

SENATE COMMITTEE ON LABOR,
CONSUMER AND BUSINESS AFFAIRS

April 13, 1977
1:00 p.m.

Minutes

Hearing Room A
State Capitol Bldg.

Members Present: Sen. Dick Groener, Chairman
Sen. Ken Jernstedt, Vice Chairman
Sen. Cliff Trow
Sen. Jan Wyers

Excused: Sen. Mary Roberts
Sen. Wally Carson
Sen. Lenn Hannon

Staff Present: Rich Carlson, Committee Administrator
Richard Wyman, Committee Administrator
Connie Ohanian, Committee Assistant

Witnesses: Senate Bill 701

Willis Owen, Oregon State Firefighters, Local 314
Earl R. Noble, Oregon State Firefighters, Local 314, AFL-CIO
Patrick M. Flynn, Sr., Oregon State Firefighters, Local 851
J. David Kryger, Oregon Trial Attorneys
Steve Telfer, Association of Oregon Counties, League of
Oregon Cities
Gary Long, City of Eugene
Betty Collins, City of Lebanon

Senate Bill 1034

Chuck Gill, SAIF
Jack Kalinoski, AGC
Stanley R. Skinner, Eugene

Senate Bill 303

Dave Kryger, Oregon Trial Attorneys

Senate Bill 423

Bob Kennedy, Oregon AFL-CIO

Chairman Groener called the meeting to order at 1:45 p.m., after noting that the meeting had been re-scheduled to 1:30 because of a long Senate session.

Senate Bill 701

Willis Owen, representing the Oregon State Firefighters, Local 314, testified in support of Senate Bill 701.

(100)

Earl R. Noble, representing the Oregon State Firefighters, Local 314, and the Oregon State Firefighter Council and the Oregon ALF-CIO standing committee on workmen's compensation, said the basic problem in the firefighters heart and lung bill is that the legislative intent has not been carried out. This bill is intended to remedy that situation.

There followed discussion about the dangers of carbon monoxide to the heart and lungs, as well as cigarette smoke and other kinds of gasses which could affect the heart and lungs, and which a person could be exposed to outside the activities of his regular job as a firefighter.

Mr. Noble mentioned some specific cases in which firefighters were denied benefits and Senator Groener asked if he would bring in documentation on such cases. Mr. Noble said he could do that.

Patrick M. Flynn, Sr., a retired firefighter and member of Local 851 (409) in Eugene, said he was asked by the President of his local to be present at this hearing to testify in favor of the bill.

David Kryger, representing the Oregon Trial Lawyers, spoke in favor of the bill, said the problem they have with the existing statute is one of interpretation as to what the Legislature meant when they had a "disputable presumption" in the existing law. There isn't any other section in the workmen's compensation law that has a "disputable presumption" in it. What has really happened is that the Court of Appeals, in a recent case, really annihilated any presumption whatsoever in regard to firemen. (663)

Senator Groener asked Mr. Kryger what he would think about substituting the word "substantial" for "conclusive" and Mr. Kryger said he would have to think about that.

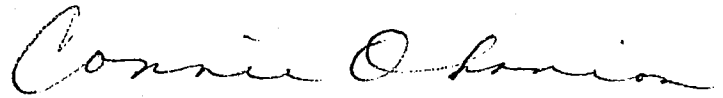
Steve Telfer, representing the League of Oregon Cities, said the League legislative committee opposes this bill in its present form and he suggested proposed amendments (see Appendix A for his statement). (840)

Page 2, Minutes
Sen. Labor, Cons. & Bus.
June 3, 1977

Dave Kryger and Harold Darron both appeared on Senate Bill 701. The bill was duly amended and upon motion by Senator Trow, the bill passed out with Senators Carson, Roberts, Trow and Groener voting "aye" and Senator Jernstedt voting "no." Senators Hannon and Wyers were not present for the vote.

The meeting was adjourned at 9:15 a.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Connie Ohanian".

Connie Ohanian
Committee Assistant

Tape 37, side 1
35 to 800

2P.

Testimony on SB 701
prepared by Stephen M. Telfer
on behalf of the League of Oregon Cities

March 30, 1977

The League legislative committee opposes this bill in its present form.

Passage would further erode cities' ability, through SAIF, to defend a firefighter's occupational disease claim with appropriate controverting evidence.

Existing law provides that any condition or impairment of health caused by any disease of the lungs or respiratory tract, hypertension or cardiovascular-renal disease shall be disputably presumed to result from a firefighter's employment. This means that a firefighter's mere employment may be used as evidence supporting an occupational disease claim in the absence of any other evidence to uphold the job relatedness of the claim. The presumption may be disputed by controverting evidence, thereby requiring a balancing of interests.

