort & Casino – 2 safety & health DVDs, 1 agriculture calendar
Burns Paiute Tribe – 2 Oregon OSHA safety posters
Kla-Mo-Ya Casino – 1 AV catalog

Actions Planned:

For 2010, Oregon OSHA will continue to provide consultation, education, and Resource Center services upon request at no cost.

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. FISCAL & BUSINESS SERVICES (FABS) and WORKERS' COMPENSATION DIVISION

1. Issue Name:

Workers' Benefit Fund assessment overpayment

Issue Description:

Coquille Economic Development Corp
Coquille Indian Tribe

Coquille Economic Development Corporation
The Mill Casino Hotel
CEDCO RV Park LLC
Tribal One Broadband Technologies LLC

Tribes may choose to participate in Oregon's workers' compensation system. The tribal entities above had made that choice and then canceled their Oregon workers' compensation insurance coverage in July 2006. They made the choice to obtain workers' compensation coverage outside the Oregon workers' compensation system. When they made this decision, they no longer were required to report and pay the Workers' Benefit Fund (WBF) (also more commonly known as the cents-per-hour assessment) assessment effective the date of insurance cancellation. However, their payroll company continued to deduct and remit the WBF assessment to the state through the fourth quarter of 2008. Half of the WBF assessment is a payroll deduction and half is contributed by the employer.

Action Taken:

The tribes notified their payroll service provider to stop deducting and remitting the WBF assessment that was reported with other payroll-related taxes on the Oregon Combined Payroll Tax reporting form. They did so effective first quarter 2009.

In March 2009, at the request of the tribe, DCBS processed adjusting entries to reverse hours and reported assessment to zero for second quarter 2006 through fourth quarter 2008. Refunds for all entities totaled \$83,021.40.

Mark Gagnon, the chief financial officer of the Coquille Indian Tribe, advised that the tribe would attempt to refund to the employees their portion of the overpaid assessment.

Actions Planned:

No further action is required.

C. DIVISION OF FINANCE AND CORPORATE SECURITIES (DFCS)

1. Issue Name:

Homeownership and foreclosure prevention

Issue Description:

DFCS participated in the 4th-annual 2009 Native American Housing to Homeownership Fair sponsored by the Native American Youth Association in Portland on July 25, 2009. Approximately 375 individuals attended this Portland-based housing fair. 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 would welcome the opportunity of participating in housing fairs and/or other consumer-related events sponsored by any of the federally recognized Tribes in Oregon.

2. Issue Name:

Financial education

Issue Description:

The Confederate Tribes of Siletz has a housing component that includes financial education, home buying classes, and a Down Payment Assistance Program. To qualify for any of these services, applicants must attend these classes. Fernando Velez, consumer information specialist for DFCS, co-presented with Yvonne Messmer, the housing finance manager.

Action Taken:

Fernando provided the class in Keizer on June 24, 2009.

Action Planned:

The division will continue to offer assistance with presenting classes, as needed.

D. SENIOR HEALTH INSURANCE BENEFITS ASSISTANCE (SHIBA)

1. Issue Name:

Medicare education, training, and enrollment assistance

Issue Description:

Cynthia Hylton is the state lead for SHIBA on Tribal outreach. She conducts outreach to the Oregon tribes through Area Indian Health Boards and other partnerships with the Indian Health System.

Actions Taken:

- Participation in health cluster quarterly meetings – Senate Bill 770
- Attended the Grand Ronde Caregivers Conference on Feb. 26
- Attended the Paiute Elders Breakfast on July 7
- Attended the 2009 Oregon Tribes Annual Native Caring Conference in Warm Springs on Oct. 22 and 23 as a vendor/exhibitor
- Invited by the Coos/Lower Umpqua & Siuslaw Tribal Health Group to conduct Medicare training of its eligibility staff
- Outreach for LIS/MIPPA-trained staff on drug plan finder
- Meetings with tribal representatives from Klamath Tribe Chiloquin, Paiute Tribal Health Center, Klamath Tribal Health Center, and Confederated Coos
- Attended the Coos Elders Party

2. Issue Name:

Klamath Tribal Health and Family Services – SHIP grant

Issue Description:

The SHIP grant provides \$2,000 of funding a year to local sponsor partners.

Actions Taken:

SHIBA has added Klamath Tribal Health and Family Services to the local sponsor partners list for the Klamath Falls area.

Actions Planned:

SHIBA will continue outreach to Oregon's tribes and will continue offering Medicare education, training, counseling services, and enrollment assistance.

E. DIRECTOR'S OFFICE (DO)

General Activities:

1. Deputy Director Greg Malkasian, Ruth Kemmy, manager of multicultural communications, and Jennifer Flood ombudsman for injured workers, met with Karen Quigley, executive director of the Commission on Indian Affairs, to confer on how to approach situations in which the agency received calls from injured workers who may be covered under tribal programs but not covered under the Oregon workers' compensation system. Karen prepared a letter for the commission's consideration.
2. 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.
3. Director Cory Streisinger, Greg Malkasian, and Ruth Kemmy will attend the 12th-annual Government-to-Government Summit to be held Nov. 18, 2009.

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.