

Annual Performance Measures Progress Report

INTRODUCTION

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| Agency: Department of Consumer & Business Services <i>Cory Streisinger, Director</i> | |
| Contact: Greg Malkasian, Deputy Director | Phone: (503) 947-7872 |
| Alternate: Steve Corson, Communications Director | Phone: (503) 947-7868 |

The Oregon Department of Consumer & Business Services (DCBS) is the state's largest consumer advocacy, consumer protection, and regulatory agency. The department administers state laws and rules governing workers' compensation, occupational safety and health, financial institutions, insurance companies, building codes, and the state's high-risk medical insurance pool. The department has education programs, advocacy offices, and ombudsmen to help consumers, injured workers, and businesses. DCBS also provides operational support for the governor-appointed Workers' Compensation Board.

DCBS' mission is to protect Oregon's consumers and workers while supporting a positive business climate. The DCBS executive team has identified three fundamental goals, drawn from this mission, to guide the department's activities:

- ? Protect consumers and workers in Oregon
- ? Provide excellent customer service
- ? Regulate in a manner that supports a positive business climate

In pursuing these goals, DCBS programs contribute to two Oregon Benchmarks:

- ? Benchmark # 9: Oregon's national rank in the cost of doing business
- ? Benchmark #54: Percentage of Oregonians without health insurance

The laws and rules DCBS administers help define the regulatory and service environment within which workers, consumers, and businesses must operate in Oregon. The department plays a critical role in helping bring to reality Governor Kulongoski's vision of a state in which economic vitality and an outstanding quality of life complement one another for the benefit of all Oregonians.

The department has identified 18 key measures of performance linked to the goals and benchmarks listed above. The measures are described fully in Part II of this report. Agency staff monitor these measures to ensure that the department is fulfilling its mission and making effective use of the public resources allotted to it.

A few specific examples of DCBS accomplishments related to the 18 measures:

- ? Development of the measures themselves, in collaboration with stakeholders of all DCBS divisions and in consultation with staff from the Oregon Progress Board. Outreach to secure stakeholder perspectives and buy-in included advisory committee and "town-hall" meetings, conference presentations, individual contacts, and discussion with Ways & Means during the regular session of the 2003 Legislature.
- ? Creation of an online department key measures system (KMS). The system allows the DCBS executive team and agency staff members to enter data and monitor the status of each of the 18 key performance measures at any time. This helps integrate performance measurement into day-to-day operations and keeps progress on the measures at the forefront of strategic planning, resource planning, and management efforts.

- ? Establishment of a department-wide customer service initiative, including agency expectations for employees in a service and regulatory environment. DCBS divisions are now developing their own customer-service and training plans to implement the departmental initiative. (DCBS Measure #8)
- ? Use of Web-based and other surveys to identify customer priorities and levels of customer satisfaction and to increase accountability in department programs. Recently completed surveys were directed to injured workers, employers, attorneys, and other stakeholders. Survey results are used as a basis for process improvement and other initiatives. (DCBS Measure #8)
- ? Development of infrastructure and Internet applications to allow electronic filing of insurance agent exams; insurance company rates and policy forms; applications for mortgage lender licenses; applications for non-resident insurance agent licenses; medical fees; non-complying workers' compensation claims costs; workers' compensation policies and cancellations; video orders from the Oregon OSHA film library; safety-and-health training registration; and combined tax forms and payments. (DCBS Measures #10 and #11)
- ? Implementation of measures to improve business regulatory processes as part of Governor Kulongoski's regulatory streamlining initiative. Examples include creation of a statewide approval process for minor electrical, plumbing, and mechanical/structural installations; development of a searchable Web database for information on all state licenses and permits; and completion of a random survey to collect baseline information on Oregon's business climate and identify areas for improvement. (DCBS Measures #8 and #13)

Some of the challenges DCBS faces in fully developing, implementing, and benefiting from its performance measures system:

- ? DCBS is a very diverse agency with divisions that have different but sometimes-overlapping functions and stakeholder groups. As a result, the department's performance measures are sometimes very complex and include multiple-component measures. Because this is the first year these measures have been in place, data selection, collection, refinement, and analysis are still being perfected.
- ? Factors outside of DCBS' control play a role in progress on several of the agency's performance measures. Ongoing economic instability in Oregon and the nation is a major example. The ripple effect of the state's budget crisis may be another. Outside factors must therefore be considered, in addition to agency actions, when agency performance is evaluated using these measures.
- ? Many measures are necessarily "proxy" measures, meaning that they give an indirect picture of progress toward a fundamental goal that resists direct measurement. In some cases, the agency is comfortable with the proxy measure as a reliable indicator. In others, staff members are looking for better alternatives.

In sum, DCBS has made good progress in developing a comprehensive performance measurement system. The department looks forward to refining that system and using it as a tool to achieve its mission, goals, and program objectives in coming years.

IMPORTANT NOTE ON DATA: In Part II of this report, "baseline" refers to data for calendar year 2000 or the nearest year for which data was available. "Target" refers to the goal for each measure as presented to the legislature. "Targetline" is the line on each bar graph showing the desired trend from the baseline to the target so that the trend can be compared with performance.

DCBS presented its performance measures, baseline data, and targets to legislators during the 2003 session. Since that time, incomplete or preliminary data and definitions for many of the measures have been augmented or refined. Consequently, historic and baseline results described in this report may vary from those previously provided to the legislature. In a few cases, improved definitions invalidated old baseline data, so measures that previously showed a baseline now appear as entirely new measures, which allows future trends to be tracked accurately, "apples to apples." When baseline or historical data in this report differ from those described to the legislature, the baseline is marked with an asterisk (*). Readers with questions about how or why the data changed may contact DCBS at the phone numbers at the beginning of this report.

Annual Performance Measures Progress Report

PART I. MANAGING FOR RESULTS

The following questions shed light on how well performance measures and performance data are leveraged within your agency for process improvement and results-based management.

| | |
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| <p>1. How were staff and stakeholders involved in the development of the agency's performance measures?</p> | <p>Department and division leadership reviewed the agency's performance metrics, which support outcomes targeted by the Oregon Benchmarks and high-level goals derived from the agency mission. Various approaches were used to solicit staff input, including involvement in strategic planning processes and ongoing discussions at the work-unit, division, and department levels. Stakeholder presentations and the department's regular policy of stakeholder involvement through advisory groups, outreach meetings, and individual contacts helped staff ensure that stakeholder interests were considered and that stakeholders were aware of the proposed measures. Department leaders also presented the measures to the appropriate legislative Ways & Means subcommittee. Discussion with the subcommittee resulted in changes to two of the measures.</p> |
| <p>2. How are performance measures used for management of the agency?</p> | <p>The performance measures are used to measure progress toward targeted goals. Where progress is not satisfactory, department staff will seek to determine the reason(s) and make policy, program, or operational changes to improve performance. The department has developed a key measure data system (KMS) that allows ongoing automated input and analysis of each of the key measures and their component measures by appropriate staff. The DCBS executive team uses the KMS and other tools to evaluate performance at the agency and division levels in order to take advantage of best practices and to identify strategies and resource requirements to enhance performance. The team will continue to evaluate the performance measures and will refine the measures as needed to ensure that progress on each measure is a meaningful indicator of progress toward the Oregon Benchmarks and achievement of the agency mission.</p> |
| <p>3. What training has staff had in the use performance measurement?</p> | <p>DCBS participated in Oregon Progress Board training to ensure the department developed its measures according to the board's guidance. After development of the DCBS measures and approval by the legislature, the department conducted training for all managers. The DCBS divisions have had ongoing discussions and training at management meetings as well as extensive involvement by staff in performance tracking and measurement.</p> |

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| <p>4. How does the agency communicate performance results and for what purpose? (Please include your agency's URL for Performance Measures and this Annual Report)</p> | <p>DCBS uses its key measures system to ensure that staff has easy access to the most current data available for each measure. The department will post its annual performance progress report to the Web and will provide links to updated reports for each performance measure on that Web site. The URL is http://www.cbs.state.or.us/dir/do/performance.html. The information will also be presented within DCBS and externally through stakeholder reports (newsletter articles, conference presentations, advisory committee meetings, etc.) so feedback may be used to evaluate DCBS and division efforts to reach the measure targets. Oregon OSHA, for example, reports performance for federal monitoring purposes as well as internal management planning. With respect to measures tracked by the Office of Minority, Women & Emerging Small Business, staff presented performance information to the Regional Consortium of Historically Underutilized Businesses (RCHUB) and received feedback that allowed the office to make data systems changes to better provide information needed by the consortium. Communication of performance results helps DCBS refine its performance measures and helps stakeholders understand how (and to what effect) the department uses the public resources allotted to it. This ensures accountability for past performance and helps keep the agency aligned with appropriate goals for future performance.</p> |
| <p>5. What important changes have occurred in the past year?</p> | <p>In order to monitor DCBS performance, the department developed a formalized data system (key measure system – KMS) to ensure ready input, maintenance, monitoring, and evaluation of performance data. The DCBS leadership established the measures with staff and stakeholder input and finalized them through the legislative budget process. The executive team then developed an agency process that ensures regular evaluation of performance as indicated by these measures. DCBS supported legislation that facilitated regulatory streamlining, which enhanced the department's capacity to improve its performance in several areas. For examples of actual program accomplishments, please refer to the introduction and the various performance measure progress reports in Part II.</p> |

Annual Performance Measures Progress Report
Part II. Key Measure Analysis of Progress

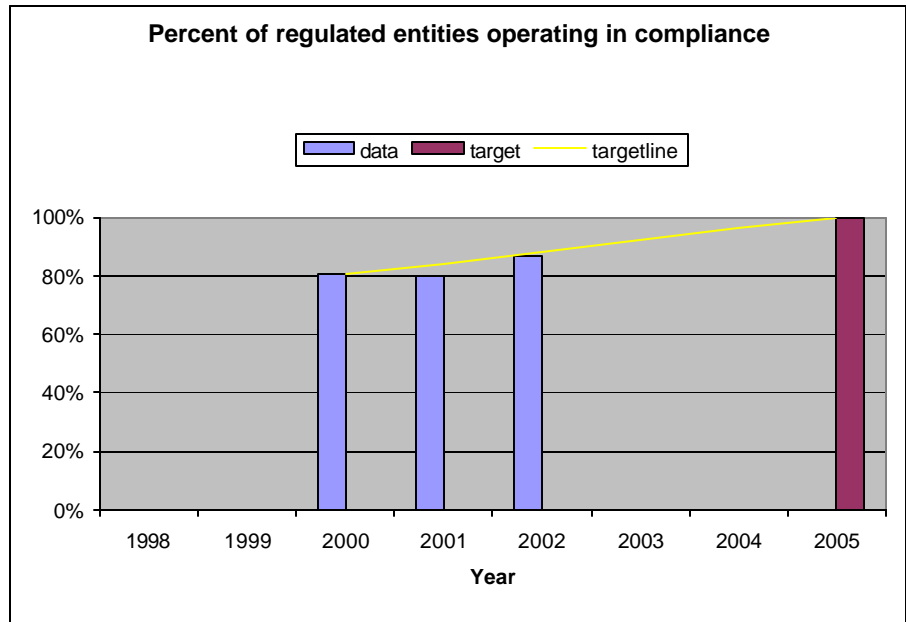
4400-1 Percent of regulated entities operating in compliance with the governing laws and regulations.

| Data | | | | |
|------|------|-------|-------|-------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | 80.4% | 79.8% | 86.6% |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| 80.4% | 100% |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon.

