

HB 4062 -1 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 2/5, 2/10

WHAT THE MEASURE DOES:

Requires City of Portland's Fire and Police Disability and Retirement System to presume that heart and lung diseases are compensable occupational diseases that are a result of a firefighter's employment of five or more years. Requires firefighter to have taken physical examination upon becoming a firefighter that failed to reveal evidence of such heart or lung condition or impairment that preexisted employment. Denial of claim must be on basis of clear and convincing medical evidence that the cause of the heart or lung condition or impairment is unrelated to the firefighter's employment.

ISSUES DISCUSSED:

- Certain cancers and stress disorders presumed occupational diseases for Portland firefighters
- Heart/lung presumption applies to firefighters outside of Portland

EFFECT OF AMENDMENT:

-1 Clarifies that heart/lung presumption applies only to firefighters and not police officers.

REVENUE: No revenue impact.

FISCAL: Minimal fiscal impact.

BACKGROUND:

All workers in Oregon are presumed to be subject workers under workers' compensation law unless otherwise exempt. An exemption is provided for firefighters and police employees of a city exceeding 200,000 in population that provides a disability and retirement system by ordinance or charter. The Portland Fire and Police Disability and Retirement System is thus exempt from workers' compensation statutes except when specifically included.

Certain cancers are presumed to be a compensable occupational disease for nonvolunteer firefighters who have been on the job at least five years. This applies to all firefighters, including those covered under Portland's Fire and Police Disability and Retirement System. Any death, disability, or impairment resulting from from post-traumatic stress disorder and acute stress disorder are presumed to be a compensable occupational disease for specified emergency first responders, including police and firefighters covered by Portland's Fire and Police Disability and Retirement System. Certain heart and lung conditions are presumed to be compensable occupational diseases for firefighters who have been on the job at least five years, but this presumption does not apply to firefighters covered by Portland's Fire and Police Disability and Retirement System .

House Bill 4062 extends to Portland firefighters the presumption that death, disability, or impairment caused by heart or lung disease is a compensable occupational disease.