

Senate Bill 588

Sponsored by Senators MEEK, MANNING JR, HAYDEN; Senators GELSER BLOUIN, GOLDEN, PROZANSKI, TAYLOR, Representative LEWIS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that a police or fire worker's PTSD is an on duty disease or injury for PERS disability with some facts. The Act says that the PERB has to hear a challenge about disability benefits in a short time. (Flesch Readability Score: 62.2).

Provides that post-traumatic stress disorder suffered by a police officer or firefighter is an injury or disease sustained in the actual performance of duties for purposes of benefits under the Public Employees Retirement System in certain circumstances.

Requires the Public Employees Retirement Board to hold a contested case hearing requested by a police officer or firefighter who is denied disability benefits within a certain period of time.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to disability benefits under the Public Employees Retirement System; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 and 3 of this 2025 Act are added to and made a part of ORS**
6 **chapter 238.**

7 **SECTION 2. (1) As used in this section:**

8 (a) **"DSM-5" means the fifth edition of the Diagnostic and Statistical Manual of Mental**
9 **Disorders published by the American Psychiatric Association.**

10 (b) **"Post-traumatic stress disorder" has the meaning given that term in the DSM-5.**

11 (2) **A member's post-traumatic stress disorder shall be considered an injury or disease**
12 **sustained while in actual performance of duty for purposes of ORS 238.320 if:**

13 (a) **The member was employed by a participating public employer as a police officer or**
14 **firefighter for at least five years; or**

15 (b) **The member was employed by a participating public employer as a police officer or**
16 **firefighter when the member experienced a single traumatic event that satisfies the criteria**
17 **set forth in the DSM-5 as Criterion A for diagnosing post-traumatic stress disorder.**

18 **SECTION 3. (1) If a member who is a police officer or a firefighter requests a contested**
19 **case hearing to dispute a final denial of an application for a disability retirement allowance**
20 **under ORS 238.320, the Public Employees Retirement Board shall hold the contested case**
21 **hearing no later than 90 days after the member requests the hearing, or, if the board de-**
22 **termines with good cause that the hearing cannot be held within 90 days, no later than 180**
23 **days after the member requests the hearing.**

24 (2) **If the board fails to hold a hearing within the time provided in this section, the**
25 **member prevails in disputing the final denial of the application under ORS 238.320.**

26 **SECTION 4. Sections 5 and 6 of this 2025 Act are added to and made a part of ORS**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **chapter 238A.**

2 **SECTION 5. (1) As used in this section:**

3 (a) **“DSM-5” means the fifth edition of the Diagnostic and Statistical Manual of Mental**
4 **Disorders published by the American Psychiatric Association.**

5 (b) **“Post-traumatic stress disorder” has the meaning given that term in the DSM-5.**

6 (2) **A member’s post-traumatic stress disorder shall be considered an injury or disease**
7 **sustained while in actual performance of duty for purposes of ORS 238A.235 if:**

8 (a) **The member was employed by a participating public employer as a police officer or**
9 **firefighter for at least five years; or**

10 (b) **The member was employed by a participating public employer as a police officer or**
11 **firefighter when the member experienced a single traumatic event that satisfies the criteria**
12 **set forth in the DSM-5 as Criterion A for diagnosing post-traumatic stress disorder.**

13 **SECTION 6. (1) If a member who is a police officer or a firefighter requests a contested**
14 **case hearing to dispute a final denial of an application for disability benefits under ORS**
15 **238A.235, the Public Employees Retirement Board shall hold the contested case hearing no**
16 **later than 90 days after the member requests the hearing, or, if the board determines with**
17 **good cause that the hearing cannot be held within 90 days, no later than 180 days after the**
18 **member requests the hearing.**

19 (2) **If the board fails to hold a hearing within the time provided in this section, the**
20 **member prevails in disputing the final denial of the application under ORS 238A.235.**

21 **SECTION 7. Within 180 days after the effective date of this 2025 Act, the Public Em-**
22 **ployees Retirement Board shall hold all outstanding contested case hearings that have been**
23 **requested by a police officer or a firefighter before the effective date of this 2025 Act to**
24 **dispute a final denial of an application for a disability retirement allowance under ORS**
25 **238.320 or for disability benefits under ORS 238A.235.**

26 **SECTION 8. Sections 2 and 5 of this 2025 Act apply to determinations made under ORS**
27 **238.320 and 238A.235 before, on or after the effective date of this 2025 Act, that are subject**
28 **to a contested case hearing or other appeal on or after the effective date of this 2025 Act.**

29 **SECTION 9. Sections 3 and 6 of this 2025 Act apply to requests for contested case**
30 **hearings made on or after the effective date of this 2025 Act.**

31 **SECTION 10. This 2025 Act being necessary for the immediate preservation of the public**
32 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
33 **on its passage.**

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