

## **ORDINANCE NO. 183128**

Extend benefits currently provided to eligible members of the Fire and Police Disability, Retirement and Death Benefit Plan. (Ordinance)

The City of Portland ordains:

Section 1. The 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 2420 of the 75<sup>th</sup> Oregon Legislative Session – 2009 Regular Session requires that FPDR apply the provisions of Oregon Revised Statutes 656.802 (5)(a) – (h) and (6) when processing claims for firefighters covered under Chapter 5 of the Charter of the City of Portland ("Charter"), and creates a new eligibility classification for certain medical benefits after retirement.
3. That ORS 656.802(5)(a) – (h) and (6) provides that FPDR shall presume a firefighter Member who has completed five or more years as a nonvolunteer firefighter is eligible for Occupational Disability benefits under the Fire and Police Disability, Retirement and Death Benefit Plan for the cancers listed in ORS 656.802(5), and first diagnosed by a physician after July 1, 2009, 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 cancers listed in ORS 656.802(5) 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:

- a. That the FPDR extend to eligible firefighters the firefighter cancer presumptions as provided under 656.802 (5) and as outlined below, on relevant occupational disability claims of eligible firefighters.
- b. That in doing so, FPDR utilize the criteria for firefighter cancer presumption as set forth in ORS 656.802 (5) (a) – (h) and (6) when processing claims for firefighters covered under Chapter 5 the Charter.

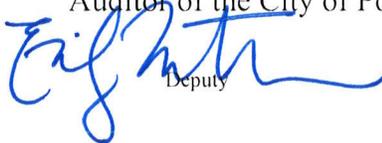
- c. That the provisions in Exhibit A attached hereto be made part of Chapter 5 of the Charter of the City of Portland effective January 1, 2010, and that the Board of Trustees has authority to prescribe rules and regulations for its administration.
- d. This ordinance is considered Binding City Policy.

Passed by the Council: **AUG 19 2009**  
Commissioner Dan Saltzman  
L.Jefferson/kk  
June 23, 2009

**LAVONNE GRIFFIN-VALADE**

Auditor of the City of Portland

By

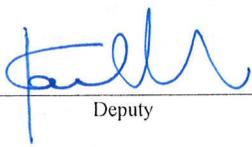
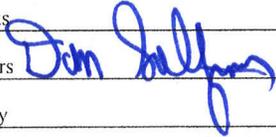
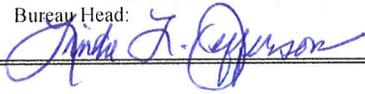
  
Deputy

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Agenda No.  
**ORDINANCE NO. 183128**  
Title

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<b>INTRODUCED BY</b>	CLERK USE: DATE FILED <u>AUG 07 2009</u>
Commissioner Saltzman	LaVonne Griffin-Valade Auditor of the City of Portland
<b>NOTED BY COMMISSIONER</b>	By:  Deputy
Mayor—Finance and Administration	<b>ACTION TAKEN:</b>
Position 1—Utilities	<b>AUG 12 2009 PASSED TO SECOND READING AUG 19 2009 9:30 A.M.</b>
Position 2—Works	
Position 3—Affairs 	
Position 4—Safety	
<b>BUREAU APPROVAL</b>	
Bureau: FPD&R	
Prepared by: LJefferson/kk Date Prepared: June 23, 2009	
Financial Impact Statement <input type="checkbox"/> Completed <input type="checkbox"/> Amends Budget <input checked="" type="checkbox"/> Not Required	
Portland Policy Document If "Yes," requires City Policy paragraph stated in document. per <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>PPD</b>
Council Meeting Date  August 3 <sup>rd</sup> , 2009	
Bureau Head: 	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
				YEAS	NAYS
Consent	Regular <input checked="" type="checkbox"/>	1. Fritz	1. Fritz	✓	
NOTED BY		2. Fish	2. Fish	✓	
City Attorney		3. Saltzman	3. Saltzman	✓	
		4. Leonard	4. Leonard	✓	
		Adams	Adams	✓	