The bill would modify the present disputable presumption concept by requiring denial only on the basis of conclusive medical evidence that the cause of the condition or impairment is unrelated to the firefighters employment. In other words, an employer or SAIF, defending the claim, would have to introduce evidence that proves beyond any reasonable doubt the condition was not job related. The ability to prove conclusively that a claim is not job related would be nearly impossible.

Local officials, and members of both the legal and medical professions, agree that it is always possible to find a doctor that will testify that the disease is work-related, even though most expert opinion would disagree.

I would urge the committee to seek testimony from SAIF attorneys who have handled occupational disease claims of firefighters to get their assessment of SB 701's impact.

4-13-77

CR

There are numerous research studies on the subject of physical activity, stress and fatigue as they relate to heart disease. Unfortunately, the data indicate no significant trend either proving or disproving job relatedness among firefighter victims of heart disease. I will be pleased to provide members of the committee with copies of a study done in California which summarizes most of the research done in this area.

Oregon cities generally recognize that firefighters are engaged in a high-risk occupation from a health standpoint. Most fire departments now have rather stringent physical requirements for entry into the fire service and many follow-up with annual physical exams to aid in early detection of health problems. Some departments are establishing on-going mandatory physical fitness programs. These programs are all designed to aid in the prevention of respiratory and cardiovascular disease.

We would like to propose amendments to SB 701 which would make the determination of occupational disease claims involving firefighters more acceptable. These amendments are patterned after the Nevada statutes and would retain the present disputable presumption concept. Moreover, the proposal would require employer paid annual physical examinations. Finally, the proposal would exclude the employee from occupation disease benefits in the event the employee failed to correct predisposing physical conditions when so ordered in writing by the examining physician following the annual examination. The corrective action would have to be within the ability of the employee.

We would be pleased to work with the committee and firefighters to attempt reaching a satisfactory modification in the present occupational disease law.

CITY
OF
EUGENE

PERSONNEL DEPARTMENT
503/637-5061

777 PEARL ST.

EUGENE, OREGON
97401

March 30, 1977

TESTIMONY ON
SENATE BILL 701

SUBMITTED BY

GARY LONG, PERSONNEL DIRECTOR

ON BEHALF OF

THE CITY OF EUGENE

The City of Eugene appreciates the opportunity to testify on SB 701. We are deeply concerned about the legislation because of its predictable impact on our liability as an employer and therefore on City public safety and general services.

The City opposes the proposed legislation. It substantially increases liability for a special class of employees without factual justification. The statutory provisions of workmen's compensation laws known as the occupational disease law need comprehensive overhaul and redirection just as the balance of the workmen's compensation system is presently receiving. What the law does not need is further amendment along the lines suggested in SB 701.

4-13-77

Page 2

Why?

The current statute states a standard of "disputable presumption" of employer liability for cardiovascular-renal disease or respiratory-lung related diseases. This evidentiary standard appears to be narrower than the usual "preponderance of evidence" standard for other work-related injuries or illnesses. The proposed amendment would further narrow that evidentiary standard and perhaps close it completely. I would refer you to Attachment A (City Attorney opinion, City of Eugene) that discusses why the standard may be impossible to meet in any given claim.

In discussing this issue with some members of the medical profession who have expertise in occupational health and cardiovascular disease, they pointed out that there are six risk factors of coronary heart disease:

1. overweight
2. smoking
3. high blood pressure
4. diabetes
5. high cholesterol
6. heredity.

Heredity is the single most important risk factor correlating to heart disease. The ability to detect these risks through medical examination in younger prospective employees is difficult if not impossible. Heart disease is a cumulative process that starts congenitally and continues to develop with age. What precisely causes it, no one knows.

Page 3

The City of Eugene has had a number of firefighter cardiovascular claims processed in the last few years. These claims have involved retired as well as active employees. Most of the claims have been denied since even under the current narrow evidentiary standard there was enough latitude to argue that most of these claims were not occupationally related. The final outcome of some of the cases is still unknown.

In discussing this proposed legislation with an SAIF representative and the premium impact it would have on the City of Eugene, he projected that the City would move from a 75% experience rating to 110%. The historical cost trend for the City if that were to occur under the current benefit plan would be:

	<u>Paid Premium</u>	<u>Dividend</u>	<u>City Cost</u>
1972/73	\$115,605	\$45,877	\$69,728
1973/74	121,758	12,999	108,759
1974/75	125,516	-0-	125,516
1975/76	305,000	?	
1976/77*	397,000	?	
1977/78**	643,000	?	

* First six months premium paid projected through balance of fiscal year.

** Projects current 75% experience factor adjusting to 110% for new heart-lung liability and a 20% increase in rates for FY 77-78. At current rates the new liability would project at \$536,000.

