



ADAM A. HOUSE  
Fire Chief

# Sacramento Metropolitan Fire District

10545 Armstrong Ave., Suite 200 · Mather, California 95655 · Phone (916) 859-4300 · Fax (916) 859-3700

## BOARD OF DIRECTORS - REGULAR MEETING AGENDA

Thursday, June 27, 2024 – 6:00 PM  
Sacramento Metropolitan Fire District

10545 Armstrong Avenue  
Board Room – Second Floor  
Mather, California

&

Remotely Via Zoom  
Webinar ID: 827 3461 0232 #  
Passcode: metro2101

Phone: 1 (669) 444-9171 or 1 (669) 900 6833

 Passcode: 838771796 #

<https://us06web.zoom.us/j/82734610232?pwd=SFILQ1Znd25RSmlhdXZVQVh4d1VWZz09>

Grant Goad  
Board President  
Division 2

Ted Wood  
Board Vice President  
Division 4

Jennifer Sheetz  
Board Secretary  
Division 5

Cynthia Saylor  
Board Member  
Division 1

Robert Webber  
Board Member  
Division 3

D'Elman Clark  
Board Member  
Division 6

Brian Rice  
Board Member  
Division 7

Gay Jones  
Board Member  
Division 8

John Costa  
Board Member  
Division 9

*The mission of the Sacramento Metropolitan Fire District is to provide professional and compassionate protection, education and service to our community.*

The Public's health and well-being are the top priority for the Board of Directors of the Sacramento Metropolitan Fire District and you are urged to take all appropriate health safety precautions. **To view the meeting via the Zoom Application, please click on the link above.**

Members of the public seeking to attend and to address the Board who require reasonable accommodations to access the meeting, based on disability or other reasons, should contact the following person at least forty-eight (48) hours in advance of a Regular meeting to make arrangements for such reasonable accommodations:

Marni Rittburg  
Board Clerk  
(916) 859-4305

[rittburg.marni@metrofire.ca.gov](mailto:rittburg.marni@metrofire.ca.gov)

The Board will convene in open session at 6:00 p.m.

Serving Sacramento and Placer Counties



# Sacramento Metropolitan Fire District

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REGULAR BOARD MEETING

THURSDAY, JUNE 27, 2024

- CALL TO ORDER
- ROLL CALL
- PLEDGE TO FLAG

## METRO CABLE ANNOUNCEMENT:

This meeting of the Sacramento Metropolitan Fire District will be cablecast on Metro Cable 14, the local government affairs channel on Comcast and AT&T U-Verse cable systems. This meeting is also webcast at [metro14live.saccounty.gov](http://metro14live.saccounty.gov). **Today's meeting replays at 2:00 p.m. on Sunday, June 30, 2024 and again at 6:00 p.m. on Monday, July 1, 2024, on Channel 14.** This meeting can also be viewed at [youtube.com/metrocable14](http://youtube.com/metrocable14).

## PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON AGENDA:

*The Board of Directors of the Sacramento Metropolitan Fire District appreciates and encourages public interest and welcomes questions and opinions at its meetings. Public members wishing to address the Board are requested to first be recognized by the presiding officer and identify themselves for the record. The presiding officer may, in the interest of time and good order, limit the number of public member presentations. Speakers' comments will be limited to **three (3) minutes** (Per Section 31 of the Board of Directors Policies and Procedures).*

*In accordance with Section 31 of the Board of Directors Policies and Procedures, members of the Public requesting their written comments be read into the meeting record must be present or have a representative present to read their comments during the time allotted.*

## CONSENT ITEMS:

*Matters of routine approval including but not limited to action summary minutes, referral of issues to committee, committee referrals to the full Board, items that require yearly approval, declaration of surplus equipment, and other consent matters. The Consent Agenda is acted upon as one unit unless a Board member requests separate discussion and/or action.*

## CONSENT ITEMS

Page No.

1. **Action Summary Minutes** 5  
**Recommendation:** Approve the Action Summary Minutes for the Regular Board Meetings of May 9, 2024 and May 23, 2024.
2. **Disclosure of Material Expenditure – Aviation Liability Insurance – Chubb Insurance Group - \$185,187.** 17  
**Recommendation:** Authorize the payment of \$185,187.00 to Chubb Insurance Group for the purchase of Aviation Liability Insurance.





