

Resolution #1-10

Whereas: Law Enforcement is protected by presumption for musculoskeletal disorders (lower back pain and injury) as referenced in Labor Code Section 3213.2. (a) & (b)*;

Whereas: Back injury is the largest cause (47%) of disability retirements according to the I. A. F. F. Due to the physical task firefighters perform (with excess of 70lbs of PPE and additional equipment) a great deal of stress is placed on the musculoskeletal system of fire department personnel, resulting in injury and/or disability; and

Whereas: Fire department personnel claims are continually rejected by workers' compensation for musculoskeletal disorders; therefore, be it

Resolved: That the California State Firefighters' Association, at its eighty-eighth annual conference, in the city of San Diego, CA, known as the PAT JOHNSON CONFERENCE, on March 1-3, 2010, initiate and/or support legislation that adds musculoskeletal disorders (back injury and pain) to presumptions for fire department personnel.

Submitted by:

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*California Labor Code:

3213.2. (a) In the case of a member of a police department of a city, county, or city and county, or a member of the sheriff's office of a county, or a peace officer employed by the Department of the California Highway Patrol, or a peace officer employed by the University of California, who has been employed for at least five years as a peace officer on a regular, full-time salary and has been required to wear a duty belt as a condition of employment, the term "injury," as used in this division, includes lower back impairments. The compensation that is awarded for lower back impairments shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

(b) The lower back impairment so developing or manifesting itself in the peace officer shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it. This presumption shall be extended to a person following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.

Committee Recommendation:

3 ayes/0 nays