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An approximate sixfold cost increase in six years is untenably high. Coupled with the local government fiscal crunch, the demand and need for good urban public safety services, an unusually strong resistance to local property tax increases, the liability problem is impossible to fund. Quite simply, the Workmen's Compensation premium costs increases last year in the City of Eugene were paid by reduced public safety services (amongst others), i.e., by employee layoffs and other service reductions. This type of funding "solution" is difficult to accept by the public we must all serve.

The last point of concern that I want to raise today is the open disputability in the medical profession of the causes of heart disease. While the risk factors are understood, according to a Eugene cardiovascular physician, the precise cause of the disease is unknown. Certainly, the risk factors themselves are things that an employer would have extreme difficulty regulating. The Eugene physician I consulted with suggested that the only comprehensive widely accepted professional study on cardiovascular disease was completed in 1962. It was the conclusion of that study that "...reported cases show considerable conflict in medical testimony with respect to the causative factors in cardiac disease." (REPORT OF THE COMMITTEE ON THE EFFECT OF STRAIN AND TRAUMA ON THE HEART AND GREAT VESSELS, Council on Community Service and Education of the American Heart Association)

Page 5

Thank you for your willingness to hear our concerns about this issue. We urge you to address the liability problem for affected public employers that currently exists in ORS 656.802. We urge you not to support SB 701 but instead to constructively study and resolve this workmen's compensation issue in the context of the overall changes proposed for the system.

INTER-DEPARTMENTAL MEMORANDUM

Date March 30, 1977

To: Gary Long
From: City Attorneys
Subject: Senate Bill 701

Dear Gary:

You have asked our analysis as to the legal implications of Senate Bill No. 701. The proposed legislation amends ORS 656.802 (2) which section addresses the question of when a fireman is disabled as a result of employment.

The current statutory language provides that any impairment of health by a fireman related to the lungs, heart or nervous system shall be disputably presumed to result from the fireman's employment. A disputable presumption is an evidentiary term which means that evidence is presumed to be the fact unless overcome by some contrary evidence. This would mean that a fireman-claimant is only aided by the current ORS 656.802(2) presumption when there is no significant evidence to dispute his claim. The proposed amendment extends the significance of the presumption by stating that the presumption may be overcome only on the basis of "conclusive" medical evidence that the cause of the impairment is unrelated to the fireman's employment.

The exact definition of what would be deemed "conclusive medical evidence" is uncertain. It would certainly appear to be a much higher standard of evidence than the usual rule of a "preponderance of the evidence" found under the Workmen's Compensation Law. A claimant would most assuredly argue that it meant unanimous agreement by all the medical experts that the disability was not job related. The medical profession, as most professions, very seldom is able to reach unanimity in professional opinions. This is especially the case where the issue involves the causation of heart attack.

In summary, the proposed Bill drastically changes the evidentiary rules now in effect under the Workmen's Compensation Law. It would greatly benefit a fireman-claimant as the practicable effect will be that any injury will be adjudicated as job related unless the adverse party could prove otherwise by conclusive medical evidence. The burden of proof placed upon the party opposing the claim would seem to be almost impossible to meet.

Should you have any questions on the above analysis, or wish our office to review this proposed legislation further, please do not hesitate to contact us.

Sincerely yours,
JOHNSON, HARRANG & MERCER
CITY ATTORNEYS

Donald R. Laird
eq.
Donald R. Laird

Prepared by Stephen M. Telfer
on behalf of the League of Oregon Cities

HAND ENGROSSED SB 701

Relating to the Occupational Disease Law; creating new provisions; amending
ORS.802;

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 656.802 is amended to read:

656.802 (1) As used in ORS 656.802 to 656.824, "occupational disease"
means:

(a) Any disease or infection which arises out of and in the scope of the
employment, and to which an employee is not ordinarily subjected or exposed other
than during a period of regular actual employment therein.

(b) Death, disability or impairment of health of firemen of any political
division who have completed five or more years of employment as firemen, caused by
any disease of the lungs or respiratory tract, hypertension or cardiovascular-
renal disease, and resulting from their employment as firemen.

(2) Any condition or impairment of health arising under paragraph (b)
of subsection (1) of this section shall be disputably presumed to result from a
fireman's employment; provided, however, that any such fireman must have taken
a physical examination upon becoming a fireman, or subsequently thereto, which
failed to reveal any evidence of such condition or impairment of health which
preexisted his employment.

(3) Each employee covered for diseases of the lungs or respiratory tract,
hypertension or cardiovascular - renal diseases pursuant to the provisions of this
section shall submit to an initial physical examination, including an examination
of the heart and lungs, upon commencement of coverage or commencement of employment
whichever is later. Thereafter, the employee shall submit to such examinations on a

regular annual basis during his employment.