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REGULAR BOARD MEETING

THURSDAY, JUNE 27, 2024

3. **Disclosure of Material Expenditure – General/Property/Liability Commercial Insurance – Fire Agencies Insurance Risk Authority (FAIRA) for the FY 24/25 in the amount of \$2,831,190.** 19  
**Recommendation:** Authorize a payment of \$2,831,190 to Fire Agencies Insurance Risk Authority (FAIRA) for Commercial Insurance.
4. **Adopt Resolution – Special Fire Tax – Sloughhouse/Rancho Murieta Area** 21  
**Recommendation:** Adopt Resolution authorizing the County Assessor to incorporate the \$100 per parcel Special Fire Tax for the Sloughhouse/Rancho Murieta area with the 2024/25 Sacramento County property tax levy.
5. **Adopt Resolution – California Fire Foundation Grant Opportunity** 25  
**Recommendation:** Adopt Resolution allowing the Board President to execute a letter which authorizes the District to receive these grant funds as requested by the application process.

## PRESENTATION ITEMS:

1. **Workers' Compensation 101** 28  
*(Intercare Senior V.P. of Client Services Danielle Buri-Beaton)*  
**Recommendation:** Receive presentation, discussion and Q&A.

## REPORTS:

1. **PRESIDENT'S REPORT** — *(President Goold)*
2. **FIRE CHIEF'S REPORT** — *(Chief House)*  
**OPERATIONS REPORT** – *(Deputy Chief Mitchell)* – **No Report**  
**ADMINISTRATIVE REPORT** – *(Deputy Chief Bailey)* – **No Report**  
**SUPPORT SERVICES REPORT** – *(Deputy Chief Wagaman)* – **No Report**
3. **SMFD – FIREFIGHTERS LOCAL 522 REPORT** – *Captain Sean Scollard, Local 522 Vice President)*
4. **COMMITTEE AND DELEGATE REPORTS**  
*All Committee Meetings will be held at the Sacramento Metropolitan Fire District Board Room, 10545 Armstrong Avenue, Mather, California unless otherwise specified.*
  - A. **Executive Committee** – *(President Goold)*  
Next Meeting: TBD
  - B. **Communications Center JPA** – *(AC Greene)* – **No Report**  
Next Meeting: June 25, 2024 at 9:00 AM



# Sacramento Metropolitan Fire District

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REGULAR BOARD MEETING

THURSDAY, JUNE 27, 2024

- C. **Finance and Audit Committee** – *(Director Jones)*  
Met Today  
Next Meeting: July 25, 2024 at 5:30 PM
  
- D. **Policy Committee** – *(Director Costa)*  
Next Meeting: July 11, 2024 at 5:30 PM

## BOARD MEMBER QUESTIONS AND COMMENTS

## ADJOURNMENT

### NEXT BOARD MEETING(S):

*Unless specified differently, all meetings of the Board are held at Sacramento Metropolitan Fire District at 10545 Armstrong Avenue, Mather, CA*

- Regular Board Meeting – July 11, 2024 at 6:00 PM

Posted on June 24, 2024, by 4:30 p.m.

Marni Rittburg, CMC, CPMC  
Clerk of the Board

\*\* No written report  
\*\*  Separate Attachment

### DISABILITY INFORMATION:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (916) 859-4305. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.





ADAM A. HOUSE  
Fire Chief

# Sacramento Metropolitan Fire District

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## ACTION SUMMARY MINUTES – REGULAR MEETING

### BOARD OF DIRECTORS SACRAMENTO METROPOLITAN FIRE DISTRICT

Thursday, May 9, 2024

Held at the following locations:

10545 Armstrong Avenue – Board Room

Mather, California

&

Remotely Via Zoom

### CALL TO ORDER

The meeting was called to order at 6:00 pm by President Goold. Board members present: Costa, Clark, Goold, Jones, Saylor, Sheetz, Webber and Wood. Board members absent: Rice. Staff present: Chief House and Board Clerk Rittburg.

### PUBLIC COMMENTS

Public comments were not received.

### CONSENT ITEMS

Moved by Director Wood, seconded by Jones and carried unanimously by members present to adopt the consent calendar as follows:

- 1. Action Summary Minutes**  
**Recommendation:** Approve the Action Summary Minutes for the Regular Board Meeting of April 11, 2024.  
**Action:** Adopted Minutes.
- 2. Revision to Positions and Authorization Document for Temporary Position**  
**Recommendation:** Authorize the temporary change in the Positions and Authorization Document for the addition of one Grant Specialist position for the period of six weeks.  
**Action:** Authorized the temporary change in Positions and Authorization Document.

### ACTION ITEMS

- 1. Adopt Resolution – Calling the November 5, 2024 General District Election and Requesting Consolidation with the Statewide General Election and Approving Requirements of the Candidate Statements**  
(Board Clerk Marni Rittburg)

**Recommendation:** Adopt Resolution calling the November 5, 2024 General District Election, requesting consolidation of this election with the Statewide General Election, and requesting that Sacramento County provide election services for this election.

