

Workers' comp petitioners need time

By KEVIN HARDEN
Of the Emerald

Time is running out for John Reed and his effort to place on the November ballot a measure that would repeal legislation that created a state Workers' Compensation Department.

With less than four months to go before his initiative petition to repeal Senate Bills 1048, 1049 and 1050 expires, Reed seems to be outnumbered in his effort to get more than 30,000 valid signatures to bring his referendum to a vote. It isn't the first time Reed has been on the short end of support for a cause.

Reed, 46, of Springfield, has had nearly 18 years experience fighting for causes he thinks are valid.

He first became involved with the Workmen's Compensation Board in 1964 when he was injured for the first time and filed a compensation claim.

Since then he has been injured a second time, had more than 100 X-rays on his back, had surgery and is now preparing for another operation.

Reed's compensation claim has been cut off three times, he says. Each time the reason for closing his claim has been that he is "medically stable."

Being considered "medically stable" is just one of the reasons Reed wants to repeal the 1977 Legislature's creation of a

Workers' Compensation Department, and all the regulations that go with it.

The three Senate bills responsible for most of the changes aren't good for injured workers, he says. They set a new definition of suitable employment and preclude several injured workmen from ever coming under total disability.

They put the burden of proof on the worker to prove his case, rather than on an insurance company to prove the worker doesn't deserve the benefit, he explains. They also deviate from the "spirit of the compensation law passed in 1965."

That workmen's compensation act came as a result of employees inability to afford industrial health insurance, he says. When it was created it was meant to aid the worker. The new legislation is meant to aid the insurance companies and the lawyers who argue workers' cases, he says.

"What I'm trying to do is amend the laws to make them more adherent to the spirit of the law," he explains. Under the new law, some provisions, such as the medically stationary clause, could be used to keep injured workers off the compensation rolls.

Reed's effort to change the laws is not his first. After he was injured 14 years ago, Reed borrowed money to attend the University and graduated four years later.

During his first conflicts with the compensation board, it became apparent that to

survive the clashes he would need a good working knowledge of the law.

After much legal study, Reed became the first layman to argue a case before the Oregon Supreme Court. His first challenge was to a reappropriation plan by the state Legislature, which would have divided state representative districts and "taken away the concept of one man, one vote," he says. "It amounted to nothing more than gerrymandering by the legislators."

Through his legal maneuvers Reed has gained a lot of ground for his causes, he says, while gaining enemies. A change in the use of 11-inch legal pad paper in the courtroom to eight-inch paper was considered a triumph for Reed. "Any change you can get in this game is a big deal," he says.

A long-time critic of the legal profession, Reed explains his involvement in the petition drive stems not only from his personal experiences, but also from those of all the claimants who are facing similar problems.

But Reed's drive has been hampered by a lack of publicity and by apathetic workers who don't have to depend on compensation money to live, he says.

Reed has focused his attention on the news media to get his message to the workers. Although he has written nearly 100 letters to the Portland Oregonian asking that some attention be paid to the issue, he has received no response.

By the time the drive is finished, Reed will

have spent more than \$1,000 in printing costs for his petitions, pamphlets and letters to the editors of nearly every newspaper in the state.

Much of Reed's criticism has been leveled at the appointed head of the Workers' Compensation Department, Roy Green.

Green, 60, a former president of Workmen's Compensation Advisor Inc., a firm specializing in actuarial consulting for self-insured employers and a former chair of the Associated Oregon Industries (AOI), which is also the state's largest business lobby, was appointed by Gov. Bob Straub in August of last year.

While Green has had the experience to run the newly created department, Reed questions his biases.

Even though Green's nearly \$450,000 in stock holdings with the Employees Benefits, Inc., a private compensation fund which insures workers statewide, is in a blind trust to be sold later, Reed still questions whether or not a conflict of interest exists.

Time might be running out, but Reed isn't about to quit. Harassment and setbacks haven't stopped him before, he says.

"I haven't got much time," Reed explains. "Right now, the way things are, I'll need 500 valid signatures every day for the next four months to get enough to put my measure on the ballot."

Workman's comp

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lone explains. "There is no other way they could find out some of the things they find out."

Mallone and her lawyers have been in court several times in the past five years to appeal decisions by the Workmen's Compensation Board on her claim. Each time, she says, she is met by opposition from the insurance company.

At press time Monday, Liberty Mutual Insurance company officials were unavailable for comment on the accusations.

But the Liberty Mutual Insurance company may not be the only opposition the participants of

the petition drive have, Reed says. Other workers who are insured through policies with other insurance companies have been treated the same way.

"Under these new laws the insurance companies pay less for the injured workman," Reed says. "which ups their profit quite a bit."

Some companies and agencies have used provisions of the new laws, such as jury trials for injured workers who appeal judgments on their claims, as harassing devices to scare people away from trying to receive their full compensation benefits, Reed says. "No one in their right mind would go

through all that."

Robert Faught, who has been involved in two petition drives with Reed, says his compensation claim has been delayed several times because of his participation.

Faught has been disabled with a back injury for more than a year. After two doctors recommended surgery for the injury, he says, the State Accident Insurance Fund, which also insures workers in the state, asked for more examinations through the William A. Callahan Rehabilitation Center in Wilsonville.

Faught was judged medically stable by the therapists at the center and his doctors withdrew their recommendations for the surgery.

The therapists, Faught says, were wrong in their judgment. "If on," the woman said. "When I asked them to help me, all they would tell me was that they had some new legislation and that they didn't have to do anything for me or any worker again. I didn't know anything about any new legislation at all."

The woman then called the Workers' Compensation Depart-

ment in Salem and asked for an explanation and was told to stay out of Reed's petition drive, she says.

"I'd had that surgery I'd been back to work today," he says. "But as it was, I had to go out of town before I could find a doctor to do anything for me."

Faught's compensation claim is still under appeal. Much of the "run around" he has experienced was because of his involvement in the petition drive, he claims.

Some workers who have questioned the newly established system of evaluating compensation claims have been subtly warned to stay out of the petition drive, Reed says.

One Southern Oregon woman, who refused to be identified, claims that even though she hadn't heard of the petition drive, officials of the new Workers' Compensation Department were warning her not to get involved.

The woman, who has been disabled for more than five years, says after she asked her local compensation board for help on her claim, she was told the board "didn't have to do anything."

"I didn't know what was going Prior to that conversation, the woman had never heard of Reed or his petition, she says. The official also told her that if she did get involved with the drive, her claim, which has been certified by more than 20 doctors as permanently disabled, would be reviewed and possibly closed.

"It was tough enough to get compensation under the old law," the woman says. "I've fought a very long hard battle and believe me, it's hard to win against these people."

The petition drive may have met opposition, but no one in the Workers' Compensation Department is worried about its effects, says Edward Eberhardt, information director for the department.

The petitions might do more harm to the workers than the new legislation, Eberhardt says.

"The laws that created this department were enacted by the Legislature, which is the elected body of representatives for everyone in the state," he says. "So there must have been some support for them or they wouldn't have passed."

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