Measure demonstrates: DCBS exists to protect consumers and workers, in part by promoting sound business practices. High levels of compliance with DCBS-administered laws show that consumers and workers are being served as intended and that businesses and other organizations are able to comply successfully. DCBS cannot monitor all businesses' compliance with all regulations at all times, so this measure tracks proxy indicators -- the number of entities who meet or exceed specified thresholds in the results of supervisory activities and monitoring of workers' compensation insurers, banks and trusts, credit unions, consumer finance companies, mortgage lenders, and pawnbrokers.



What data reveals: This is a complex measure with many diverse components that are monitored separately as well as collectively. Some of the industries included in this measure -- such as banks and credit unions -- exhibit very high levels of compliance, while others -- such as consumer finance companies -- do not. On average, the measure shows a lower level of compliance during the economic downturn of 2001 than in 2000, but a rebound in 2002. DCBS will reevaluate the overall target for this measure in light of this data.

Department activities related to measure: The Division of Finance & Corporate Securities (DFCS) continues to enhance its examination processes by integrating risk-focused supervision; i.e., institutions with low ratings are subject to more frequent examinations and the increased probability of more formal and severe enforcement actions. The Workers' Compensation Division (WCD) conducts quarterly claims-processing audits of all insurers and self-insurers through a computer-generated tracking system based on industry self-reporting. Through this process, WCD identifies companies that are not achieving acceptable performance -- which in most cases requires rule or statutory compliance in at least 80% of claims -- and assesses automatic civil penalties. Subsequent periods below acceptable standards result in increased penalties, usually followed by on-site audits that help WCD identify problem areas so the division can work with companies to bring them up to acceptable or better standards.

Future actions planned: Improved tracking and reporting of examination activity to help identify staff resource issues and emerging industry issues that may warrant adjustments to supervision activities. WCD has initiated a program to evaluate audit methodologies in order to target systemic claims-processing problem areas while enabling the agency to focus on insurers that may need greater education and oversight. DCBS as a whole will focus on clarity of standards and early identification of potential problems. Other regulated industries will be added as data becomes available.

Data source: Compliance audits of workers' compensation insurers and detailed regular and need-based examination reports from banks, credit unions, and other regulated entities.

**Annual Performance Measures Progress Report
Part II. Key Measure Analysis of Progress**

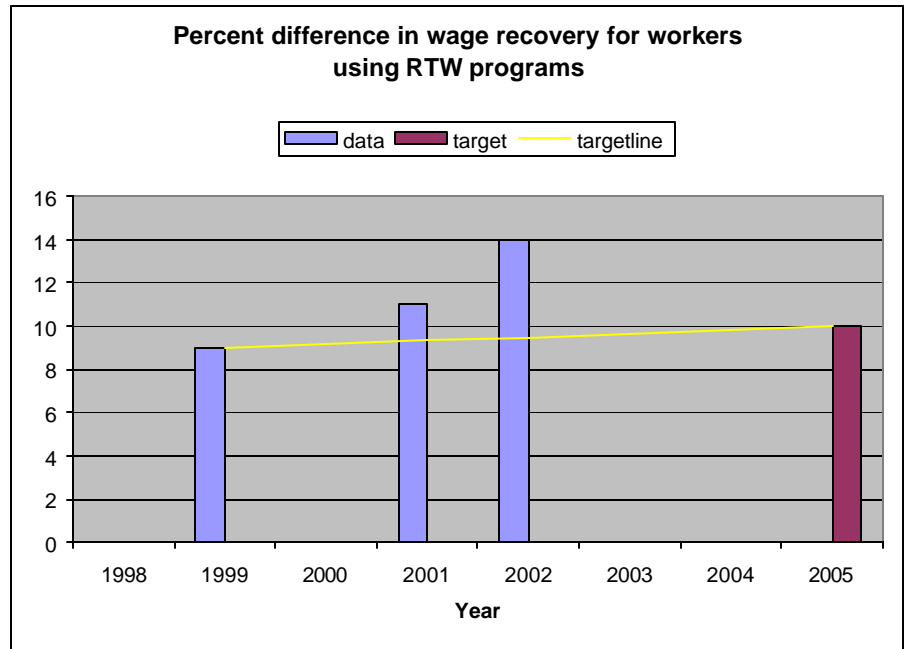
4400-2 Percent difference in wage recovery for workers who use return-to-work programs versus workers who do not.

| Data | | | | |
|------|------|------|------|------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | 9.0 | N/A | 11.0 | 14.0 |

| Baseline | Target |
|----------|--------|
| 1999 | 2005 |
| 9.0 | 10.0 |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon. OBM #9: Oregon's national rank in the cost of doing business.

Measure demonstrates: One objective of the Workers' Compensation Law is to restore injured workers -- physically and economically -- to self-sufficient status as quickly and fully as possible. This measure is a comparison of post-injury salary attained by workers using vocational assistance and Preferred Worker and Employer-at-Injury program benefits as compared to average Oregon wage recovery rates for all workers.



What data reveals: This data is measured 13 quarters after injury and shows that injured workers who use the various return-to-work programs achieve a higher rate of wage recovery than workers who do not use the programs, with a trend that already exceeds the 2005 target. The target was developed before 2001 or 2002 data were available and will be reevaluated.

Department activities related to measure: The Workers' Compensation Division (WCD) provides injured workers return-to-work assistance by establishing and enforcing criteria for vocational assistance programs and overseeing and promoting the Preferred Worker Program and the Employer-at-Injury Program for workers and employers. WCD measures the success of its efforts by comparing the employment outcomes of eligible workers who use return-to-work programs compared to employment outcomes of workers who do not use the programs.

Future actions planned: WCD is conducting a program evaluation of all return-to-work programs and is helping the Management-Labor Advisory Committee conduct a study of the current vocational assistance programs. The division has implemented an online Job Match program and is developing a partnership with the Oregon Rehabilitation and Vocational Services Division to help injured workers prepare for and locate jobs.

Data source: Annually-reported statistics comparing the post-injury salary of workers who participated in the programs to those who did not. These statistics are collected 13 quarters after injury and recorded in the period collected.

Annual Performance Measures Progress Report
Part II. Key Measure Analysis of Progress

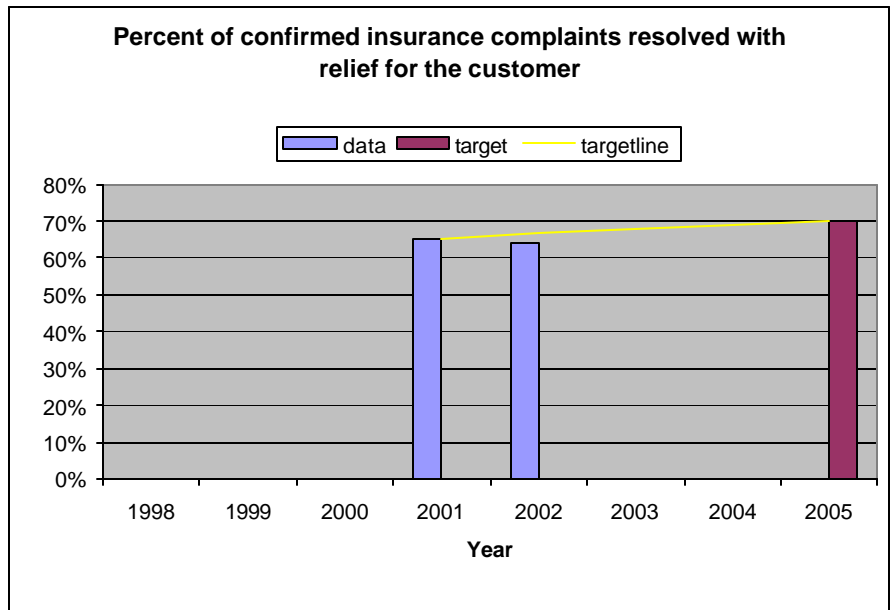
4400-3 Percent of confirmed insurance complaints resolved with relief for the consumer.

| Data | | | | |
|------|------|------|-------|-------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | N/A | 64.9% | 63.9% |

| Baseline | Target |
|----------|--------|
| 2001* | 2005 |
| 64.9% | 70.0% |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon. DCBS Goal #2: Provide excellent customer service.

Measure demonstrates: This measure assesses the effectiveness of the Insurance Division's consumer advocates in obtaining relief for consumers with respect to confirmed complaints. The division receives about 5,000 consumer complaints each year. Insurers are required to respond to these complaints within 30 days under Oregon law. More than two-thirds of the complaints are "confirmed" complaints, meaning that they involve either an improper action by the insurer or a legitimate dispute about the insurer's action. Complaints not considered confirmed include those over which the division has no jurisdiction and those in which the insurer's actions were found appropriate in the circumstances.



What data reveals: The Insurance Division formerly tracked relief rates relative to all complaints, confirmed and non-confirmed. This was not the best measure of the effectiveness of the division's complaint-handling staff, because nearly a third of complaints are outside the division's jurisdiction or simply do not involve inappropriate action by the insurer. When tracked with the current measure, the division's consumer advocates have a success rate of over 60%. Achieving the targeted 70% success rate will be challenging. The types of complaints received vary from year to year, some are easier to resolve than others, and very few involve legal violations for which the division can order insurers to take a specific action to resolve the complaint.