**Action:** Moved by Director Jones, seconded by Costa, and carried unanimously by members present to adopt **Resolution 2024-080** calling the November 5, 2024 General District Election, requesting consolidation of this election with the Statewide General Election, and requesting that Sacramento County provide election services for this election.

## **REPORTS**

### **1. PRESIDENT'S REPORT - (President Goold)**

President Goold thanked all the staff who worked on planning the trip to Capital to Capital in Washington DC and the Members of Congress who met with us.

### **2. FIRE CHIEF'S REPORT — (Chief House)**

Congratulations to Inspector Rebecca Leda from the Community Risk Reduction Division (CRRD) who was awarded Fire Official of the Year for 2023-24 by the California Building Officials (CALBO). Inspector Leda serves as the President of the Northern California Fire Prevention Officer (FPO).

Last night I was attended, with Chief Rudnicki and Chief Mitchell, the 2023 California EMS Awards banquet in Napa where Battalion Chief Scott Perryman was awarded the Distinguished Service Medal by the State Emergency Medical Services Authority (EMSA) for his leadership and efforts in providing services through the Mobile Integrated Health (MIH) program.

### **OPERATIONS REPORT – (Deputy Chief Mitchell)**

#### **1. Annual Cooperator's Meeting**

- Held pre-fire season each year, hosted by Metro Fire
- Largest attendance ever, here in this room, Metro, SFD, Cosumnes, Folsom, NEU, AEU
- Great relationship building before the incident

#### **2. Copter 3 Delivery**

- We now have Copter 3 out at St. 115 as of Monday, May 6<sup>th</sup>
- Crews are evaluating the mechanical status, testing the systems, and training on the new airframe
- Expect to see Copter 3 in service this summer, allowing us to expand our resource capabilities and provide higher levels of air operations service to the community

#### **3. Transition to Wildfire Season**

- Effective Wednesday, May 15<sup>th</sup> at 0800, the county fire agencies will transition to wildfire response levels
- Light fuels are drying out and are starting to be available burn; fuel moistures are right at historical norms for this time of year



- Discussed the outlook for the upcoming season, and expect normal fire potential through June and July; models are showing a forecast for an above normal hot and dry August and fall season with anticipated above normal fire activity

#### 4. Service Delivery Member Recognition

- Service delivery presentation update coming to the Board first meeting in June; lots of positive things happening on May 13<sup>th</sup> to increase services
- Our members are also doing great things to move us into higher levels of service, and so I'd like to call Chief Fiorica to the podium to recognize one of them right now...

Chief Fiorica presented Noah Kellogg with his Paramedic badge.

### **ADMINISTRATIVE REPORT – (Deputy Chief Bailey)**

#### **COMMUNITY RELATIONS DIVISION:**

- Bodycam/UK – PIO Wilbourn worked with media from the UK to tell the story of the rescue/grab of Captain Lemon and Firefighter Hodge in 2022.
- Station 51 Open House – June 1, 2024, from 10:00 am to Noon.
- Career fair season at the schools is April & May and the firefighters have been busy doing the career day school circuit talking about being a firefighter, and showing off the fire engine.
- With summer around the corner, we are working on social media stories about bike safety, weed abatement, drowning prevention, and celebrating EMS week which is May 20-24.

#### **FINANCE:**

- No Updates

#### **PLANNING & DEVELOPMENT:**

- No Updates

#### **TRAINING:**

- FA 24-1 graduation, 11 recruits on May 17<sup>th</sup>
- FAIRAS "Drive to Survive" training program will be hosted at Metro Fire on May 21, 2024:
  - Station 106 at 9:00 am
  - Training Division at 1:00 pm

#### **HUMAN RESOURCES:**

- EMS Systems Technician – Started 5/7/24
- Logistics Manager Interviews – 5/13/24
- Paramedic Interviews for 24-2 Academy – 5/13 & 5/14
- Fire Inspector I – Orientation scheduled for 5/17/24
- Dozer Program Manager – Closes 5/17/24
- Fire Engineer Phase II – This week

#### **BACKGROUNDS:**

- 1 Chief Pilot
- 2 MIH Providers
- 16 External Firefighter Paramedics

- 12 Internal Firefighter Paramedics

### **RECRUITMENT & OUTREACH:**

- Twin Rivers School District is moving forward with a CTE Pathway in Fire Technology at Rio Linda High School modeled after the program at Del Campo. We were hopeful to have this project operational this coming fall, but that isn't going to happen as cost is the current challenge. Tim White will be working with Training, BC Fong, and the Reserve program in an attempt to coordinate efforts in a way that supports, not only our full-time operational needs but the Reserve program as well.
- The mentor program continues to draw interest from paramedic students looking for internships. Captain Ellis in EMS has oversight of the internship program. He is tracking and prioritizing people who want to work at Metro through multiple points of contact and demonstrating that we are investing in their individual process.
- Chief House accompanied Tim White to a Career Presentation at Sierra College in April.

