

LEGISLATIVE DIGEST

[Administrative Code - Heart Trouble and Pneumonia Presumptions for Fire and Police Retirement Benefits]

Ordinance amending the Administrative Code to amend heart trouble and pneumonia presumptions for firefighter and police officer industrial disability and death as a result of duty retirement benefits.

Existing Law

Currently, for purposes of applying for industrial disability or death retirement benefits under the San Francisco City and County Employees' Retirement System (SFERS), San Francisco firefighters and police officers are entitled to a presumption that any heart trouble or pneumonia arises out and in the course of their employment, unless there is evidence to the contrary. Contrary evidence includes evidence attributing the disability to a pre-existing disease.

Amendments to Current Law

For applications for disability based on heart troubles or pneumonia, the proposed ordinance prevents the attribution of the cause of the disability to any prior existing disease.

Background Information

Firefighters and peace officers whose retirement benefits are under CalPERS or a public pension plan under the County Employees Retirement Act of 1937 ("CERL") receive the benefit of the workers' compensation heart trouble and pneumonia presumption under California Labor Code Sections 3212 and 3212.5. The presumption under the Labor Code prevents any pre-existing disease from being attributed as the cause of the heart trouble or pneumonia upon which those firefighters and peace officers have filed applications for disability retirement. The proposed ordinance would apply this same Labor Code standard to San Francisco firefighters and police officers, thereby setting the same standard for proving causation as applies to firefighters and peace officers who are members of CalPERS and CERL public pension systems.