Department activities related to measure: The division's complaint-handling staff members are called "consumer advocates" because their job emphasizes advocacy of informal, voluntary resolutions on behalf of the consumer. Advocates hold weekly roundtables and participate in monthly policy team meetings, where they learn new ways to be more effective in achieving fair outcomes for consumers in the fast-changing insurance world. Advocates are trained to use initiative and explore all appropriate avenues to obtain a favorable outcome for the consumer, using the tools of alternative dispute resolution. If there appears to be a legal violation of the Insurance Code, advocates can refer cases to division staff trained to develop enforcement cases under the state's Administrative Procedures Act.

Future actions planned: The division is elevating the importance of consumer complaints by making complaint trends a more important factor in targeting investigation, examination, and other enforcement resources. The division also uses non-confirmed complaints and inquiries in the targeting process, because emerging practices -- such as credit scoring -- generate a lot of concern before becoming the subject of new expectations and obligations on insurers.

Data source: Data is derived by counting all complaints received, subtracting those that can't be confirmed, and then determining what percentage of the confirmed complaints resulted in relief to the consumer.

Annual Performance Measures Progress Report
Part II. Key Measure Analysis of Progress

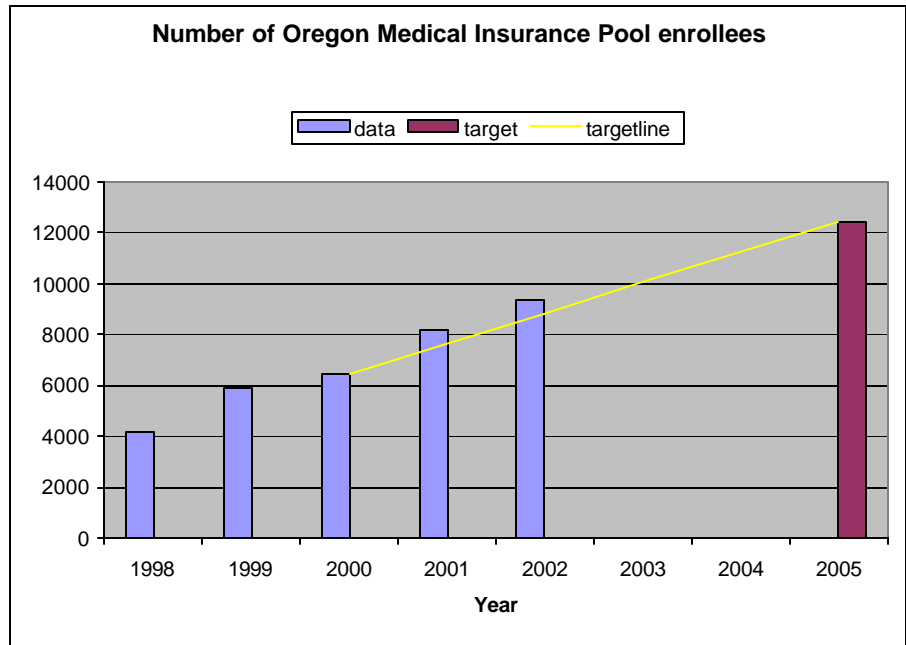
4400-4 Number of Oregon Medical Insurance Pool (OMIP) enrollees.

| Data | | | | |
|-------|-------|-------|-------|-------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| 4,199 | 5,907 | 6,474 | 8,148 | 9,318 |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| 6,474 | 12,400 |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon. OBM #54: Percent of Oregonians without health insurance.

Measure demonstrates: Many uninsured Oregonians are unable to purchase health insurance because they have pre-existing medical conditions and are denied coverage by private carriers. In addition, many Oregonians leave group coverage and do not have portability coverage available to them, either because they move out of the service area of their carrier, or the carrier withdraws from the area in which the person lives. OMIP provides both of these groups with an option to purchase health insurance for themselves and their families. Since 1998, enrollment in OMIP has grown steadily. It becomes even more important in economic downturns when there is a reduction in employer-based insurance, as has been the case in Oregon over the past three years.



What data reveals: The demand for coverage under OMIP is increasing steadily. The continuing poor economy is likely to increase the number of individuals who cannot obtain commercial insurance or whose companies leave Oregon and who do not have a portability option, therefore increasing the demand for and growth in OMIP enrollment.

Department activities related to measure: Public outreach and information; maintenance of affordability through cooperation with carriers represented on the OMIP board in rate setting and managing the OMIP assessment; and implementation of a disease-management program to control utilization and expenditures.

Future actions planned: The OMIP board's policy and legislation committee will review statutes and operational constraints relating to benefit designs, growth in assessments, affordability of premiums, affordability of health-care costs and utilization, medical conditions that automatically establish eligibility, establishment of provider fee schedules, changes in the portability statutes, and third-party-administrator contracts. Staff will collaborate to develop evidence-based approaches to managing OMIP benefits and utilization. Staff members will also explore Internet efficiencies in customer service and application submission and cooperate with the Family Health Insurance Assistance Program program, the Department of Human Services, and the federal Centers for Medicare and Medicaid Services to seek federal matching funds for OMIP expenditures that exceed the premiums.

Data source: Enrollment data from OMIP and Regence BlueCross Blue Shield of Oregon.

Annual Performance Measures Progress Report Part II. Key Measure Analysis of Progress

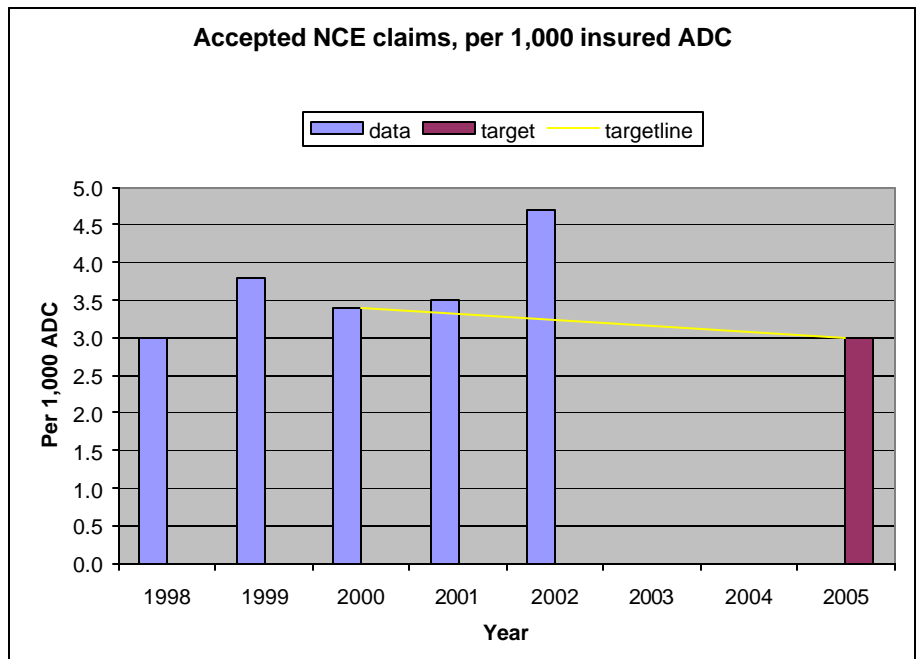
4400-5 Number of claims against employers without workers' compensation coverage per 1,000 total claims.

| Data | | | | |
|------|------|------|------|------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| 3 | 3.8 | 3.4 | 3.5 | 4.7 |

| Baseline | Target |
|----------|--------|
| 2000 | 2005 |
| 3.4 | 3.0 |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon.

Measure demonstrates: The frequency of accepted disabling claims against employers without workers' compensation coverage (non-complying employers or NCE) compared to the frequency of accepted disabling claims against insured employers is a way to measure coverage trends in the system. The workers' compensation system exists to ensure that injured workers have access to appropriate medical and financial benefits. While mechanisms exist to provide benefits even when the employer in question fails to secure insurance, the system works best when employers meet their obligations with appropriate coverage. This is a proxy measure that helps DCBS evaluate the proportion of employers who do not carry coverage.



What data reveals: This measure's results are difficult to interpret, and the Workers' Compensation Division (WCD) continues to evaluate whether the measure is the best available proxy for coverage trends. The rate of NCE claims is higher than the desired target set for 2005. On a monthly basis, the rate has been very volatile. In addition, since 2000 there seems to be a trend of more NCE claims at the end of the year than in the beginning of the year. The data from 1997 to 2002 shows the following:

- >The number of NCE claims per 1,000 accepted disabling claims (ADC), although quite volatile on a monthly basis, has risen annually during the past three years from 3.4 to 4.7.

- >The increase in the rate is accompanied by a steady decrease in the total number of disabling claims in the system, which may be due to increased safety awareness by insured employers and employees.

- >The total number of NCE claims filed has remained fairly constant at around 300 claims per year, with approximately 500 noncomplying employers cited annually.

Department activities related to measure: The Workers' Compensation Division records and monitors the workers' compensation coverage of about 85,000 Oregon employers. Staff members investigate claims and complaints and track policy cancellations to ensure all subject employers have their required insurance.

Future actions planned: WCD relies heavily on education to help employers understand their obligations. Future actions include increased employee education; use of focus groups to identify opportunities to decrease noncompliance; and development of links between WCD efforts and task forces working on independent contractor issues and the state's central business registry. Coordination with the business registry will give WCD more opportunities to provide information about coverage requirements to employers and help WCD identify employers who should have coverage but may not have acquired it.

Data source: Comparison of the number of accepted disabling noncomplying employer claims to the number of accepted disabling claims for all employers in the DCBS Claims Information System.