### **SUPPORT SERVICES REPORT – (Deputy Chief Wagaman)**

#### **Logistics:**

- We are expecting a retirement within our Logistics Division. We have an internal recruitment process happening now for our next Logistics Manager.

#### **Facilities:**

- Station 50 dormitory remodel:
  - Flooring, Framing, drywall, and paint completed.
- Station 102 squad addition:
  - EMS 24 has been relocated in to new dorm at front of station.
  - EMS 24 office has been relocated to small room off of dayroom.
  - Framing ongoing in new Squad 102 dormitory.
- Station 21 security, new slider installed leading into the gym.
- Station 41 parking lot sealcoat completed, and all parking stalls restriped.
- Station 27 HVAC replaced.
- Station 59 parking lot seal and stripe completed

#### **Facilities Plans:**

- Major roof repairs on stations 24, 21 and 32 scheduled.
- Commercial carpet cleaning for stations 54, 22 and 102 scheduled.

#### **Fleet:**

- Work continues getting the new Ambulances and Type Vs into service.
- The new S61 has been completed, and S102 close to being finished.
- The California Fire Mechanics Academy is taking place.

#### **IT:**

- No report.



**3. SMFD – FIREFIGHTERS LOCAL 522 REPORT** (Captain Steven Oberlander, *Local 522 Representative*)

Captain Oberlander stated he was here in place of Sean Scollard who is currently attending the CPF Conference in San Diego where he was able to tour their Fire Wellness Center.

**4. COMMITTEE AND DELEGATE REPORTS**

*All Committee Meetings will be held at the Sacramento Metropolitan Fire District Board Room, 10545 Armstrong Avenue, Mather, California unless otherwise specified.*

**A. Executive Committee – (President Goold)**

Asking our Legal Counsel to look into the history of the Board of Directors compensation.

**B. Communications Center JPA – (AC Greene)**

No Report

**C. Finance and Audit Committee – (Director Jones)**

No Report

**D. Policy Committee – (Director Saylor)**

Met tonight and heard presentations from Melisa Maddux on two revised policies that have been brought up to date, the Reinstatement Rehire Policy and the Sick Leave Policy.

**BOARD MEMBER QUESTIONS AND COMMENTS**

Director Costa congratulated our two award recipients. Thanked Chief House for his leadership.

Director Jones requested a squad ride along.

Director Clark thanked the men of women of Metro Fire for providing excellent service.

Director Sheetz congratulated Noah Kellogg for achieving his Paramedic badge. She also echoed the sentiments from Chief House regarding BC Scott Perryman. Looking forward to graduation and having 11 new members join our amazing team.

Director Wood reminded everyone that The Firefighters Burn Institute is looking for Firefighter volunteers for Luau on the Links which will take place on Saturday, June 29, 2024 at Haggin Oaks and tickets are on sale now, please go to <https://ffburn.org/>

President Goold wanted to acknowledge all Metro Fire members in what you do every day. It may never come to us as an item but I'm in awe of everything that happens and you make our jobs easier as elected officials.

**CLOSED SESSION:**

The Board recessed to Closed Session at 6:42 PM on the following matters:

1. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION – Pursuant to California Government Code Section § 54956.9(d): One Case**
  1. Case No. 34-2020-00286706-CU-BC-GDS  
Medic Ambulance Service, Inc. v. Sacramento Metropolitan Fire District  
John Lavra, General Counsel

**CLOSED SESSION REPORT OUT:**

The Board reconvened to open session at 7:13 p.m. General Counsel Lavra reported the Board met in closed session on one item: Pending Litigation, no reportable action was taken in closed session.

To view the video of the meeting, please visit the Metro Fire Website or our YouTube channel:

<https://metrofire.ca.gov/2024-05-09-board-meeting>

[https://www.youtube.com/channel/UC9t-uKlc\\_oOUGNrmogdQ\\_QA](https://www.youtube.com/channel/UC9t-uKlc_oOUGNrmogdQ_QA)

**ADJOURNMENT**

The meeting was adjourned at 7:14 p.m.

