

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill: House File 687	House Committee: <b>PASSED</b> on 3/30/23 (25-0)
Committee: Ways and Means	House Floor:
Floor Manager: Rep. Kaufmann	Senate Floor:
Date: April 19, 2023	Governor:
Staff: Kristi Kious (2-5290)	

### Municipal Police & Firefighter Disability

- Requires mental health evaluations as part of the entrance examination for police and fire.
- Expands injuries that are covered under the 411 system to include injuries that arise out of and in the course of employment.
- Adds mental disorders to the list of presumed injuries that are covered.
- Increases the employee contribution rate from 9.4 percent of pay to 9.55 percent of pay beginning July 1, 2023.

### Section by Section Analysis

#### Section 1 – Original entrance examination – appointments (400.8)

This section relates to entrance examinations under civil service for police officers and fire fighters and is amended to require a mental health evaluation as part of the examination

#### Section 2 – Definitions (411.1)

This section amends the definition of *member in good standing* to mean any member in service who has not been terminated by the employing city of the member pursuant to section 400.18 or 400.19. Termination procedures shall not become final until all appeals provided by the applicable collective bargaining agreement or by law have been exhausted. Disciplinary action other than discharge shall not adversely affect a member's status as a member in good standing.

#### Section 3 – Definitions (411.1)

[New subsection] This section adds a definition of *ordinary disability beneficiary* to mean a member retired on an ordinary disability retirement benefit pursuant to Section 411.6(3) for three years or less.

#### Section 4 – Benefits (411.6)

Current law allows a member in good standing or the police or fire chief of the department to apply for accidental disability benefits if the individual has become totally and permanently incapacitated for duty as the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place.

This section would strike the requirement that a member be a member in good standing to apply for accidental disability benefits and allow an ordinary disability beneficiary to apply for an accidental disability retirement benefit. This section also allows a person to get an accidental disability retirement if they have become totally and permanently incapacitated as a result of an injury on the job without regard to whether that performance of duty was at some definite time and place.

This section also provides that a mental injury based on a sudden traumatic nature from an unexpected cause or unusual strain may be established irrespective of similar effects on other members.

Section 5 – Benefits (411.6)

This section makes a conforming change.

Section 6 – Benefits (411.6)

[New paragraph] This new paragraph states that upon determination on or after July 1, 2023, that an ordinary disability beneficiary is entitled to a retirement for accidental disability, the beneficiary shall receive an accidental disability retirement allowance which shall consist of a pension in an amount that is equal to the greater of:

- 60 percent of the member’s average final compensation or the retirement allowance that the member would receive if the member had attained 55 years of age; or
- An amount equal to the ordinary disability retirement allowance previously received by the beneficiary

An accidental disability allowance under this paragraph shall commence the first day of the first month following the determination that the ordinary disability beneficiary is entitled to a retirement for accidental disability.

Section 7 – Benefits (411.6)

Current law requires a definitive time and place in order for an accidental death benefit to be paid. This section is amended to include deaths determined to be the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty that arose from out of and in the course of employment.

Section 8 – Benefits (411.6)

[New paragraph] This new paragraph prohibits a person otherwise eligible to receive an ordinary or accidental disability retirement benefit from receiving that benefit if they are terminated or removed by the employing city. Upon determination of ineligibility to receive the disability benefit the benefit shall be terminated and any allowance received shall be returned to the system with interest earned calculated by the system.

Determination of ineligibility may be waived for good cause determined by the board. The burden of establishing good cause is the responsibility of the person who received the disability retirement allowance.

Section 9 – Method of financing (411.8)

This section concerns the method of financing the retirement system and is amended by increasing the employee contribution rate from 9.4 percent of pay to 9.55 percent of pay beginning July 1, 2023.

Section 10 – Hospitalization and medical attention (411.15)

Current law states that cities shall provide hospital, nursing, and medical attention for the members of the police and fire departments of the cities when they are injured while in the performance of their duties and shall continue to provide that care for injuries or diseases incurred while in the performance of their duties for members receiving a retirement allowance under 411.6.

This section amends that to requires that such attention shall also be provided for injuries arising out of and in the course of employment. Additionally, cities shall continue to provide hospitalization and medical attention for injuries or diseases while on duty for members or beneficiaries receiving any retirement allowance under Code section 411.6 and not just an accidental disability retirement allowance under Code section 411.6(6).

This section also provides that *disease* for purposes of providing medical attention shall mean heart disease, any disease of the lungs or respiratory tract, and cancer or infectious disease, all of which shall be presumed to have been contracted while on active duty. It provides that a member shall not be required to pay the cost of hospital, nursing, and medical attention required, including payment of any costs or premiums associated with any insurance policy providing coverage.

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## **Amendment Analysis**

### **H-XXXX – by Kaufmann**

This amendment changes how PTSD is handled. The amendment takes it from a presumption to following the Tripp Court Case (changing above and beyond standard to unusual stress standard).

The amendment also adjusts the member contribution to 9.64 percent and clarifies that the 3-year window post-retirement only applies to newly discovered work-related injuries.