Annual Performance Measures Progress Report
Part II. Key Measure Analysis of Progress

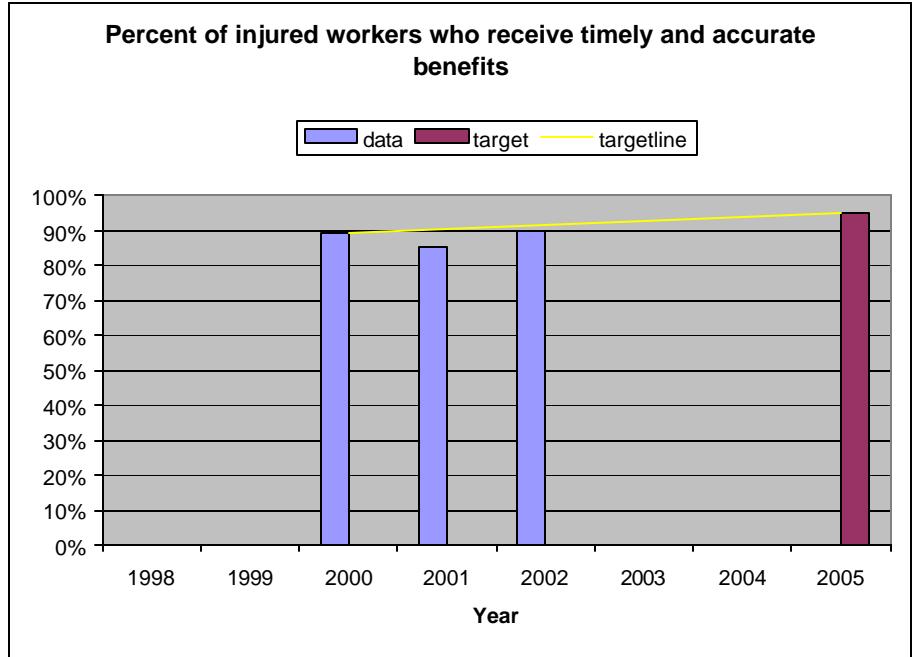
4400-6 Percent of injured workers who receive timely and accurate benefits.

| Data | | | | |
|------|------|-------|-------|-------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | 89.4% | 85.4% | 90.2% |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| 89.4% | 95% |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon.

Measure demonstrates: This measure reflects how timely and accurately workers' compensation insurers and self-insured employers process claims and deliver benefits to injured workers. The Workers' Compensation Division (WCD) regulates insurers and self-insured employers for their compliance with the laws and rules for processing injured worker claims. This measurement includes payments by insurers and self-insured employers of time loss, permanent disability and death benefits and reimbursements to workers for out of pocket expenses.



What data reveals: This data shows an upward trend that should meet or exceed the 2005 target. The data is drawn from quarterly claims-processing reports from all insurers and self-insured employers, together with the measured performance of those insurers and self-insured employers audited during the calendar year reported. While the audits reflect only a subset -- approximately one-third -- of insurers and self-insured employers for any given year (because they are typically audited triennially), in combination with the industry wide claims-processing reports, they offer a useful representation of the whole.

Department activities related to measure: WCD conducts education and enforcement programs to help insurers and self-insured employers understand their claims-processing obligations. The division also conducts performance audits to measure insurer compliance with the claims processing laws and rules.

Future actions planned: WCD is conducting a program evaluation to review its audit methodology in hopes of streamlining the process while enabling the audit staff to focus on problem areas. This review will address methods for monitoring data in order to detect trends, so the division can identify and target specific claims-processing problem areas.

Data source: Insurer reports, data captured through the computerized WCD Quarterly Claims Processing Performance Audit, and data from WCD field audits of insurers and self-insured employers.

Annual Performance Measures Progress Report
Part II. Key Measure Analysis of Progress

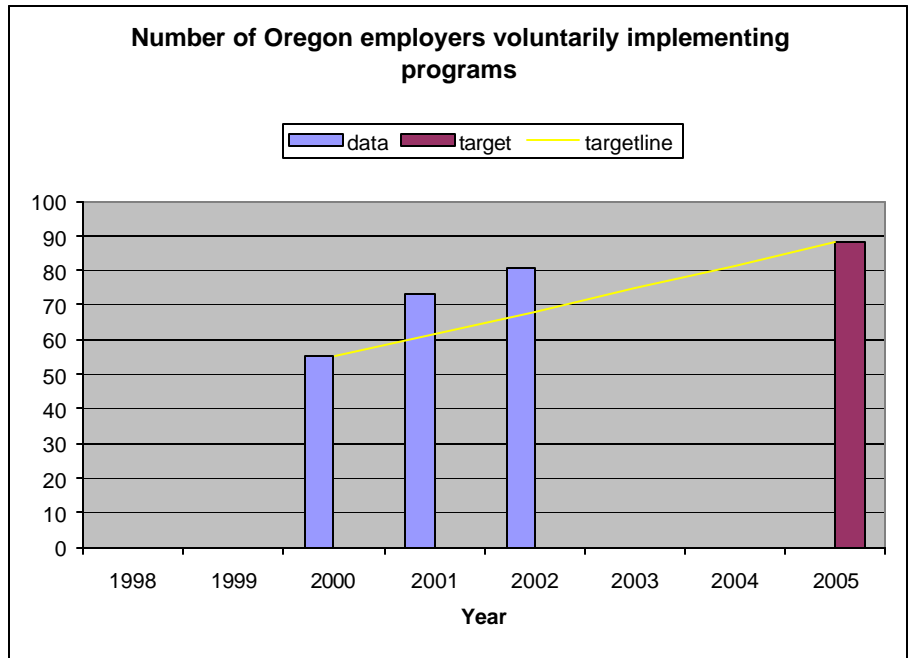
4400-7 Number of Oregon employers who have voluntarily implemented outstanding safety and health programs

| Data | | | | |
|------|------|------|------|------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | 55 | 73 | 81 |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| 55 | 88 |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon.

Measure demonstrates: The measure demonstrates whether more employers are achieving self sufficiency in their safety-and-health programs, which should translate into an increasing number of employees who work in safe workplaces. Oregon OSHA has two voluntary employer-safety-and-health programs in which employers take elevated responsibility for safety and health in their workplaces. These two self-sufficiency programs are the Voluntary Protection Program (VPP) and the Safety and Health Achievement Recognition Program (SHARP). Participation in one of these programs demonstrates a desire on the part of employers to maintain a safe and healthy workplace for their employees. This is a proxy measure for the goal of a higher level of worker safety and health in Oregon.



What data reveals: Progress is being made toward the target. An increasing number of employers are entering Oregon OSHA’s voluntary safety-and-health programs.

Department activities related to measure: The division conducts outreach to Oregon employers interested in becoming more self-sufficient in their safety-and-health programs. One OR-OSHA employee works full-time providing information about the programs and conducting on-site evaluations for VPP, which typically involves large employers. OR-OSHA’s 36 consultants conduct between 2,000 and 2,500 employer consultations each year. Most of these consultants also work with employers who want to become part of the division’s Safety and Health Achievement Recognition Program (SHARP).

Future actions planned: Oregon OSHA is encouraging SHARP employers that have been in the program for 5 years to move into VPP, the highest level of safety and health achievement. Oregon OSHA will continue to encourage VPP companies to mentor current SHARP employers interested in moving to VPP.

Data source: This measure is the sum of participants in the VPP and SHARP programs. The list of participants is maintained by the OR-OSHA SHARP and VPP coordinator.

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Part II. Key Measure Analysis of Progress

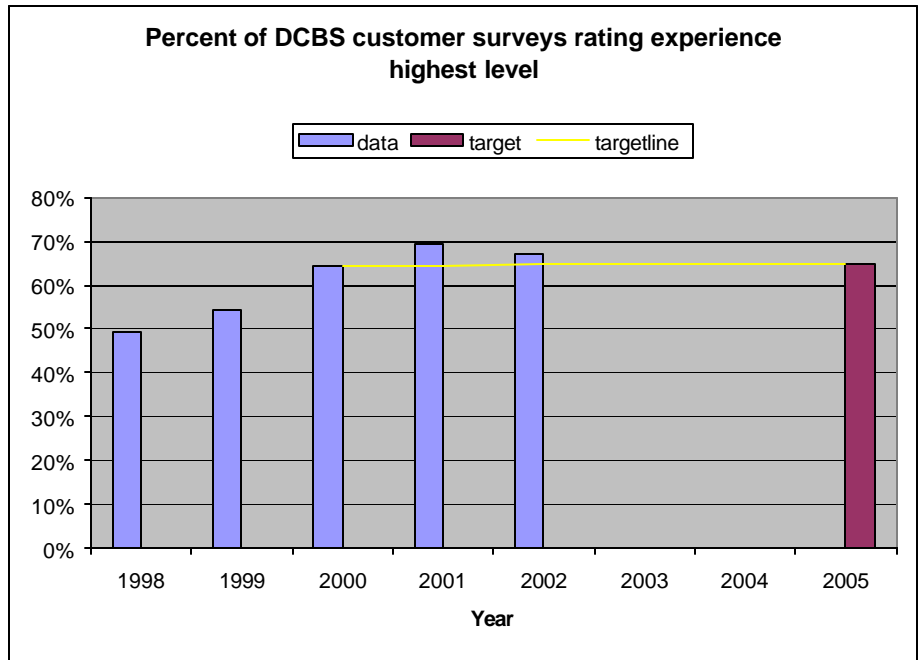
4400-8 Percent of DCBS customer surveys rating their experience with the department at the highest level.

| Data | | | | |
|-------|-------|-------|-------|-------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| 49.4% | 54.5% | 64.3% | 69.2% | 67.3% |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| 64.3% | 65.0% |

Goals linked to measure: DCBS Goal # 2: Provide excellent customer service. DCBS Goal #3: Regulate in a manner that supports a positive business climate. OBM #9: Oregon's national ranking in the cost of doing business.

Measure demonstrates: Regardless of the nature of the contact, DCBS has a responsibility to treat the individuals and organizations with which it comes in contact appropriately. This measure shows the level of satisfaction DCBS customers have with the service they receive. Satisfaction is measured through periodic surveys of employers, workers, banks, credit unions, insurance consumers, and licensees. It encompasses a variety of traits and behaviors that reflect quality service. This is a complex measure with many components, reflecting the range of individuals, businesses, and other organizations that interact with DCBS.



What data reveals: This data has been refined since the target was set based on discussions with the legislature. Measure results show that there has been significant improvement in the percentage of DCBS customers who give the agency the highest possible satisfaction rating, but the target needs to be adjusted to give a meaningful sense of how the department is progressing relative to an appropriate goal. Component measures show uneven results, which may suggest variations in program service but also point to a need for refined data collection and analysis.

