



Business

A place to seek justice for injured workers

CONTRIBUTED STORY
FOR THE PORTLAND OBSERVER

Imagine you've been seriously injured on the job. Your injury was caused by unsafe working conditions. Knowing that your employer carries your worker compensation insurance, you file for benefits to cover the costs of your debilitating injury.

Now desperate, you take your employer to court. You've just discovered the justice of Oregon's Workers Compensation system. The above scenario is the story of Terry Smothers and it's in the news because Smothers wouldn't take "no for an answer." He took his case all the way to the Oregon Supreme Court. The case was argued on November 8, 1999. If Smothers' prevails, the court's decision could well change the shape of workers' compensation and provide many more rights to Oregon's injured workers.

Smothers worked for a Gresham trucking company. His job was inside the mechanic's pit adjacent to the wash rack where trucks were washed with a chemical mixture containing sulfuric, hydrochloric and hydrofluoric acids. The mist from the wash area continuously drifted into the pit, and smother, suffered from itching and watering eyes and headaches. The employer was cited for safety violations numerous times,

but the problem of the acid mist was not solved. Smothers continued breathing it. He eventually was hospitalized with pneumonia and in 1993 he collapsed on the job. Smothers filed a worker's compensation claim, but the claim was denied. The denial stated the respiratory problems were pre-existing even though Smothers had never received medical care for any such condition previous to the work exposure.

When his claim was denied, another was told he had run out of options. Workers' Compensation law bars workers from taking their employers to court, no matter how responsible the employer may be for creating unsafe working conditions.

By simply asserting his constitutional right to trial by jury, Terry Smothers is bringing to the surface the unfairness of change made to workers' compensation over the past 12 years. Big insurance companies and state agencies like to brag that the system is fixed. They make their points by pointing to huge savings in workers compensation insurance. The truth is those savings are at the expense of injured workers like Terry Smothers. The bar has been raised to the point that many individuals with legitimate workplace injuries are denied coverage. Every Oregonian should be truly afraid of being injured while on the job, for the following reasons: Many workplace injuries are blamed

on "pre-existing conditions" even though there is no objective evidence of such conditions.

Injured workers are not allowed to give testimony in their own hearings on permanent own medical care. Injured workers who can never return to work are routinely denied compensation for being permanently and totally disabled.

Once they've had their claims denied injured workers have no other legal recourse.

Oregon's Worker's Compensation system is out of balance and is not helping the very people it is supposed to serve: injured workers. Workers are losing because they are not getting the care they need when injured on the job.

Employers are losing because their most productive workers are not getting the care they need to be able to return to work. Oregon taxpayers are losing because medical care that should be paid by Workers' Compensation is being paid out of the Oregon Health Plan or private health insurance.

Opportunity to restore balance to a system that is out of whack. It can give workers a place to seek justice when they are injured on the job.

Note: Jim Egan is an Albany workers' Compensation attorney. His office address is PO Box 279 Albany OR 97321-0083. He can be reached at 541-928-6171.

Oregon Association of Minority Entrepreneurs wins Vision 2000 Models of Excellence Award

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Oregon Association of Minority Entrepreneurs of Portland will receive the Vision 2000 Models of Excellence Award at Vision 2000. The states small business conference to be held on Dec. 1-2, in Washington, D.C. Winners of these national awards were selected from hundreds of nominations submitted to the U.S. Small Business Administration's Office of Advocacy, which is sponsoring the awards program. Vision 2000 is designed to showcase outstanding initiatives that advance small business programs and policies. "It is a honor to present a vision 2000 Award to so many outstanding local small business initiatives," Chief Counsel for Advocacy Jer W. Glover said. "These award-winning small business programs and leaders are the surest guarantee for small business success in the new millennium. The Office of Advocacy will give these awards in December to celebrate the extraordinary accomplishment of entrepreneurship in the 20th Century."

Vision 2000 Models of Excellence Awards for Minority Business Development honor programs or initiatives created to specifically assist and support minority-business owners.

The Oregon Association of Minority Entrepreneurs was chosen to receive the award for their efforts to assist and support minority business owners and make entrepreneurial opportunities available for minorities. State policy-makers, state and local program directors, non-profit service providers, small business owners, and small business trade association executives will attend this years conference to honor winners in a number of categories including: Leadership in Small Business Issues; Small Business Development; Access to Capital; Government Procurement Opportunities; Regulations that work for Small Business; Programs that Support Small Technology Business; Women's Business Development; Minority Business Development; Rural Business Development; and Distinguished Programs.

Supporters of the event include the American Franchise Association, American Institute of Certified Public Accountants, Ceridian, ChamberBiz, Fortune Small Business Magazine, International Franchise Association, Microsoft, National Association for the Self Employed, National Association of Women Business Owners, National Business Association, National Small Business United, Onvia.com, Pacific Bell, Small Business Association of Michigan, Small Business Technology Coalition, SMC Business Council and U.S. Chamber of Commerce Vision 2000: The States and Small Business Conference will be held on Dec. 1-2, in Washington, D.C. Chamber Of Commerce. The Chamber is located at 1615 H Street, NW Washington, D.C. 20026. For more information about the conference and award winners

visit the Vision 2000 home page at <http://www.sba.gov/ADVO/vision.html>. Inquiries about program content and awards may be directed to Andrew Munro Regional Advocate at 206-553-5231 or David Voight at (202) 205-6888.

The SBA's Office of Advocacy was created by an act of Congress in 1976 to protect, strengthen and effectively represent the nation's small businesses within the federal government.

As part of this mandate, the office conducts policy studies and economic research on issues of concern to small business and publishes data on small business characteristics and contributions. For instant access to small business resources, statistics, and research, visit the Office of Advocacy's home page at <http://www.sba.gov/ADVO/>.

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information-age economy. Many state and local governments have not only met public needs without increasing taxes, but have also enacted tax rate cuts.

To deal with the dual problem of education spending and performance, most states have opened the public education monopoly to choice and competition. The states - America's laboratories of democracy - are vying to set new standards in "mixed" systems with thriving private schools and increasingly competitive public schools.

In Oregon, however, we risk falling behind because our leaders reflexively oppose adjusting the public school monopoly. While the rest of the

country is using school choice to improve results, Oregonians have seen only a modest charter school law, which is yet to have a meaningful effect. We continue to bear the burden of double-digit biennial budget increases for state government, a rate nearly three times faster than inflation. The system, it seems, has an insatiable appetite for our limited resources. Enter two tax measures slated for the November ballot to increase the cost of government: a tri-county business income tax to "help the schools" and a measure sponsored by the AFL-CIO that would raise the state corporate income tax rate. There is a simple truth behind these "business tax" proposals. Businesses do not pay taxes, only individuals do. Any

cost imposed on a business is either passed on to others in its community - customers, suppliers, employees, shareholders and neighbors - or the firm "goes out of business."

Opinion leaders clamoring for business tax hikes find it easier to hide a tax from the public by conscribing companies to act as tax collector. They must think it's a good idea for people to pay higher prices for the goods and services we consume, as long as it's not in the form of a tax paid directly by people to the government. Thank Sen. Russell Long for telling it like it is, so that appearances need not deceive. To Oregon tax advocates, every citizen looks just like "that fellow behind the tree."



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