\_\_\_\_\_  
Grant Goold, President

\_\_\_\_\_  
Jennifer Sheetz, Secretary

\_\_\_\_\_  
Marni Rittburg, CMC, Board Clerk





ADAM A. HOUSE  
Fire Chief

# Sacramento Metropolitan Fire District

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## ACTION SUMMARY MINUTES – REGULAR MEETING

### BOARD OF DIRECTORS SACRAMENTO METROPOLITAN FIRE DISTRICT

Thursday, May 23, 2024

Held at the following locations:

10545 Armstrong Avenue – Board Room

Mather, California

&

Remotely Via Zoom

### CALL TO ORDER

The meeting was called to order at 6:00 pm by President Goold. Board members present: Costa, Clark, Goold, Jones, Rice, Saylor, Webber and Wood. Board members absent: Sheetz. Staff present: Chief House and Board Clerk Rittburg.

### PUBLIC COMMENTS

Public comments were not received.

### CONSENT ITEMS

Moved by Director Jones, seconded by Wood and carried unanimously by members present to adopt the consent calendar as follows:

- 1. Adopt Resolution – Annual Adjustment for Medical Aid and Ambulance Transport User Fee**  
**Recommendation:** In accordance with the Ordinance, staff recommends adoption of the attached Resolution amending the Ambulance Fee Schedule.  
**Action:** Adopted **Resolution 2024-086** amending the Ambulance Fee Schedule.
- 2. Adopt Resolution – Annual Adjustment for Operational Permits, Plan Review, New Construction Inspections, General Fire and Life Safety Inspections, and other Miscellaneous Services**  
**Recommendation:** In accordance with the Ordinance, staff recommends adoption of the attached Resolution amending the Fee Schedule.  
**Action:** Adopted **Resolution 2024-084** amending the Fee Schedule.
- 3. Adopt Resolution – Contract for Community Risk Reduction Division Cost Recovery Services**  
**Recommendation:** Adopt the Resolution authorizing the Fire Chief or his designee to

execute a professional services agreement with Wittman Enterprises, LLC for the provision of CRRD cost recovery effective June 8, 2024.

**Action:** Adopted **Resolution 2024-085** authorizing the Fire Chief or his designee to execute a professional services agreement with Wittman Enterprises, LLC

4. **Adopt Resolution – FY 2023/24 Midyear Budget Resolution Correction for General Operating Fund 212A**

**Recommendation:** Adopt the Resolution for the Midyear Budget for General Operating Fund 212A to replace Resolution 2024-068, containing a minor clerical error.

**Action:** Adopted **Resolution 2024-081** replacing Resolution 2024-068 correcting a minor clerical error in the Midyear Budget for General Operating Fund 212A.

5. **Adopt Resolution – FY 2021 Fire Prevention and Safety Grant Amendment**

**Recommendation:** Adopt the Resolution approving a Budget Amendment to the Midyear Budget for Grants Fund 212G for Fiscal Year 2023/24.

**Action:** Adopted **Resolution 2024-083** approving a Budget Amendment to the Midyear Budget for Grants Fund 212G for Fiscal Year 2023/24.

## PRESENTATION ITEMS

1. **Other Post-Employment Benefit (OPEB) Actuarial Valuation Report as of June 30, 2023, with Actuarially-Determined Contributions for Fiscal Years Ending June 30, 2025 and 2026.**

*(CFO Dave O'Toole and Catherine MacLeod)*

**Recommendation:** Receive presentation and accept and file the report.

**Action:** Received presentation and accepted the report.

2. **Ad Hoc Committee Update**

*(Director Webber)*

**Recommendation:** Receive update.

**Action:** Director Webber updated the Board and stated that the Ad Hoc Committee is moving in a positive direction. The Workers' Compensation 101 presentation needs a firm date that works for the Board and the TPA. Board Clerk Marni Rittburg will email the Board with the date(s).

## ACTION ITEMS

1. **Adopt Resolution – Equipment Lease Financing Contract for Fiscal Year 2023/24**

*(CFO Dave O'Toole)*

**Recommendation:** Adopt Resolution authorizing the Fire Chief and/or Chief Financial Officer to enter into an equipment lease with Banc of America Public Capital Corp.

**Action:** Moved by Director Jones, seconded by Webber, and carried unanimously by members present to adopt **Resolution 2024-082** authorizing the Fire Chief and/or Chief Financial Officer to enter into an equipment lease with Banc of America Public Capital Corp.

## REPORTS

1. **PRESIDENT'S REPORT - (President Goold)**



President Goold requested a survey of our region of how other Board Members are compensated and other agencies.

## **2. FIRE CHIEF'S REPORT — (Chief House)**

Good evening, President Goold, Directors, Colleagues, and Members of the Public.