Department activities related to measure: As the lead agency in the governor's regulatory streamlining initiative, DCBS is focused on making business regulations easier to understand, simpler, less expensive to comply with, and faster-working without reducing the level of protection Oregonians expect. DCBS has also developed a customer service initiative that includes agency expectations for employees in a service and regulatory environment. In addition, the department has expanded the use of customer surveys in numerous program areas.

Future actions planned: Divisions are currently developing customer service plans and training plans to implement the DCBS customer service initiative. Based on customer feedback, DCBS will focus efforts to improve service in those areas that get the lowest ratings while maintaining a high level of satisfaction in those areas that get high ratings. Specific comments provided by customers will be useful in targeting improvements. DCBS plans to further expand the number of surveys it conducts, in order to reach more of its customers. The department also plans to expand the use of its online survey application for collecting responses electronically and to develop more consistent and comparable surveys across its programs.

Data source: Customer satisfaction surveys using standardized questions and taking advantage of the new DCBS Internet-based survey application.

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Part II. Key Measure Analysis of Progress**

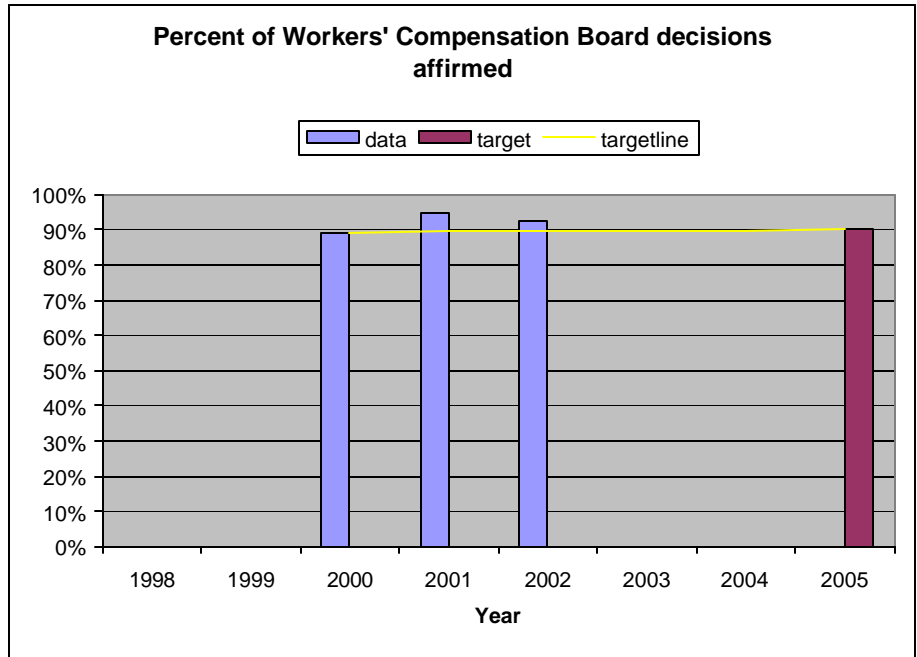
4400-9 Percent of Workers' Compensation Board (WCB) decisions affirmed on appeal to the judiciary.

| Data | | | | |
|------|------|-------|-------|-------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | 89.3% | 94.9% | 92.7% |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| 89.3% | 90% |

Goals linked to measure: DCBS Goal #2: Provide excellent customer service. (Note that WCB success under this measure reduces costs for both employers and workers and thus also contributes tangentially to progress on OBM #9, Oregon's national ranking in the cost of doing business.)

Measure demonstrates: The success of the workers' compensation system requires that workers and employers be able to rely on impartial decisions on disputes arising from claims. The efficient operation of the system requires that those disputes be resolved at the lowest level possible. This measure reflects the ability of WCB members to appropriately and impartially apply the law in each disputed case, consistent with the statutory mandate, and thus minimize the cost of resolving disputes for the parties involved.



What data reveals: That the Workers' Compensation Board, which reviews the entire record of the cases in its jurisdiction, has performed this function well by consistently meeting or exceeding the target. The data shows that a high percentage of board decisions are upheld when reviewed by higher courts. The board will review the target to determine whether any adjustment is appropriate for future years.

Department activities related to measure: WCB provides legal research tools so board members and legal staff have access to the latest case law that relates to workers' compensation; it provides management oversight and training to board members and legal staff to ensure optimum application of the law.

Future actions planned: Increase awareness of the performance measure system and the staff's ability to have an impact on these measures. Continue to provide necessary training and tools for staff to ensure fair and impartial decisions in accordance with statute. Continually evaluate decisions not affirmed by higher courts to adjust future action accordingly.

Data source: Comparison of WCB orders (after issuance) with results from cases that are appealed to the Court of Appeals and Supreme Court.

Annual Performance Measures Progress Report
Part II. Key Measure Analysis of Progress

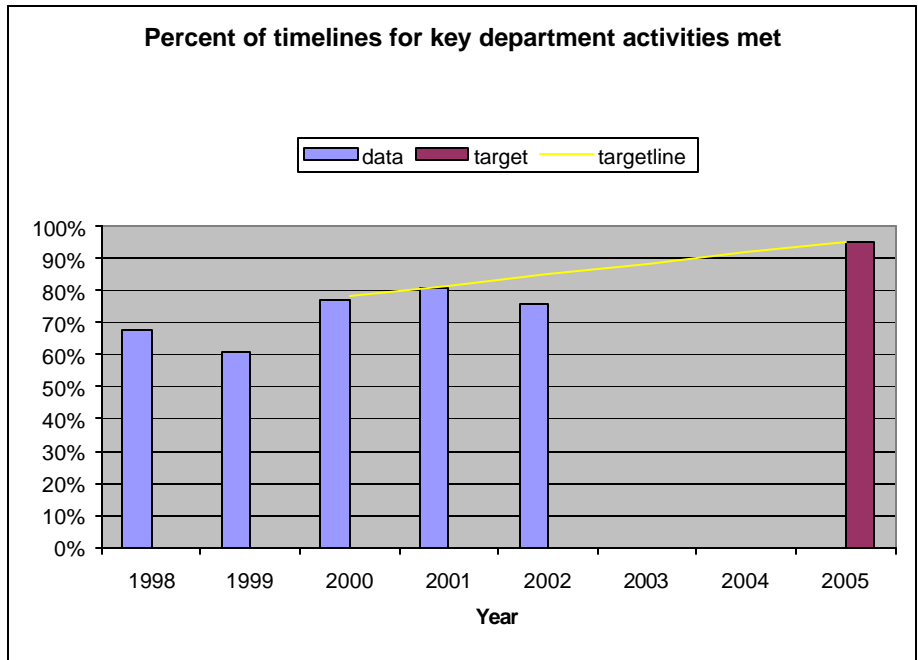
4400-10 Percent of timelines for key department activities that are met.

| Data | | | | |
|-------|-------|-------|-------|-------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| 67.4% | 61.1% | 76.7% | 80.8% | 75.8% |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| 76.7% | 95% |

Goals linked to measure: DCBS Goal #2: Provide excellent customer service. DCBS Goal #3: Regulate in a manner that supports a positive business climate. OBM #9: Oregon's national rank in the cost of doing business.

Measure demonstrates: This measure shows the DCBS commitment to timely and efficient service to customers as reflected in responsiveness of staff as they carry out key department activities. This includes responding to consumer complaints and inquiries, processing license applications and renewal requests, resolving disputes and issuing orders, and completing examinations and investigations. This is a composite measure reflecting 21 contributing measures, some of which are established by statute and others by internal processes.



What data reveals: The department is making progress on timeliness goals, but there are abundant opportunities for further improvement. This data is partial and under revision as the measure is refined. This is the largest and most complex measure used by DCBS. Data on many of the 21 contributing measures had not been collected prior to the approval of the '03-'05 budget. Consequently, the department needs to continue to evaluate not only the preliminary data, but also the usefulness of the contributing measures and the means by which the data is selected and collected.

Department activities related to measure: Streamlining processes, establishing customer-service policies and priorities, fast-tracking problem resolution, gathering timeliness data, and enhancing computer systems are just some of the activities DCBS uses to improve responsiveness to customers. One example is the use of electronic filing for insurance company rates and forms submission to the Insurance Division, which has resulted in a review process about 50% faster than for paper filings. Another comes from the Workers' Compensation Division, which has reduced the percentage of dispute resolutions taking over 60 days from 55% to 20%. The department is also evaluating self-imposed versus statutory timelines to see where it may be possible to elevate the "floor" and do better than is required. Examples of this include the Division of Finance & Corporate Securities' bank and credit union examination schedules, where the division routinely achieves 100% timeliness already.

Future actions planned: Increase the use of electronic submission of information and payments, streamline regulations to remove unnecessary barriers, and expand the tracking of timeliness measures to every important aspect of DCBS business. The department will continue to refine this measure and its components, to evaluate and set new timelines where appropriate, and to compare results of internal guidelines with timelines set by statute in order to find opportunities for improvement.

Data source: Data in this measure comes from records of activities triggered by contact with DCBS customers and stakeholders.