(4) All physical examinations required pursuant to subsection 3 shall be paid for by the employer.

(5) Failure to correct predisposing physical conditions which lead to diseases of the lungs or respiratory tract, hypertension or cardiovascular-renal disease when so ordered in writing by the examining physician subsequent to the annual examination shall exclude the employee from the benefits of this section if such correction is within the ability of such employee.

Salem Professional Fire Fighters Council

*Local 314 of the International Association of Fire Fighters
Salem, Oregon*



April 18, 1977

SENATE COMMITTEE, LABOR, CONSUMER
and BUSINESS AFFAIRS
CAPITOL BUILDING
SALEM, OREGON 97310

As requested by this committee April 13, 1977, I am submitting the following list of claims filed under ORS 656.802, in support of testimony presented on Senate Bill 701.

This is by no means a complete list of claims filed, rather claims in which I have been involved or have personal knowledge.

Loren Skirvin, Eugene, WCB Case No. 71-82

Chester Howe, Salem, WCB Case No. 72-9

Ruben R. Wirkkunen, Astoria, No. not available

Clarence Frad, Salem, Claim No. OD21604

Ronald D. Scales, Springfield, No. not available

Coy Hickerson, Albany, No. not available

Gervase Meierotto, The Dalles, No. not available

Harry Warner, Albany, WCB Case No. 375

James Minnis, Medford, Claim No. OD18296

Robert Johnson, Salem, WCB Case No. 68-895

Walter Pflughaupt, Corvallis, WCB Case No. 73-3525

Robert E. Erikson (1962) No. not available ((1976) WCB Case No. 76-6278

Herbert Johnson, Astoria, No. not available

Kenneth Harmon, Salem, No. not available

Respectfully submitted by

Earl R. Noble
Earl R. Noble
785 18th St. N.E.
Salem, Oregon 97301
Phone 362-6511

1977 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION

1. Bill Number SB 701	2. Status Original	3. Fiscal Impact Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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4. Subject
Workmen's compensation claims by firemen

5. Government Unit or Program Affected
Workmen's Compensation Board; State Accident Insurance Fund;
Department of Commerce, Insurance Division

6. Budget and Management Analyst Beth Barnes BB	Date 3-28-77	7. Legislative Fiscal Analyst Bill Hanson	Date 3/31/77
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8. Fiscal Analysis

Effect on Revenue

Indeterminate

Effect on Expenditures

This bill requires that denial of worker's compensation claim by fireman for occupational diseases be based on conclusive medical evidence that the disease was not work related.

Actual increase in awards, claim costs, and insurance premiums cannot be estimated, but State Accident Insurance Fund anticipates that compensable claims will increase. Firemen as a class receive approximately \$560,000 annually in workmen's compensation claims. State Accident Insurance Fund estimates there could be considerable litigation to determine what constitutes "conclusive medical evidence," increasing court costs.

OREGON STATE SENATE

59th Legislative Assembly

MEASURE INTENT STATEMENT

Measure: SB 701

Committee: Labor, Consumer and Business Affairs

Hearing Dates: 3/30

Statement Prepared By: Richard Wyman, Committee Administrator

Problem addressed.

The bill addresses the problem of determining whether a condition causing the death, disability or impairment of the health of a fireman was related to the fireman's employment for purposes of workers' compensation benefits.

Function and purpose of measure as reported out.

The bill requires denial of workers' compensation benefits for firemen for occupational diseases to be based on conclusive medical evidence that the disease was not work related. The legal effect is to strengthen the disputable presumption of work relatedness.

Major issues discussed.

1. What is the present evidentiary burden required to overcome the disputable presumption of work relatedness?

Effect of committee amendments.

0970 CHAIRPERSON KULONGOSKI observed the probable dissatisfaction of AOI with the disposition of this bill and stated that the committee would leave it up to the board to resolve this issue satisfactorily. He agreed that the administrative rule was a preferable way to deal with the issue but expressed committee intention that it be handled as the board had represented its intentions to the committee.

SB 462 - Relating to workers' compensation

0980 MARTIN WOLFER presented a statement in opposition to the bill from the point of view of the average consumer and independent contractor employing eight people. The competitive disadvantage to small contractors presented by this bill is unfair; he would be forced to re-evaluate his business' viability. See Exhibit F.

1022 CHAIRPERSON KULONGOSKI assigned himself and REP. OTTO to consideration of the bill for possible amendments to achieve what was needed and reconcile the opposition from sole proprietors and requested anyone interested to provide input that might be helpful.

