

RESOLUTION NO. 482

WHEREAS, the Board of Trustees (Board) of the Bureau of Fire and Police Disability and Retirement (FPDR) determined that changes were necessary to the FPDR Administrative Rules; and

WHEREAS, FPDR staff and the City Attorney's office provided input; and

WHEREAS, a public hearing on proposed amendments to the FPDR Administrative Rules was held on August 27, 2013; and

WHEREAS, the Board has considered and recommends changes to Section 5.10 of the FPDR Administrative Rules as shown on Exhibits "A" and "B", attached hereto and by this reference made a part hereof; and

WHEREAS, it is appropriate and in the public interest that Section 5.10 of the FPDR Administrative Rules be changed in accordance with the recommendations of the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees that Section 5.10 of the FPDR Administrative Rules be amended as shown on Exhibit "B".

ADOPTED by the Board of Trustees on the 24th day of September 2013.



Samuel Hutchison
FPDR Director

EXHIBIT "A"
(Resolution No. 482)

Amends Section 5.10.05 – "Vocational Assessment"

EXHIBIT "B"
**(Sections of proposed Administrative Rules
as listed on Exhibit A - Resolution No. 482)**

5.10.05 – VOCATIONAL REHABILITATION PROGRAM ASSESSMENT

- (A) The purpose of an ***Vocational a***Assessment is to determine if the Member is capable of Substantial Gainful Activity, as defined in these ***Administrative r***Rules; as well as to determine if the Member is eligible for Vocational Rehabilitation services.
- (B) An ***Vocational a***Assessment of the feasibility of Vocational Rehabilitation will be done regarding a Member who:
- (1) Experiences a ***service-connected*** injury/illness or occupational disability or a ***non-service-connected*** injury/illness; and
 - (2) Has been declared or is reasonably expected to be declared ~~m~~***Medically s***Stationary by the Member's ~~a~~***Attending p***Physician; or
 - (3) Is treated ~~m~~***Medically s***Stationary pursuant to Section 5-306(d)(2) and administratively placed in ~~m~~***Medically s***Stationary status by FPDR; and
or
 - (4) Has been determined by the Member's ~~a~~***Attending p***Physician to have permanent restrictions or a reasonable expectation of permanent restrictions as a consequence of a ***service-connected*** injury/illness or occupational disability, or a ***non-service-connected*** injury/illness.
- (C) ~~An assessment shall not be done if the cost of the assessment exceeds the anticipated savings to the Fund.~~
- (D)(C) Components of an ***Vocational a***Assessment may include but not be limited to:
- (1) Relevant work history for at least the preceding five years;
 - (2) Level of education, and proficiency in spoken and written English or other languages, where relevant;
 - (3) Achievement or aptitude test data;
 - (4) Permanent limitations due to the ~~injury or disease~~ ***disability***;
 - (5) An analysis of the Member's Transferable Skills;
 - (6) A list of jobs for which the Member has the knowledge, skills and abilities, and for which a reasonable labor market is documented to exist; and

- (7) Consideration of the vocational impact of any **permanent** limitations which existed prior to the ~~injury or disease~~ **disability**.

(D) ***For the purpose of determining Substantial Gainful Activity, labor market surveys will be confined to within a 50-mile radius of the location of the Member's City of Portland employment or a 50-mile radius of the Member's current residence if the labor market in which the Member currently resides offers more opportunity for gainful employment.***