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Part II. Key Measure Analysis of Progress

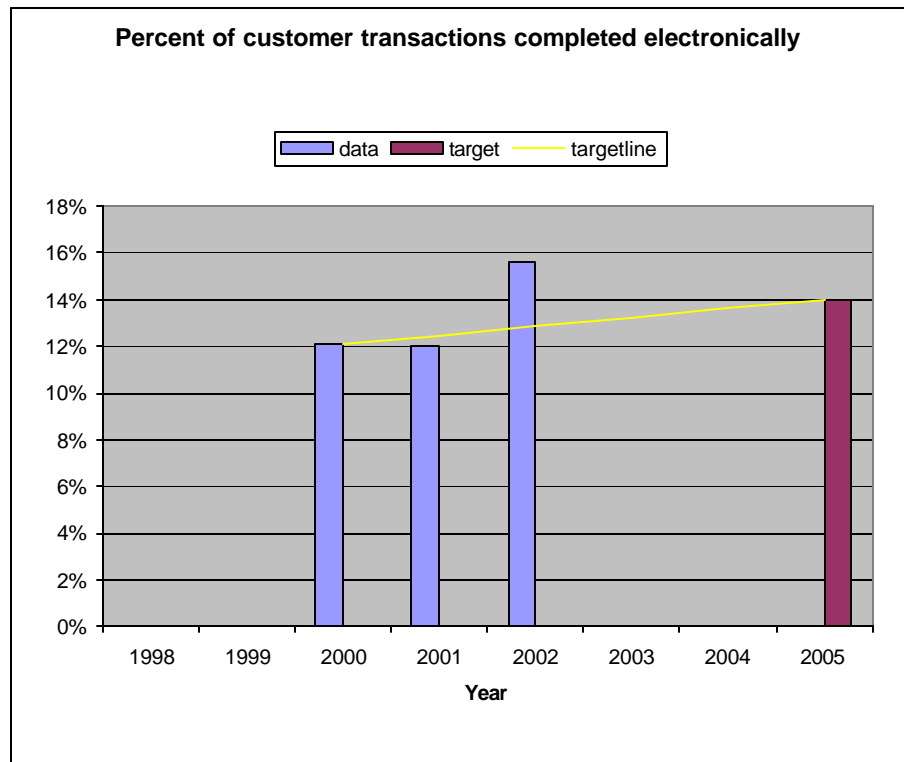
4400-11 Percent of customer transactions completed electronically.

| Data | | | | |
|------|------|-------|------|-------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | 12.1% | 12% | 15.6% |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| 12.1% | 14% |

Goals linked to measure: DCBS Goal #2: Provide excellent customer service. DCBS Goal #3: Regulate in a manner that supports a positive business climate. OBM # 9: Oregon's national rank in the cost of doing business.

Measure demonstrates: Regulation involves some level of burden on regulated businesses and professionals. DCBS' goal is to streamline its business interactions. By providing businesses with Internet avenues to apply for permits or licenses or methods where data can be submitted electronically without the manual completion of forms, the department can help make businesses more productive. Businesses should find these online processes more straightforward, less cumbersome, more timely, and more accessible than the previous method of obtaining the appropriate paper form, completing it manually, sometimes having it returned for missing information, and then waiting for final confirmation. This measure demonstrates how well the department provides these options and how often they are used by businesses.



What data reveals: DCBS is ahead of the target it set for this goal. After the target was set, the governor established regulatory streamlining as a key initiative for the state. The department expects to exceed this initial target and set a more aggressive target for the coming biennium.

Department activities related to measure: DCBS has invested in the necessary infrastructure to support the development of Internet applications and has already automated the filing of insurance agent exams, applying for mortgage lender licenses, applying for a non-resident insurance agent license, filing of workers' compensation medical fees, filing of non-complying workers' compensation claim costs, filing of workers' compensation policies and cancellations, ordering of films from the OR-OSHA film library, registration for safety-and-health-related training classes, and combined tax forms and payments.

Future actions planned: DCBS continues to put a high priority on increasing the portion of business interactions that are made through the Internet or through electronic data interchange (EDI). DCBS will identify other business interactions that could benefit from an online service and prioritize those projects for completion. The Internet applications that the department expects to place high on the priority list include mortgage-loan-originator filings, insurance agent licensing, building codes permitting, and manufactured-structure-dealer licensing.

Data source: The measure is an average of the electronic customer interactions across divisions' data systems. Small systems that would not be cost-effective to automate and would provide little additional benefit to customers if automated were excluded.

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Part II. Key Measure Analysis of Progress

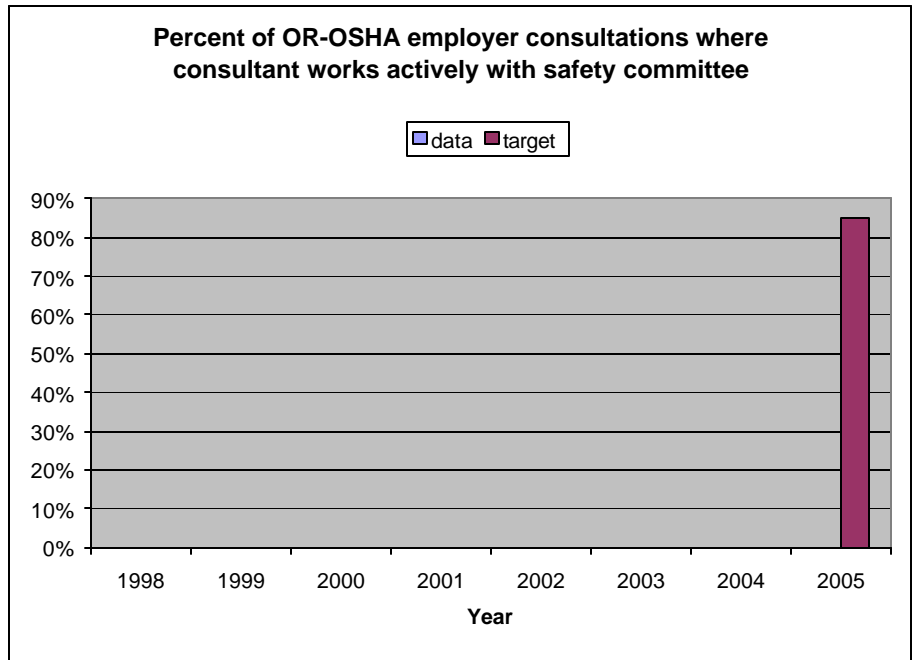
4400-12 Percent of OR-OSHA employer consultations where consultant works actively with safety committee.

| Data | | | | |
|------|------|------|------|------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | N/A | N/A | N/A |

| Baseline | Target |
|----------|--------|
| 2000 | 2005 |
| N/A | 85.0% |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon. DCBS Goal #3: Regulate in a manner that supports a positive business climate

Measure demonstrates: Oregon is one of a very few states with the requirement for employers to have viable joint labor/management safety committees. A commitment from both the employer and employees to address safety and health issues results in hazards being identified and corrected, resulting in fewer injuries to workers. The presence of an active safety committee is an indicator of that commitment. Although employers are ultimately responsible for ensuring that their employees are protected from injury or illness in their workplace, Oregon OSHA emphasizes its consultative work with employers through their safety committees to address workplace issues and ensure a strong role for both management and employees in addressing safety and health concerns.



What data reveals: This is a new measure. There is currently no data available to populate this measure. The first data collection period ended at the close of calendar year 2003, and the results are being processed.

Department activities related to measure: Oregon OSHA consultants work with employer safety committees to help them understand their role, include safety committee members as part of the consultation, and suggest possible training from Oregon OSHA or other sources.

Future actions planned: Oregon OSHA will review the first quarter's data to determine the percent of consultations where a consultant worked actively with a safety committee. This information will also be reviewed with consultation staff and any necessary adjustments made.

Data source: The number of consultations where the consultant worked with a safety committee divided by the number of consultations.

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Part II. Key Measure Analysis of Progress

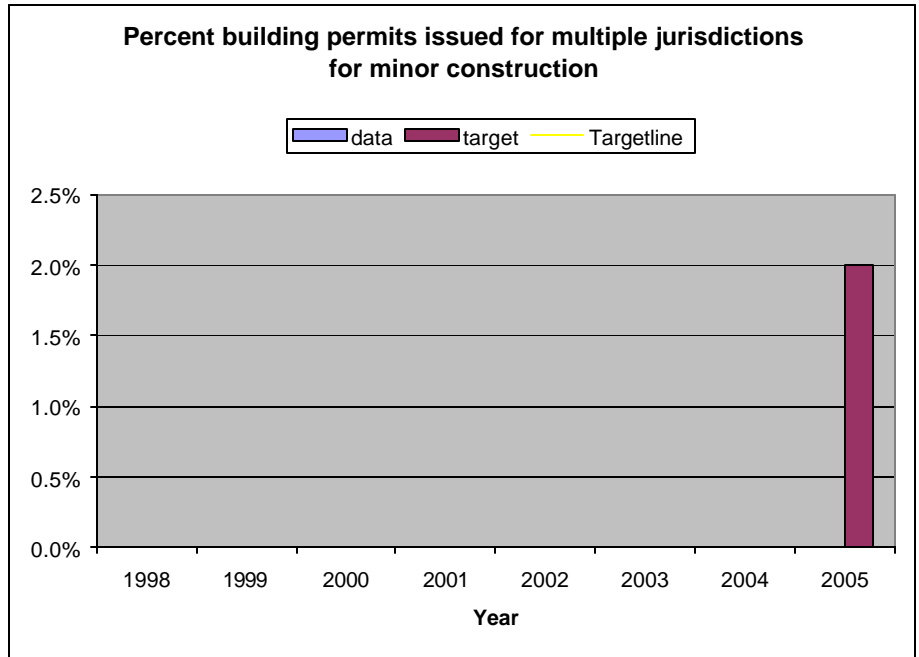
4400-13 Percent of building permits issued that can be used by contractors in multiple jurisdictions for minor construction.

| Data | | | | |
|------|------|------|------|------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | N/A | N/A | N/A |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| N/A | 2.0% |

Goals linked to measure: DCBS Goal #2: Provide excellent customer service. DCBS Goal #3: Regulate in a manner that supports a positive business climate. OBM #9: Oregon's national rank in the cost of doing business.

Measure demonstrates: "Minor label" building permits are used for minor routine plumbing, electrical, and mechanical/structural installations. The minor label program allows contractors to purchase multiple permits at once, use them in multiple jurisdictions, and then report specifics of the installation after the fact for random inspection. This measure tracks progress toward the Building Codes Division's (BCD) goal of providing contractors with a quicker, cheaper, and simpler process for permit applications on minor construction activity that is consistent statewide. This single permit allows a contractor to do this work in all 130+ jurisdictions in the state.



What data reveals: This program began in Multnomah, Clackamas, and Washington counties as a pilot. As word of its success spread, other jurisdictions asked the state to provide this service statewide. The 2003 Legislature approved SB 714, which gave BCD the authority to expand the program statewide and to other areas of the code. Because the statewide program is only now being implemented, no statewide historic data is available for future comparison. As data becomes available, the target for this measure will be reevaluated.

Department activities related to measure: BCD is in the process of implementing the expansion of this program. Currently, the division is using a comparison of revenue from regular permits to revenue from minor labels to measure the use of minor labels. BCD is using revenue as the basis for the comparison because it appears to be the most reliable measurement available. Because the division believes this comparison may not accurately reflect growth in the use of minor labels over time, staff members are also looking for a better proxy for this measure.