SB 297 - Relating to public contracts

1050 JACK KALINOSKI addressed amendments proposed by the "subcommittee" comprised of the Bureau of Labor, Rep. Otto, AFL-CIO, and AGC. See Exhibit G. These have been agreed to by all parties and he urged their support.

JOHN WOLF indicated the Bureau of Labor's support for the amendments.

CHAIRPERSON KULONGOSKI asked questions about possible conflicts with the state merit system for terminating employment broached with page 7's subsection (6). WOLF indicated this was existing language of Employment Division law which legislative counsel staff incorporated into the amendments. The Chair was concerned the subsection violated procedures for termination which are covered by labor laws and wanted it deleted. There were no objections and the amendments were amended to delete subsection (6) of section 9.

1148 REP. OTTO moved to adopt the proposed amendments.
There being no objections, the motion carried.

1150 REP. OTTO moved A-Engrossed SB 297 as amended to the floor with a DO PASS recommendation. The motion carried, the vote being yeas, 4-Otto, Starr, Wilhelms, Kulongoski; nays, 1-Riebel; Excused, 2-Lindquist and Rogers.
Rep. Otto will carry the bill for third reading.

SB 701 - Relating to workers' compensation

1172 STEVE TELFER spoke in favor of the bill, because it codifies court decisions.

1180 CHAIRPERSON KULONGOSKI submitted an affidavit concerning the previous testimony of Eugene firefighter, Frank Jackson, before the committee. See Exhibit H. The committee discussed the relationship of this statement to the bill with TELFER and DAVE KRYGER. REP. WILHELMS was not convinced the affidavit related to the bill; TELFER argued the dispute claim related in the affidavit exemplified the need for clarifying language as provided in SB 701.

CHAIRPERSON KULONGOSKI provided WILSON a copy of the affidavit and requested someone on the board to investigate Eugene Fire Department handling of claims for disability.

1330 REP. OTTO moved SB 701 A-Engrossed to the floor with a DO PASS recommendation. The motion carried, the vote being yeas, 5-Otto, Starr, Riebel, Wilhelms, Kulongoski; excused, 2-Lindquist and Rogers. Rep. Lindquist will carry the bill on third reading.

SB 423 - Relating to workers' compensation

1340 CHAIRPERSON KULONGOSKI reviewed the two sets of amendments submitted on this bill. See Exhibit I for one set and to the Chair's discussion for the other.

1379 WILSON indicated the differences in approach caused by using ORS 654 rather than ORS 656 and the board's preference to use the former statute for penalty determination with administrative discretion.

CHAIRPERSON KULONGOSKI related Sen. Groener's interest in this bill and preference for a mandatory penalty provision rather than a discretionary penalty since the private right of action had been deleted. Discussion ensued regarding the application of a "penalty of not less than \$5,000" for example. The Chair suggested possible language, indicated a preference for a mandatory penalty; WILSON suggested legislators could recommend board policy on penalties; KULONGOSKI thought it could better be handled through a citation penalty under ORS 654. Examples of safety violations; statutes which could apply; the viability of stiff penalties and their relationship to a philosophy of safety standards; and the ability to inhibit employer or employee carelessness were subjects discussed. CHAIRPERSON KULONGOSKI argued this dealt with an employer's violation of safety design standards and therefore, should be a tough provision and FREDERICK, KRYGER and WILSON agreed. REP. WILHELMS disagreed and REP. OTTO related some of the considerations which he and Sen. Groener had discussed. WILSON stated that unless a supervisor had been party to the removal of the safety device, the statute would not apply and suggested increasing the penalty. REP. WILHELMS thought that the employer should not be responsible for employee carelessness and the Chair countered that an employer is responsible for successful persuasion by employees to avoid safety devices.

1520 KALINOSKI argued that the employer is held responsible by the courts even in instances of employee carelessness and cited a court of appeals case.

CHAIRPERSON KULONGOSKI argued that an employer who knows and does nothing is irresponsible; knowledge of the violation creates the responsibility. Discussion continued on these issues; KEN PHILLIPS joined the conversation.

1576 REP. OTTO moved to adopt the amendments.

Discussion ensued around the maximum fine being provided and the rationale for a serious fine.

1617 There being no objections, the motion carried.

GARY K. JENSEN, P.C.
Attorney at Law
Smeede Hotel Building
767 Willamette — Suite 307
Eugene, Oregon 97401
(503) 484-1021

STATE OF OREGON
WORKER'S AND EMPLOYER'S
REPORT OF OCCUPATIONAL
INJURY OR DISEASE

saif

State Accident Insurance Fund
SAIF Building
Salem, Oregon 97312

CLAIM NO.
SUBJECT DATE
EMP. OCC.
CLASS
DEFAULT DATE
EMPLOYER'S ACCOUNT NO.

