



# FIRE AND POLICE DISABILITY AND RETIREMENT City of Portland, Oregon



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## PROPOSED AMENDMENT TO HB 2418 AND SB 507

Subsection 656-802(7)(d) of HB 2418, extends Sections 656-802(7)(a)-(c) to cover firefighters and police officers who are provided disability benefits by the City of Portland through FPDR.

FPDR would like to clarification to the time limitations described in 656-802(7)(d)(B). The wording is vague and could be construed to apply to other subsections of 656-802.

In addition, FPDR has concerns with applying 656.807 in its entirety to FPDR, specifically, 656.807(3).

*656.807(3) The procedure for processing occupational disease claims shall be the same as provided for accidental injuries under this chapter.*

656.807(3) would require FPDR to administer claims in accordance with ORS 656 and not the City of Portland Charter which defines the FPDR disability plan. This would be a significant change to the FPDR disability plan. Normally, such a change would require a vote of the citizens of Portland to change the City Charter.

### FPDR recommends the following change to 656-802(7)(d):

*(d) Notwithstanding ORS 656.027 (6), a city that provides a disability or retirement system for firefighters and police officers by ordinance or charter that is not subject to this chapter, when accepting and processing claims for death, disability or impairment of health from firefighters and police officers covered by the disability or retirement system, shall apply:*

*(A) The presumptions set forth in this subsection; and*

*(B) The time limitations for filing claims **under this subsection** that are set forth in ORS 656.807(1) & (2).*

### For Reference:

#### ORS 656.807 Time for filing of claims for occupational

(1) All occupational disease claims shall be void unless a claim is filed with the insurer or self-insured employer by whichever is the later of the following dates:

(a) One year from the date the worker first discovered, or in the exercise of reasonable care should have discovered, the occupational disease; or

(b) One year from the date the claimant becomes disabled or is informed by a physician that the claimant is suffering from an occupational disease.

(2) If the occupational disease results in death, a claim may be filed within one year from the date that the worker's beneficiary first discovered, or in the exercise of reasonable care should have discovered, that the cause of the worker's death was due to an occupational disease.

(3) The procedure for processing occupational disease claims shall be the same as provided for accidental injuries under this chapter.