Future actions planned: The division is working with its appointed boards to determine what services can be provided under minor labels and what rules need to be changed to implement the new legislation. The division needs to enhance the data system in order to accommodate statewide use of minor labels and resulting growth in the program. Once the infrastructure is in place, the division will actively market the use of minor labels around the state. When the statewide program has been fully implemented, the division will evaluate and improve the existing program and determine whether it could be expanded further to other aspects of the state building code and permitting process.

Data source: Revenue from the sale of BCD multi-jurisdictional minor label permits (permits for plumbing, electrical and structural/mechanical work) is compared to the estimated revenue for the sale of all permits for those programs sold by all jurisdictions in the state of Oregon.

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Part II. Key Measure Analysis of Progress

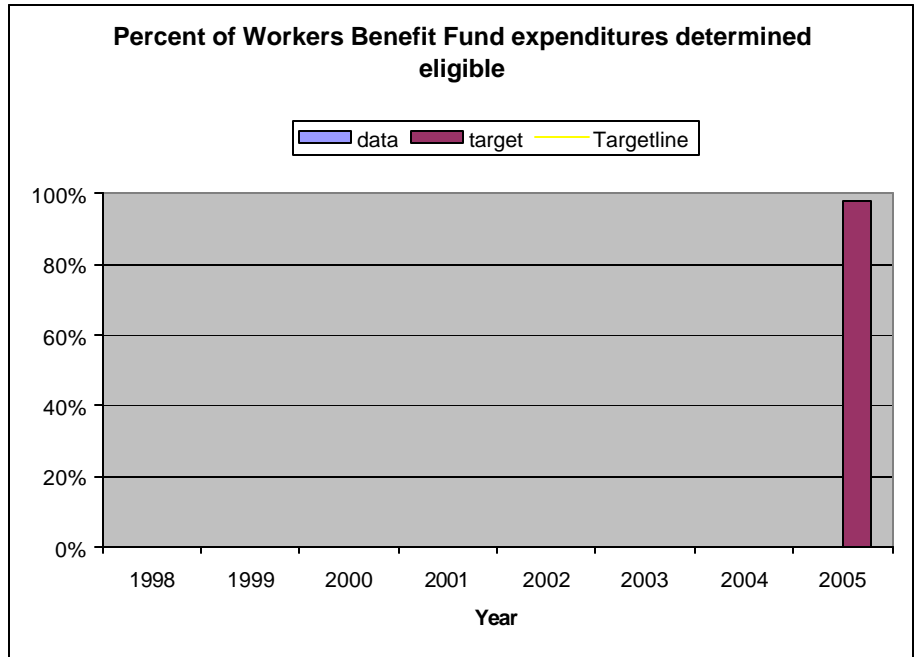
4400-14 Percent of Workers' Benefit Fund expenditures determined to be eligible.

| Data | | | | |
|------|------|------|------|------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | N/A | N/A | N/A |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| N/A | 98% |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon. DCBS Goal #2: Provide excellent customer service. Goal #3: Regulate in a manner that supports a positive business climate. OBM #9: Oregon's national rank in the cost of doing business.

Measure demonstrates: This measure reflects the percentage of reimbursement requests through the Workers' Benefit Fund, from insurers and employers, that are able to be processed without delay or adjustment. The Workers' Benefit Fund is established by assessments paid by employers and workers. The fund provides reimbursement to insurers for cost-of-living increases paid to injured workers and their beneficiaries, reimbursements for benefits paid to workers on claims reopened after claim aggravation rights expire, and various re-employment assistance programs. This measure demonstrates the effectiveness of the Workers' Compensation Division (WCD) rules and procedures for enabling insurers and employers to access eligible benefits from the fund. Reimbursement requests that are delayed, adjusted, or denied adversely affect program utilization.



What data reveals: This is a measure newly established in 2003, so the data are incomplete at this time. This data will show what percentage of reimbursement requests are appropriate, thereby providing an indicator of how difficult it is to comply with reimbursement requirements.

Department activities related to measure: WCD provides education and promulgates rules to administer the Workers' Benefit Fund. To determine eligibility for the funds, WCD provides preliminary in-office review, audit, and reimbursement from the Workers' Benefit Fund and conducts further review for supporting documentation at insurer locations through onsite audits.

Future actions planned: WCD is exploring the potential for automating and streamlining procedures, drafting clearer and more user-friendly rules, and continuing to work with stakeholders to resolve problems and find solutions.

Data source: Workers' Benefit Fund activity results from the WCD in-office and field audits and actions by the WCD Preferred Worker Program.

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Part II. Key Measure Analysis of Progress

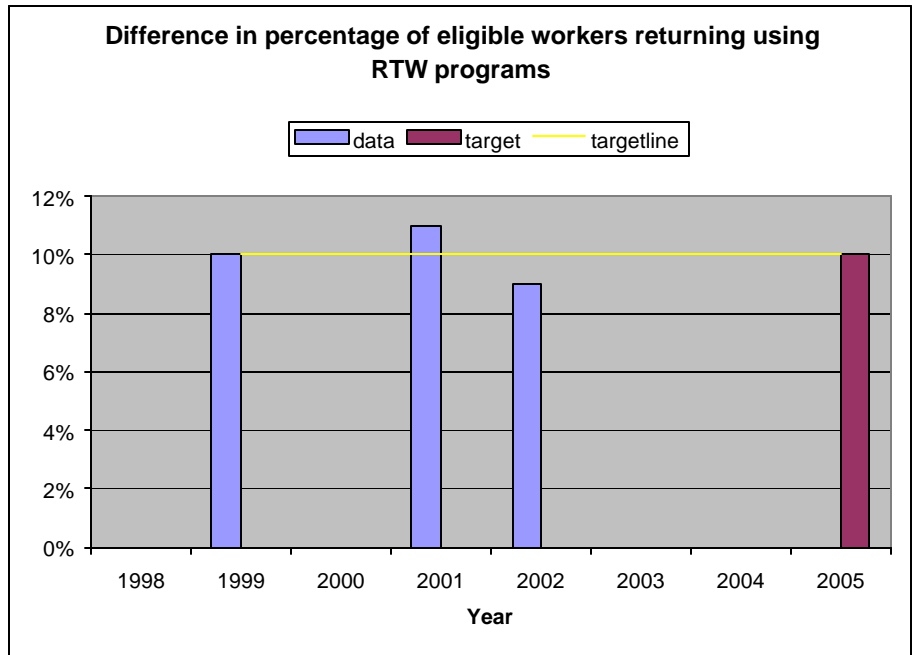
4400-15 Difference in percentage of eligible workers who return to work using return-to-work programs from those who do not.

| Data | | | | |
|------|------|------|------|------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | 10% | N/A | 11% | 9% |

| Baseline | Target |
|----------|--------|
| 1999 | 2005 |
| 10% | 10% |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon. DCBS Goal #3: Regulate in a manner that supports a positive business climate. OBM #9: Oregon's national rank in the cost of doing business.

Measure demonstrates: One objective of the Workers' Compensation Law is to restore injured workers physically and economically to a self-sufficient status in an expeditious manner and to the greatest extent possible. This measure shows the percentage of injured workers who use return-to-work programs and are able to obtain and maintain employment compared to workers who do not use return-to-work programs. This data is measured 13 quarters after injury.



What data reveals: Prior to 2002, the data met or exceeded the 2005 target. There was a slight decline in 2002, when the percentage difference fell slightly below the 10-percentage-point target. This decline may be partially attributable to the downturn in the economy, which makes it particularly difficult for injured workers to compete for jobs. (This data used to be reported biennially, and is now reported annually. That's why there is no data reported for calendar year 2000.)

Department activities related to measure: The Workers' Compensation Division (WCD) provides injured workers return to work assistance by establishing and enforcing criteria for vocational assistance programs and by overseeing and promoting the Preferred Worker and Employer-at-Injury programs for workers and employers. WCD measures the success of its efforts by comparing the employment outcomes for eligible workers who use the available return-to-work programs compared to workers who do not use the programs.

Future actions planned: WCD has begun a program review of all return-to-work activities and plans to work with the Management-Labor Advisory Committee on vocational assistance issues. WCD is promoting the Web-based Job Match program and is increasing partnerships with Oregon Vocational Rehabilitation Services to better serve injured workers.

Data source: Annual report of employment statistics comparing workers who participated in the return-to-work programs to those who did not. These statistics are collected 13 quarters after injury and recorded in the period collected. This is a comparative analysis with Workers' Compensation Division and Employment Department information.

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Part II. Key Measure Analysis of Progress

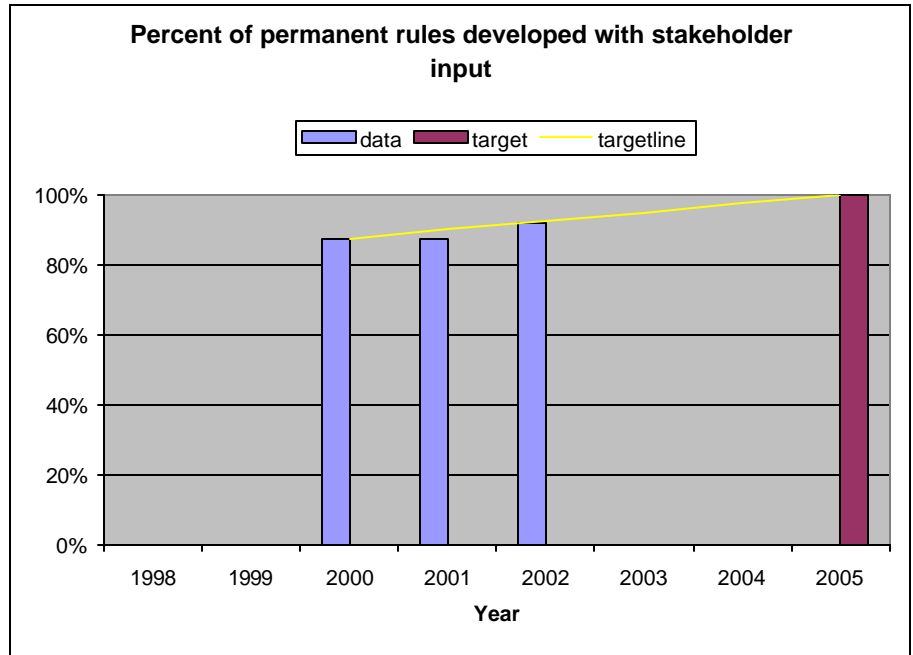
4400-16 Percent of permanent rules developed with stakeholder input.

| Data | | | | |
|------|------|-------|-------|-------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | 87.5% | 87.4% | 91.9% |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| 87.5% | 100% |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon. DCBS Goal #2: Provide excellent customer service. DCBS Goal #3: Regulate in a manner that supports a positive business climate. OBM #9: Oregon's national rank in the cost of doing business.

