



# OREGON STATE FIRE FIGHTERS COUNCIL

International Association of Fire Fighters  
AFL-CIO CLC

Senate Judicial Committee  
Senator Floyd Prozanski, Chair

June 3, 2020

Chair Prozanski, Vice Chair Thatcher and Committee Members,

For the record my name is Karl Koenig, President of the Oregon State Fire Fighters Council and one of two spokesperson's representing essential workers from private and public sector unions across Oregon.

It seems intuitive to use the terminology "Essential Worker" for firefighters, paramedics, police officers, nurses, or anyone who deals with people on an emergency basis. COVID 19 has rewritten the rules regarding the definition of "Essential Worker" to include workers who must continue to work on site with exposures to the public.

These essential workers just did what they had to. Report to work, some without personal protective equipment for almost 8 weeks after the Governor's Executive order on March 23, 2020 that "all non-essential personnel shall stay home and telecommute if possible" Her Executive Order 20-12 became the moment and default creation of the "Essential Worker" definition. Fire fighters and paramedics all across Oregon continued to respond to calls for help, as we always have, in comparison, as one of the most glaring examples grocery stores remained open without the benefit of protective equipment. No training, no Personal Protective Equipment while continuing to perform their regular duties with direct contact with store customers and co-workers. Knowing what we know now as far as transmission of the virus, this alone should be enough of a reason to grant presumptive coverage for essential workers. Left in an environment without proper PPE, some employers acknowledged a hazardous work environment by paying hazardous duty differential.

When COVID 19 outbreak occurred in Washington State, the Oregon Fire Service met to collect information and share the experience to the North on what the lessons learned by our colleagues. Our initial response was to immediately inventory our PPE supplies, but the CDC wasn't sure what was enough protection to take care of the sick, with and without COVID 19. The virus is much more virulent than the common flu and presents in a myriad of symptoms, which made treating the sick and injured very difficult. During this time the pressure to reuse, or use alternate PPE of lesser protection level because the fear of running out of equipment was very real. Our Incident Management System was enacted. Quarantine and resource tracking became important so we could move or isolate human resources quickly in response to a large

quarantine or isolation situation became a reality. Approximately 85% of Emergency Medical Service (EMS) in Oregon is provided by fire departments and districts, both career and volunteer. It is and continues to be a finite resource, the correct proactive protocols and equipment are essential to serve and protect all of Oregon's communities regardless of size.

All the while the fire service was developing burn rate projections and where outbreaks were occurring, the rest of Oregon's essential workers were going to work hoping the hospital would not run out of gear, or another shipment would appear and they could retire the multiple days of usage of "their" N95 mask. This is all within the medical community where we go to get well. Not just nurses but allied health professionals, janitorial staff re-using what by previous practice were single use items. What wasn't occurring for those workers still on the job outside the hospital setting, were protocols or PPE that made practical sense. No closures, no slowing down, lines waiting for emotional security items with no rhyme or reason from day to day. The people and exposures kept coming.

The concept of a presumption for essential workers is simple and straight forward. Given the difficulty of maintaining appropriate physical distancing as a result of being a "Essential Worker" this presumption is well suited for enactment. The presumption is proposed specifically for COVID 19. We are asking for and deserve the peace of mind of knowing while we serve all Oregonians, whether in a patrol car, fire engine, hospital, childcare facility or grocery store we are covered for both time loss and injury. We do not know the long-term effects of this virus and whether the worse is yet to come. This narrow presumption is specific to COVID 19. It is urgent in nature, clear in concept and simple to understand. Without comprehensive testing, source tracking and a working vaccine this presumption is a minimum for all essential workers.

Much is written on workplace injury and the cost of those injuries. Oregon has a very high performing Workers Compensation System. What COVID 19 has done is elevated planning and execution of ideas without the immediate coverage of people in the workplace. Economically "essential Workers", who were not typically categorized as in dangerous professions or occupations had few choices in coming to work. Dangers were not known at the onset of the pandemic and practices to include personal protective equipment were not making it to the newest of our "essential workforce". They are continuing to be exposed, get sick and some have died, all after being thrust into the economic reality of needing gainful employment to survive. At no point prior, did we as a State or society contemplate a pandemic, if you asked Oregon's Emergency Managers it was earthquake not pandemic flu, we were prepared to deal with. That lapse of operational time to task is critical in keeping people safe. We did not stockpile PPE, we did not train "Stay Home Stay Alive". This presumption acknowledges the sacrifice that these workers endured and continue to do as we attempt a slow resumption of normalcy.

As in any crisis, excellent conduct occurs, and is worthy of comment. Both SAIF and SDAO, who cover workers compensation insurance for most fire departments and districts in Oregon, other than the self-insured, have performed exceptionally well. Pay continuation without personal time loss, continuation of benefits, treatment if needed and no questions asked as if a presumption was already in place. That sense of security is paramount for firefighters, knowing we can do our jobs without worrying about getting COVID 19 as a career ending exposure. We are asking for the same consideration for our newest “essential workers” who answered the call to duty without the presumption of danger, peril and lack of security that a COVID 19 diagnosis or exposure brings.

Twelve states have granted a presumption, either by executive order or legislative remedy, with another eight states considering a presumption for essential workers. We have all benefitted from these exposed workers and recognize their commitment through public recognition. It is now time to protect our new essential workforce.

Simply put this presumption covers those who answered the call when needed without the workplace protections in place as the result of the Governor’s Executive Order 20-12 on March 23, 2020.

Thank you for your consideration.

Sincerely,

*Karl Koenig /s*

Karl Koenig  
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