At Metro Fire, we are deeply committed to prioritizing the health and wellness of our personnel, with cancer prevention emerging as a paramount focus area. In light of this commitment, I am eager to report to you this evening;

### **Health & Wellness (Cancer)**

Over the course of this week, Metro Fire hosted the Firefighters Cancer Support Network for several information-packed 2-hour sessions in which best practices to minimize the risk of cancer on the fireground, at the station, and at home were discussed. Emphasis was placed on the following areas:

1. How to minimize off-duty exposure
2. How to prevent/handle fireground exposures
3. Station setup and cleaning practices
4. Understanding the role of wellness in cancer prevention
5. How to receive support for those dealing with cancer

As of this afternoon, 224 Metro Fire members have attended this opportunity, and four more sessions will be offered over the next two days.

### **Establishment of Metro Fire Cancer Task Force**

Additionally, Metro Fire is in the process of establishing the Metro Fire Cancer Task Force.

This initiative will bring together various disciplines involved in cancer prevention, including education, research, prevention, and detection, under the leadership of the Office of the Fire Chief, managed by BC Tony Peck. By uniting these efforts, we aim to enhance our current work while minimizing duplication of efforts.

The task force will comprise members from both suppression and non-suppression roles who possess the desire and passion to contribute to this critical endeavor. President Goold suggested putting a spouse of a cancer victim on the task force.

Members who attended the Firefighters Cancer Support Network Training this week received a brief introduction to the Task Force. An official inaugural meeting for all interested members will follow soon.

### **New Hires**

Please join us in welcoming:

- Robyn Anderson, hired for the position of Grant Specialist in the Finance Division, effective May 15. Robyn came to the podium and provided a brief personal history to the Board.

### **Other**

In alignment with the District's Members Initiative, on May 15-16, Battalion Chief Matt Cole, Captain Pete Votava, Captain Bret Randle and I toured the Wellness Centers at Denver Fire and South Metro Fire Rescue. This visit was similar to the one we made to the Phoenix Fire Department in February of this year. We will continue to tour health and wellness centers

nationwide to obtain best practices when designing a centralized resource for physical, emotional, psychological, and life-stage needs.

\*\* Reminder that district offices will be closed on Monday, May 27, in observance of Memorial Day!

### **OPERATIONS REPORT – (Deputy Chief Mitchell)**

Shift Commander Kiley Keeley I spoke about the training that B13 did and how he coordinated with state parks, CERT, PIO, dispatch, copter 2, and others to get his whole battalion through in one day. This allowed for crews to practice their tasks and the IC to practice crew accountability and maintaining the big picture. He also mentioned Tablet Command and how the technology in the ICP has proven to be extremely valuable.

E32 crew discussed the importance of training like this from a crew perspective.

BC C. Vestal spoke of an upcoming fuel management burn in the Mather area.

### **ADMINISTRATIVE REPORT – (Deputy Chief Bailey)**

No Report

### **SUPPORT SERVICES REPORT – (Deputy Chief Wagaman)**

No Report

### **3. SMFD – FIREFIGHTERS LOCAL 522 REPORT (Firefighter Mike Gildone, Local 522 Director)**

Firefighter Gildone here in place of Sean Scollard. A few weeks ago, most of our Board toured the San Diego Fire Wellness Center, and got some ideas from what they learned about how they handle Workers' Compensation, Cancer treatment, mental health, etc. Went to the State Assembly to sit in on a Resolution bringing awareness to Firefighter Suicide Awareness Week which was overwhelming supported. Thanked the Board as Squad 102 went into service and without your support, I don't think that would have happened.

### **4. COMMITTEE AND DELEGATE REPORTS**

*All Committee Meetings will be held at the Sacramento Metropolitan Fire District Board Room, 10545 Armstrong Avenue, Mather, California unless otherwise specified.*

#### **A. Executive Committee – (President Goold)**

No Report

#### **B. Communications Center JPA – (AC Greene)**

The SRFEC Board met on May 14, 2024 and approved the lease of administrative office space, entering into a contract with the International Brotherhood of Electrical Workers, Local 340 (IBEW). The administration team, including executive management of SRFEC, is currently located approximately half a mile from the Center. The separation of personnel was



identified in the Strategic Blueprint and Growth Strategy as an opportunity for improvement and it has been recommended to consolidate location of personnel, in addition to preparing SRFECC for Sustained Future Growth.

**C. Finance and Audit Committee – (Director Jones)**

Met tonight and received two presentations, the CIP Plan and the Preliminary Budget. Finance has been working proactively on forecasting and planning many years ahead. The CIP Plan and the Preliminary Budget will come to the Board at our June 13<sup>th</sup> meeting.