Measure demonstrates: DCBS needs input from stakeholders in order to ensure that administrative rules adopted by the agency are workable and effective in achieving the desired outcomes. This measure reflects DCBS' commitment to involving stakeholders in the administrative rulemaking aspect of the regulatory process. This often means participation of stakeholders in an advisory committee during initial phases of development of proposed rules, in addition to input sought and received during the formal rules hearing. It can also mean other, more informal interaction and opportunities for stakeholders to give the department and its divisions their perspectives on how specific rules will affect them and how those rules can be made most effective.



What data reveals: DCBS makes extensive use of stakeholder input on significant rule development or suggested changes. That said, the department continues to evaluate this measure and its component measures to ensure that the data is appropriate and that it is collected and reported consistently across the divisions.

Department activities related to measure: Use of formal and informal advisory committees, focus groups, direct contacts, and other outreach aimed at encouraging stakeholder input to rulemaking processes. Creation of Web-based interested-party lists that request e-mail notification of rule changes, events, developments of interest, and other opportunities for input.

Future actions planned: DCBS is seeking new methods to ensure all interest groups have easy access to provide input on rulemaking. The department plans to expand the use of Web-based lists, e-mail notification, and stakeholder committees. Staff also plan to make special efforts to ensure that less-organized stakeholder interests are included.

Data source: Manual counts from administrative files of each DCBS division.

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Part II. Key Measure Analysis of Progress

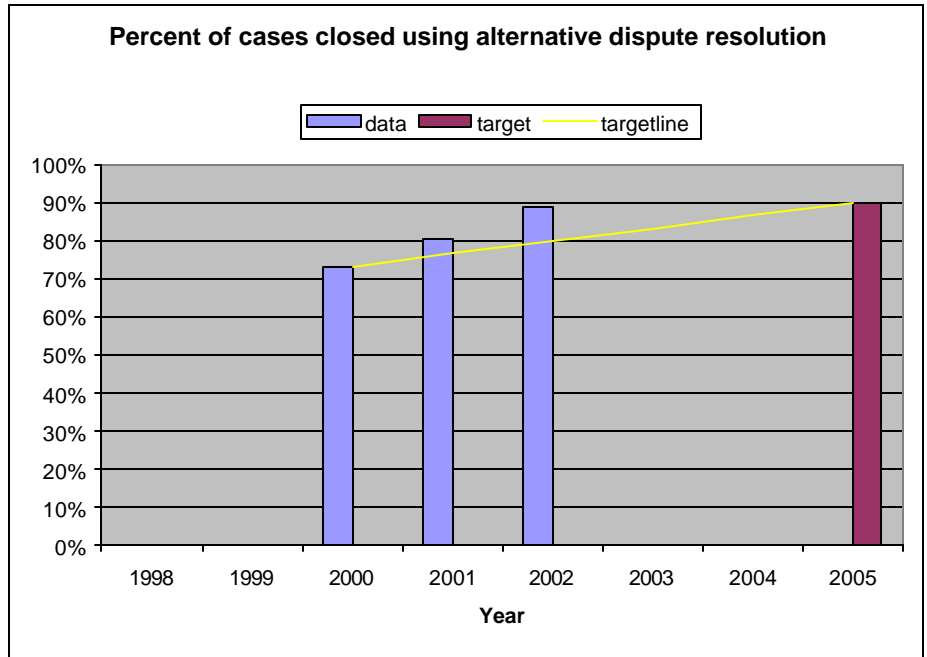
4400-17 Percent of cases closed that use alternative dispute resolution.

| Data | | | | |
|------|------|------|-------|-------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | 73% | 80.2% | 88.6% |

| Baseline | Target |
|----------|--------|
| 2000* | 2005 |
| 73% | 90% |

Goals linked to measure: DCBS Goal #1: Protect consumers and workers in Oregon. DCBS Goal #2: Provide excellent customer service. DCBS Goal #3: Regulate in a manner that supports a positive business climate. OBM #9: Oregon's national rank in the cost of doing business.

Measure demonstrates: By resolving cases using alternative dispute resolution, DCBS can reduce dispute resolution costs and often provide a more equitable solution for all parties. This measure tracks DCBS inclusion of alternative dispute resolution processes and options in managing supervision and enforcement activities or resolving disputes between parties. DCBS practice is to rely on contested hearings processes only after alternative dispute resolution options have been exhausted or found to be inappropriate to the circumstances.



What data reveals: DCBS divisions are already approaching the 2005 target, although the department intends to refine its reporting requirements for this measure to ensure that the data reflects actual and appropriate use of ADR. Administrative dispute resolution processes in the Workers' Compensation Division (WCD), such as medical disputes and disputes over permanent partial disability benefits, are not included in this measure as the statute requires all disputes to be handled through these ADR processes first. Only those disputes that continue beyond the first level of administrative dispute resolution in WCD are included in this data.

Department activities related to measure: DCBS has made a focused effort to integrate alternative dispute resolution into every adversarial situation that involves an official action by the department, making ADR a key element of the department's regulatory culture. This includes resolution of disputes between two or more outside parties.

Future actions planned: Most DCBS divisions plan to continue current activities and procedures, but more data will be collected and outcomes analyzed in order to determine how ADR can be made most effective. WCD is working on implementation of a process to offer alternative dispute resolution for each contested case request received.

Data source: ADR records are collected and retained in a variety of forms throughout the department.

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Part II. Key Measure Analysis of Progress

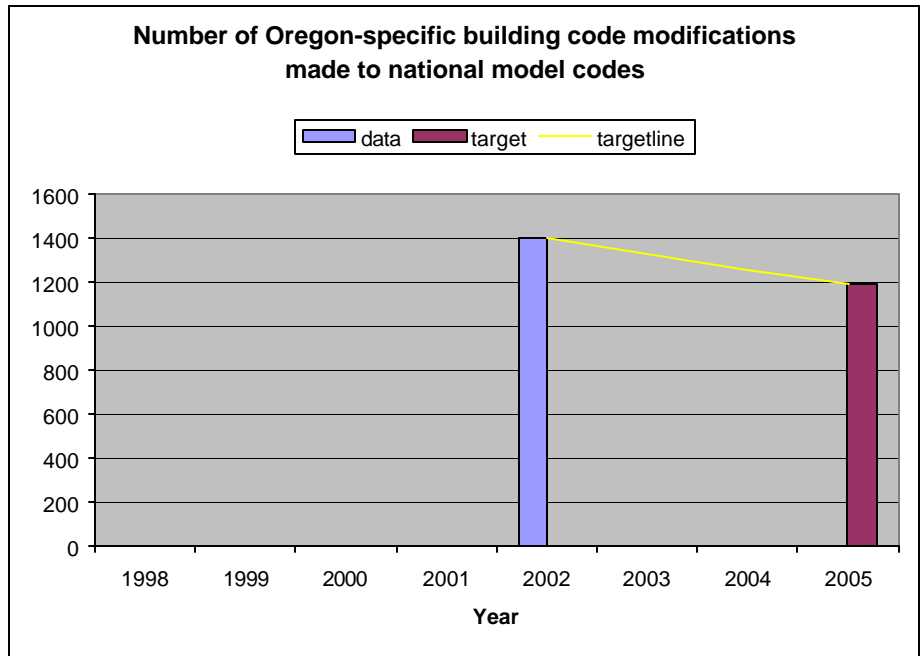
4400-18 Number of Oregon-specific building code modifications made to the national model codes.

| Data | | | | |
|------|------|------|------|------|
| 1998 | 1999 | 2000 | 2001 | 2002 |
| N/A | N/A | N/A | N/A | 1401 |

| Baseline | Target |
|----------|--------|
| 2002 | 2005 |
| 1401 | 1191 |

Goals linked to measure: DCBS Goal #3: Regulate in a manner that supports a positive business climate. OBM #9: Oregon's national rank in the cost of doing business.

Measure demonstrates: If Oregon's building codes adhere closely to national model codes, contractors and inspectors will need less training because codes will not vary from one state to another; customers using these codes will be able to purchase one code book instead of separate code books for each state; and code enforcement will be more uniform, predictable, and consistent. Builders will also be able to develop plans that can be used to construct buildings in multiple states with minimal or no modification. This measure tracks Oregon's success at reducing the number of Oregon-specific amendments made to the national codes, to promote national and regional consistency of codes for business and industry.



What data reveals: While the Building Codes Division (BCD) has just begun collecting the total number of amendments made to national codes, it is already evident that 1,400 amendments to the commercial structural code alone is far too many. The division's 2005 target is a 15% reduction in this level. Code cycles are every three years. In 2004, the division will update the structural code. As a result, the division will have more data to determine its progress.

Department activities related to measure: Updating of specialty codes occurs through the division's advisory boards. The boards look at the technical requirements of the national code and make recommendations on any Oregon amendments. BCD is educating board members and associated stakeholders about the benefits to Oregon's businesses and industries of reducing the number of Oregon-specific code amendments. The boards' subcommittees are currently reviewing the national commercial structures code and determining what Oregon amendments they will recommend. Once the subcommittees have completed their work, the full boards will review and recommend an updated commercial structures code. This process should be completed by fall of 2004.

Future actions planned: After adoption of the commercial structures code, BCD will look at the number of amendments to other specialty codes as they are updated and establish similar reduction targets. The division is in the process of collecting data on the number of code amendments for the residential structures code. Code cycles are every three years, so division staff members are working to determine how they can best measure the changes from code update to code update.

Data source: This measure counts the number of adopted Oregon-specific code modifications made to the model structural code compared to the baseline year's number of adopted code modifications. The data is collected manually.