WORKER'S NOTICE TO EMPLOYER

1. FIRST NAME, MIDDLE INITIAL, LAST NAME HENRY (NMAN) TROYANEK	2. TELEPHONE 344-9330	3. AGE 53	4. SEX M	5. SOCIAL SECURITY NUMBER 542-18-2120
6. STREET AND NUMBER 116 No Jefferson	7. PLACE OF INJURY OR EXPOSURE TO DISEASE (STREET, CITY) FIRE DEPT CITY OF Eugene 777 Pearl			
8. CITY EUGENE	STATE ORE	ZIP CODE 97401	9. FULL NAME AND ADDRESS OF ATTENDING PHYSICIAN WINSTON MAXWELL 633 E 11th Eugene	
10. COUNTY IN WHICH INJURY OCCURRED LANE	11. ON EMPLOYER'S PREMISES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	12. HOSPITALIZED AS INPATIENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	13. NAME AND ADDRESS OF HOSPITAL SACRED HEART 12th & ALICE Eugene	
14. NATURE OF INJURY OR DISEASE AND PART OF BODY AFFECTED HEART <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT		15. HOW WERE YOU INJURED OR EXPOSED TO DISEASE? OCCUPATIONAL Disease ORS 656.802		

DO NOT WRITE IN THIS COLUMN

FIRE DEPT EMPLOYEES

16. NAMES OF WITNESSES
↑

17. DATE AND HOUR OF INJURY OR EXPOSURE TO DISEASE CAUSE of Employment AM 11-6-76	18. WORKER'S SIGNATURE Henry TroyaneK	19. DATE SIGNED 11-11-76
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20. EMPLOYER CITY OF Eugene	21. ADDRESS 777 Pearl St	ZIP CODE 97401	22. TELEPHONE 687-5415
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23. DATE EMPLOYER FIRST KNEW OF INJURY 11-6-76	24. NATURE OF BUSINESS (MFG. SHOES, TRUCKING FOR HIRE, LOG HAULING, RETAIL GROCERY, ETC.) Fire Dept	25. ADDRESS OF EMPLOYER FACILITY WHERE INJURY OR EXPOSURE OCCURRED IF DIFFERENT FROM EMPLOYER'S MAILING ADDRESS
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26. WORKER'S OCCUPATION Fire Fighter	27. DEPARTMENT (SEE OSHA-F-100) 9360021600	28. HOW LONG WITH PRESENT EMPLOYER? 20 yrs
--	--	--

29. NAMES OF OTHER WORKERS INJURED IN THIS ACCIDENT. (IF NONE, WRITE NONE) NONE	30. SIGNATURE OF AUTHORIZED EMPLOYER REPRESENTATIVE Richard R. Jones	31. TITLE Adm Chief	32. DATE SIGNED 11-12-76
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33. CLAIM IS (A) <input type="checkbox"/> ACCEPTED (B) <input type="checkbox"/> DENIED (C) <input type="checkbox"/> DEFERRED AS (D) <input type="checkbox"/> DISABLING (E) <input type="checkbox"/> NONDISABLING (F) <input type="checkbox"/> OCCUPATIONAL DISEASE (G) <input type="checkbox"/> INJURY DATE	34. IF THE ACCIDENT WAS CAUSED BY ANYONE BESIDES WORKER, GIVE NAME AND ADDRESS	35. WAS ACCIDENT CAUSED BY FAILURE OF A MACHINE OR PRODUCT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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36. WHAT WAS THE WORKER DOING WHEN INJURED? HOW DID THE ACCIDENT OCCUR? (GIVE DETAILS) Collapsed while Dancing on Day off Approx 0200, 11-6-76	37. CHECK THE APPROPRIATE BOX(S) IF THE NONFATAL INJURY OR DIAGNOSED OCCUPATIONAL ILLNESS RESULTED IN: (A) <input checked="" type="checkbox"/> LOSS OF CONSCIOUSNESS (B) <input type="checkbox"/> RESTRICTION OF WORK OR MOTION (C) <input type="checkbox"/> TRANSFER TO ANOTHER JOB (D) <input type="checkbox"/> TERMINATION
--	---

38. NAMES AND ADDRESSES OF WITNESSES ELLIE Bright - Creswell ore (Ace Electronics Eugene)	39. WHAT MACHINE, SUBSTANCE, OR OBJECT WAS MOST CLOSELY CONNECTED WITH INJURY OR EXPOSURE? Occupational Disease ORS 656.802	40. IF MECHANICAL APPARATUS - WHAT PART OF IT?
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41. WERE MECHANICAL GUARDS OR OTHER SAFEGUARDS PROVIDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	42. DID WORKER RETURN TO HIS/HER NEXT SCHEDULED SHIFT AFTER THE ACCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	43. FATALITY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	44. TIME WORKER LEFT WORK DATE 11/4/76 HOUR 8 AM <input checked="" type="checkbox"/> PM	45. DATE RETURNED TO WORK 11/11/76
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46. HOW MANY DAYS PER WEEK DOES WORKER WORK? 56 hr week	47. WORKING SHIFT FROM 8 AM TO 8 PM	48. NAME SCHEDULED DAYS OFF 24 on - 48 off
---	--	--