**D. Policy Committee – (Director Saylor)**

No Report

**BOARD MEMBER QUESTIONS AND COMMENTS**

Director Saylor – Big thanks to Engine 111, B Shift for getting Old Betsy to the Rio Linda Farm and Tractor Day. Director Saylor requested that the Executive Committee consider that her District borders Placer County and we often go into Placer County and put out fires, she would like to take the Committee with doing a unit history utilization of every fire and medical aid that we go in Placer County whether we are dispatched or our crews self-dispatch because we don't have mutual aid or automatic aid agreements with any agencies in Placer County. Also, would like to take a look at getting the gate/fence removed on Locust Road so that we can get into our District. Since Wildland season has begun, I would like us to keep track of how much time we spend putting out fires in Placer County, not just in our section of Placer County.

Director Jones gave a shout out to the Community Risk Reduction Division (CRRD) and the EMS Division for responding to questions from the community. Also, to the Finance Division for always being available to discuss any matters that come up.

Director Rice thanked Firefighter Derrick Sheetz for inviting me to be the master of ceremonies for the last two academies and congratulations to the latest graduating class.

Director Wood thank you to E61 for coming out to the preschool in Rancho Cordova, the kids were thrilled to have there. Reminder that The Firefighters Burn Institute Luau on the Links will take place on Saturday, June 29, 2024 at Haggin Oaks and tickets are on sale now, please go to <https://ffburn.org/>.

President Gould welcomed the new staff member Robyn Anderson, hired for the position of Grant Specialist, with your years of experience it sounds like you are the ideal candidate to be in that position. During Capital-to-Capital in April, Chief Mitchell gave a Wildland Fire presentation which scared me, please be careful out there when you work in those horrible environments.

**CLOSED SESSION:**

The Board recessed to Closed Session at 7:17 p.m. on the following matter:

- 1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION – Pursuant to California Government Code Section § 54956.9(d): One Case**

1. Anthony Benelisha and the Sacramento Metropolitan Fire District  
Claim No. 23-173286  
Colin Connor of Lenahan, Slater, Pearse & Majernik, LLP

### **CLOSED SESSION REPORT OUT:**

The Board reconvened to open session at 8:22 p.m. General Counsel Lavra reported the Board met in closed session on one matter: Workers' Compensation claim of Anthony Benelisha, no reportable action was taken in closed session.

To view the video of the meeting, please visit the Metro Fire Website or our YouTube channel:

<https://metrofire.ca.gov/2024-05-23-board-meeting>

[https://www.youtube.com/channel/UC9t-uKlc\\_oOUGNrmogdQ\\_QA](https://www.youtube.com/channel/UC9t-uKlc_oOUGNrmogdQ_QA)

### **ADJOURNMENT**

The meeting was adjourned at 8:23 p.m.

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Grant Goold, President

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Jennifer Sheetz, Secretary

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Marni Rittburg, CMC, Board Clerk





# Sacramento Metropolitan Fire District

10545 Armstrong Avenue • Mather, California 95655 • Phone (916) 859-4300 • Fax (916) 859-3720

ADAM A. HOUSE  
*Fire Chief*

**DATE:** June 27, 2024  
**TO:** Board of Directors  
**SUBJECT:** Disclosure of material expenditure – Aviation Liability Insurance – Chubb Insurance Group – \$185,187.00.

## TOPIC

Disclosure of material expenditure to purchase aviation liability insurance for the fiscal year ending June 30, 2025.

## SUMMARY

Staff will be expending funds to purchase aviation liability insurance. The expenditure will be payable to Chubb Insurance Group in the amount of \$185,187.00 for the aviation policy.

## DISCUSSION

USI Insurance Services provided the District's insurance brokerage services this year and managed the marketing of the District's aviation liability insurance. The aviation liability insurance package for the upcoming fiscal year includes coverage for three flying helicopters and one grounded helicopter.

The aviation policy premium has increased from FY 23/24, as the market conditions are dictating higher premiums for almost all insurance services and one of the District's previously grounded helicopters has been put into service as of June 2024. We will be insuring three flying helicopters each valued at \$1,500,000, and one grounded helicopter valued at \$350,000. The flying helicopters carry \$10,000,000 of liability, and the grounded helicopter carries \$1,000,000 of liability.

The insurance requested includes any pilot approved by Metro Fire's Chief Pilot or designee and covers all uses in connection with the operations of Metro Fire including mutual aid agreements. Many carriers were solicited to provide a quote for the District's Aviation Insurance and all except Chubb Insurance Group declined. Chubb Insurance Group is the carrier recommended by USI to carry the District's aviation liability insurance needs.

## FISCAL IMPACT

The fiscal impact is \$185,187.00. Funds sufficient to meet this obligation are budgeted in the Preliminary Budget for FY 2024/2025.

