

SB 507 -8 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 5/1, 5/6

WHAT THE MEASURE DOES:

Presumes death, disability, or impairment of health for firefighters, police, and employees with duties related to firefighting, police, ambulance, or emergency medical services is a compensable occupational disease if caused by mental or emotional trauma or a stress-induced disorder and specified conditions are met.

ISSUES DISCUSSED:

- Presumption that certain injuries are work-related
- Management-Labor Advisory Committee

EFFECT OF AMENDMENT:

-8 Applies presumption, related to stress-induced disorders, to specified full time, paid public safety officers. Establishes time limits and modifies evidentiary standard.

BACKGROUND:

Workers' compensation insurance provides benefits to employees who suffer from an injury that occurs at work. The system also provides benefits for an occupational disease that is caused by substances or activities to which the employee would not ordinarily be subjected or exposed to other than during work. The worker has the burden to prove that employment conditions were the major contributing cause of the occupational disease except when the disease is respiratory, cardiovascular-renal, or certain cancers. In those cases, if a person has worked at least five years as a firefighter, the employer has the burden to prove the cancer, lung, or kidney disease was not caused by employment conditions. Oregon law presumes those conditions were caused by occupational exposure.

Current law provides a mental disorder is not a compensable disease unless the employment conditions producing the disorder exist in a real and objective sense and are not generally inherent in the working situation; the disorder is diagnosed by medical or psychological professionals; and clear and convincing evidence exists that the mental disorder arose out of and in the course of employment. Senate Bill 507 A creates a rebuttable presumption, applicable to specified first responders, that certain stress-related disorders are compensable occupational diseases.