49. DOES WORKER RECEIVE TIPS? <input type="checkbox"/> YES AMOUNT REPORTED TO EMPLOYER PER WEEK \$ <input checked="" type="checkbox"/> NO	50. IF FARM WORK WAS IT <input type="checkbox"/> SEASONAL <input type="checkbox"/> PERMANENT	51. WAGE (INCLUDING BOARD AND ROOM) \$1360 <input type="checkbox"/> HR. <input type="checkbox"/> DAY <input type="checkbox"/> WK. <input checked="" type="checkbox"/> MO.
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52. AVERAGE WAGE PER DAY IF PIECEWORK	53. UNDER WHAT CLASS CODE OF YOUR POLICY WERE WORKER'S WAGES CARRIED? 7204	54. IN WHICH STATE WAS WORKER HIRED? ore	55. IN WHICH STATE(S) WAS WORKER HIRED TO WORK? ore
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56. DID INJURY HAPPEN DURING COURSE OF EMPLOYMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	57. IS INJURED WORKER A CORPORATION OFFICER, PARTNER, SOLE PROPRIETOR? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	58. IS EMPLOYER AN <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION <input checked="" type="checkbox"/> OTHER
--	---	---

59. IF YOU DOUBT VALIDITY OF CLAIM STATE REASON	60. EMPLOYER'S SIGNATURE Richard R. Jones	61. DATE SIGNED 11/12/76
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WORKER:
EMPLOYER:

COMPLETE LINES 1 THRU 19.
COMPLETE BALANCE OF THIS REPORT EXCEPT LINE 33.

