

HB 4062 A STAFF MEASURE SUMMARY

Carrier: Sen. Taylor

Senate Committee On Labor and Business

Action Date: 02/20/20

Action: Do pass the A-Eng bill.

Vote: 5-0-0-0

Yeas: 5 - Hansell, Hass, Knopp, Monnes Anderson, Taylor

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Tyler Larson, LPRO Analyst

Meeting Dates: 2/18, 2/20

WHAT THE MEASURE DOES:

Requires city having population greater than 200,000 that provides a disability and retirement system by ordinance or charter 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 firefighter that failed to reveal any evidence of such condition or impairment which pre-existed employment. Specifies that denial of claim must be on basis of clear and convincing medical evidence that the cause is unrelated to firefighters employment.

ISSUES DISCUSSED:

- Provisions of the measure
- Support for the measure from the Workers' Compensation Management-Labor Advisory Committee

EFFECT OF AMENDMENT:

No amendment.

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 cities exceeding 200,000 in population that provide 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 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-A extends to Portland firefighters the presumption that death, disability, or impairment caused by heart or lung disease is a compensable occupational disease.