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190505

Emergency Ordinance

***Extend benefits currently provided to eligible members of the Fire and Police Disability, Retirement and Death Benefit Plan**

Passed

The City of Portland ordains:

Section 1. The City Council finds:

1. That the Fire and Police Disability and Retirement Fund ("FPDR") currently provides Occupational Disability benefits to eligible members of the Bureau of Fire and Rescue.
2. That Enrolled House Bill 2915 of the 81st Oregon Legislative Session – 2021 Regular Session requires that FPDR apply the provisions of Oregon Revised Statutes 656.802(4) when processing claims for firefighters covered under Chapter 5 of the Charter of the City of Portland ("Charter").
3. That ORS 656.802(4) provides that FPDR shall presume a firefighter Member who has completed five or more years of service as a firefighter is eligible for Occupational Disability benefits under the Fire and Police Disability, Retirement and Death Benefit Plan for the heart/lung diseases described in ORS 656.802(4) after June 1, 2021, unless there is clear and convincing medical evidence that the condition or impairment of health was not caused or contributed to in material part by the firefighter's employment.
4. That currently, Chapter 5 of the Charter does not provide that death, disability or impairment of health caused by the heart/lung diseases listed under ORS 656.802(4) is presumptively an Occupational Disability.
5. That pursuant to Portland City Charter Section 5-403(a), the Council may provide by ordinance for additional benefits to be paid from FPDR if the City of Portland is required by law to extend to members such additional benefits.

NOW, THEREFORE, the Council directs:

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Fire and Police Disability and Retirement](#)

Prepared by

Sam Hutchison/kk

Date Prepared

July 6, 2021

Requested Agenda Type

Regular

Portland Policy Document

- A. That the FPDR extend to eligible firefighters the heart/lung presumptions as provided under ORS 656.802(4) on relevant occupational disability claims of eligible firefighters.
- B. That in doing so, FPDR utilize the criteria for heart/lung presumptions as set forth in ORS 656.802(4) when processing claims for firefighters covered under Chapter 5 of the Charter.
- C. That the provisions in Exhibit "A" attached hereto be made a part of Chapter 5 of the Charter of the City of Portland effective June 1, 2021 and that the Board of Trustees have authority to prescribe rules and regulations for its administration.
- D. This ordinance is binding City policy.

Section 2. The City Council declares that an emergency exists in order that the amendments described in Section 1 hereof may be implemented without undue delay; therefore, this ordinance shall be in full force and effect from and after its passage by the City Council.

Documents and Exhibits

 [Exhibit A](#) (21.5 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
July 21, 2021

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (22.85 Kb)

Agenda Items

580 Regular Agenda in [July 21-22, 2021 Council Agenda](#)

Passed

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

General information

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🗎 [711](#) Oregon Relay Service

City of Portland, Oregon



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