



FIRE AND POLICE DISABILITY AND RETIREMENT City of Portland, Oregon



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PTSD and Acute Stress Disorder – Proposed Rule Amendments September 24, 2019

5.7.04 – CLAIM APPROVAL OR DENIAL

(A) Disability Claim applications fall into one of the following ~~three~~ **four** categories:

(1) Service-Connected Disability Claims: Except for stress or mental disorder claims, the Director shall determine the existence of a disability and whether the preponderance of the evidence indicates it arises out of and in the course of the Member's employment.

A Member shall not be eligible for the service-connected disability benefit based on an injury suffered in assaults or combats which are not connected to the job assignment and which amount to a deviation from customary duties or incurred while engaging in, or as the result of engaging in, any recreational or social activities solely for the Member's personal pleasure.

Stress or Mental Disorder Claims: The Director shall determine if each of the following elements exists:

- (a) the employment conditions producing the stress or mental disorder exist in a real and objective sense;
 - (b) the employment conditions producing the stress or mental disorder are conditions other than conditions generally inherent in police and fire employment or reasonable disciplinary, corrective or job performance evaluation actions by the employer, or cessation of employment;
 - (c) there is a diagnosis of a mental or emotional disorder which is generally recognized in the medical or psychological community;
 - (d) there is clear and convincing evidence that the stress or mental disorder arose out of and in the course of employment as an Active Member; and
 - (e) the Member's employment conditions are the primary cause the stress or mental disorder.
- (2) Occupational Disability Claims: The Director shall presume a Member is eligible for an occupational disability enumerated in 5-306(d) of the City Charter unless the Director determines, by a preponderance of the evidence, the occupational disability was not contracted as a result of service as a police officer or fire fighter.

(3) Firefighter Cancer Presumption Claims: The Director shall evaluate firefighter cancer presumption claims in accordance with ORS Section 656.802(5).

(4) Post-Traumatic Stress Disorder (PTSD) and Acute Stress Disorder Claims: The Director shall evaluate PTSD and Acute Stress Disorder claims in accordance with ORS Section 656.802(7).