**WORKER'S AND EMPLOYER'S
REPORT OF OCCUPATIONAL
INJURY OR DISEASE**

Saif

State Accident Insurance Fund
SAIF Building
Salem, Oregon 97312

NO. 15-6-11-24
SUBJECT DATE
EMP OCC city admin
CLASS 7704
DEFAULT DATE 70
EMPLOYER'S ACCOUNT NO 2670

SPECIAL HANDLING



1. FIRST NAME, MIDDLE INITIAL, LAST NAME HENRY (NMN) TROYANEK		2. TELEPHONE 344-8330		3. AGE 53		4. SEX M		5. SOCIAL SECURITY NUMBER 542-18-2120		DO NOT WRITE IN THIS COLUMN	
6. STREET AND NUMBER 116 No Jefferson		7. PLACE OF INJURY OR EXPOSURE TO DISEASE (STREET, CITY) FIRE DEPT CITY OF EUGENE 777 Pearl									
8. CITY Eugene, ORE		STATE ORE		ZIP CODE 97401		9. FULL NAME AND ADDRESS OF ATTENDING PHYSICIAN WINSTON MAXWELL 633 E 11th Eugene					
10. COUNTY IN WHICH INJURY OCCURRED LANE		11. ON EMPLOYER'S PREMISES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		12. HOSPITALIZED AS INPATIENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		13. NAME AND ADDRESS OF HOSPITAL SACRED HEART 12th & ALDER Eugene					
14. NATURE OF INJURY OR DISEASE AND PART OF BODY AFFECTED HEART <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT		15. HOW WERE YOU INJURED OR EXPOSED TO DISEASE? OCCUPATIONAL Disease ORS 656.802									
16. NAMES OF WITNESSES FIRE DEPT EMPLOYEES											
17. DATE AND HOUR OF INJURY OR EXPOSURE TO DISEASE COURSE of Employment		18. WORKER'S SIGNATURE <i>Henry TrojaneK</i>				19. DATE SIGNED 11-11-76					
20. EMPLOYER CITY OF Eugene		21. ADDRESS 777 Pearl St		ZIP CODE 97401		22. TELEPHONE 687-5415					
23. DATE EMPLOYER FIRST KNEW OF INJURY 11-6-76		24. NATURE OF BUSINESS (MFG. SHOES, TRUCKING FOR HIRE, LOG HAULING, RETAIL GROCERY, ETC.) Fire Dept				25. ADDRESS OF EMPLOYER FACILITY WHERE INJURY OR EXPOSURE OCCURRED IF DIFFERENT FROM EMPLOYER'S MAILING ADDRESS					
26. WORKER'S OCCUPATION Fire Fighter		27. DEPARTMENT (SEE OSHA-F-100) 936002160W				28. HOW LONG WITH PRESENT EMPLOYER? 20 yrs					
29. NAMES OF OTHER WORKERS INJURED IN THIS ACCIDENT. (IF NONE, WRITE NONE) None		30. SIGNATURE OF AUTHORIZED EMPLOYER REPRESENTATIVE <i>Richard R. Jones</i>				31. TITLE Adm Chief		32. DATE SIGNED 11-12-76			
33. CLAIM IS (A) <input type="checkbox"/> ACCEPTED (B) <input type="checkbox"/> DENIED (C) <input checked="" type="checkbox"/> DEFERRED AS (D) <input type="checkbox"/> DISABLING (E) <input type="checkbox"/> NONDISABLING (F) <input type="checkbox"/> OCCUPATIONAL DISEASE (G) <input type="checkbox"/> INJURY DATE MARSHA BALDWIN		34. IF THE ACCIDENT WAS CAUSED BY ANYONE BESIDES WORKER, GIVE NAME AND ADDRESS									
35. WHAT WAS THE WORKER DOING WHEN INJURED? HOW DID THE ACCIDENT OCCUR? (GIVE DETAILS) Collapsed while Dancing on Day off Approx 0200, 11-6-76		36. CHECK THE APPROPRIATE BOX(S) IF THE NONFATAL INJURY OR DIAGNOSED OCCUPATIONAL ILLNESS RESULTED IN: (A) <input checked="" type="checkbox"/> LOSS OF CONSCIOUSNESS (B) <input type="checkbox"/> RESTRICTION OF WORK OR MOTION (C) <input type="checkbox"/> TRANSFER TO ANOTHER JOB (D) <input type="checkbox"/> TERMINATION									
37. NAMES AND ADDRESSES OF WITNESSES ELLIE Bright - Creswell ORE (Ace Electronics Eugene)											
38. WHAT MACHINE, SUBSTANCE, OR OBJECT WAS MOST CLOSELY CONNECTED WITH INJURY OR EXPOSURE? Occupational Disease ORS 656.802		39. IF MECHANICAL APPARATUS - WHAT PART OF IT?									
40. WERE MECHANICAL GUARDS OR OTHER SAFEGUARDS PROVIDED? <input type="checkbox"/> YES <input type="checkbox"/> NO		41. DID WORKER RETURN TO HIS/HER NEXT SCHEDULED SHIFT AFTER THE ACCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		42. FATALITY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		43. TIME WORKER LEFT WORK DATE 11/14/76 HOUR 8:00 AM <input checked="" type="checkbox"/> PM		44. DATE RETURNED TO WORK 11/20/76			
45. HOW MANY DAYS PER WEEK DOES WORKER WORK? 56 hr week		46. WORKING SHIFT FROM 8 AM TO 8 PM		47. NAME SCHEDULED DAYS OFF 24 on - 48 off		48. DOES WORKER RECEIVE TIPS? <input type="checkbox"/> YES AMOUNT REPORTED TO EMPLOYER PER WEEK \$ <input type="checkbox"/> NO					
49. IF FARM WORK WAS IT <input type="checkbox"/> SEASONAL <input type="checkbox"/> PERMANENT		50. WAGE (INCLUDING BOARD AND ROOM) \$1360 <input type="checkbox"/> HR <input type="checkbox"/> DAY <input type="checkbox"/> WK <input checked="" type="checkbox"/> MO		51. AVERAGE WAGE PER DAY IF PILOT WORK 7704		52. UNDER WHAT CLASS CODE OF YOUR POLICY WERE WORKER'S WAGES CARRIED? 7704		53. IN WHICH STATE WAS WORKER HIRED? ore		54. IN WHICH STATE(S) WAS WORKER HIRED TO WORK? ore	
55. DID INJURY HAPPEN DURING COURSE OF EMPLOYMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		56. IS INJURED WORKER A CORPORATION OFFICER, PARTNER, SOLE PROPRIETOR? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		57. IS EMPLOYER AN <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION <input checked="" type="checkbox"/> OTHER		58. IF YOU DOUBT VALIDITY OF CLAIM STATE REASON Question whether or not it is work related					
59. EMPLOYER'S SIGNATURE <i>Richard R. Jones</i>		60. DATE SIGNED 11/12/76									

WORKER:
EMPLOYER:

COMPLETE LINES 1 THRU 19.
COMPLETE BALANCE OF THIS REPORT EXCEPT LINE 33.
YOU SEND PAGES 1 THRU 3, WITH CARBON INTACT TO COMPANY LISTED AT TOP.
YOU KEEP PAGE NO. 4.
GIVE PAGE NO. 5 TO THE WORKER.