**RECOMMENDATION**

Staff recommends that the Board of Directors authorize the payment of \$185,187.00 to Chubb Insurance Group for the purchase of Aviation Liability Insurance.

Submitted by:



ty bailey (Jun 21, 2024 08:39 PDT)

Ty Bailey  
Deputy Chief, Administration

Approved by:



Adam House (Jun 21, 2024 09:20 PDT)

Adam A. House  
Fire Chief





# Sacramento Metropolitan Fire District

10545 Armstrong Avenue • Mather, California 95655 • Phone (916) 859-4300 • Fax (916) 859-3720

ADAM A. HOUSE  
*Fire Chief*

**DATE:** June 27, 2024  
**TO:** Board of Directors  
**SUBJECT:** Disclosure of material expenditure – General/Property/Liability Commercial Insurance – Fire Agencies Insurance Risk Authority (FAIRA) for the FY 24/25 in the amount of \$2,831,190.00

## TOPIC

Staff requests the Board of Director's approval to purchase commercial insurance for the fiscal year ending June 30, 2025.

## SUMMARY

Staff will be expending funds to purchase General / Property and Liability commercial insurance. The expenditure will be payable to Fire Agencies Insurance Risk Authority (FAIRA), in the amount of \$2,831,190.00.

## DISCUSSION

The District's commercial insurance incorporates the following areas of coverage: property, automobile, and general liability. This is an all-encompassing package and provides coverage of risk in several areas including employment practices, employment benefits, and management liability. The District entered into a 3-year contract with Fire Agencies Insurance Risk Authority (FAIRA) during FY 23/24 and they are the current carrier for the District's insurance needs.

The insurance renewal premium for FY 24/25 with FAIRA is \$2,831,190.00. This is an increase of 25% from FY 23/24 due to the market conditions dictating higher premiums for insurance services, and due to a variety of other factors including; an increase of wildfires across California, as well as unstable political climate and increased litigation across the state. To put this 25% increase in perspective, in FY 22/23, the District paid SDRMA \$3,673,681 for commercial insurance. For FY 23/24, the District's renewal with FAIRA was \$2,264,952, which was a significant saving compared to SDRMA's projected premium of \$4,592,101.

USI Insurance Services (District's brokerage) is recommending that the District continues to use FAIRA as the commercial insurance provider for FY 24/25.

**FISCAL IMPACT**

The fiscal impact is \$2,831,190. Funds sufficient to meet this obligation are budgeted in the Preliminary Budget for FY 24/25.

**RECOMMENDATION**

Staff recommends that the Board of Directors authorize a payment of \$2,831,190 to Fire Agencies Insurance Risk Authority (FAIRA) for commercial insurance.

Submitted by:



ty bailey (Jun 22, 2024 07:19 PDT)

Ty Bailey  
Deputy Chief, Administration

Approved by:



Adam House (Jun 22, 2024 07:31 PDT)

Adam A. House  
Fire Chief





# Sacramento Metropolitan Fire District

10545 Armstrong Ave. Suite 200 • Mather, California 95655 • Phone (916) 859-4300 • Fax (916)859-3702

ADAM A. HOUSE  
*Fire Chief*

**DATE:** June 27, 2024  
**TO:** Board of Directors  
**SUBJECT:** Special Fire Tax – Sloughhouse/Rancho Murieta Area

## TOPIC

Board action is required in order to authorize Sacramento County to collect the District's Special Fire Tax in the Sloughhouse/Rancho Murieta area for fiscal year 2024/25.

## BACKGROUND

Under provisions of the California Constitution, the residents of the Sloughhouse/Rancho Murieta area approved in November 2000, by more than a two-to-one margin, a special tax to help pay for the fire protection, prevention and training services in their community. The Special Fire Tax, initiated to replace the Fire Suppression Assessment Fee in place in the area since 1986, was capped at a maximum of \$100 per parcel.

## DISCUSSION

The County Assessor cannot levy nor collect the District's Special Fire Tax in the Sloughhouse/Rancho Murieta area without formal annual authorization from the District. To have the Special Fire Tax placed on the tax rolls, the Board must adopt a resolution authorizing the County Assessor to make the levy.

The District has contracted with local agency financial consulting company NBS to assist with the administration of the Sloughhouse/Rancho Murieta Special Fire Tax, and they have estimated that the tax will generate \$347,700 in revenues for fiscal year 2024/25.

### FISCAL IMPACT

Absent formal authorization from the District's Board, the County Assessor cannot levy the Special Fire Tax in the Sloughouse/Rancho Murieta area. Failure to assess the fee will result to a loss of revenues of approximately \$347,700 to fund fire protection services in that area.

### RECOMMENDATION

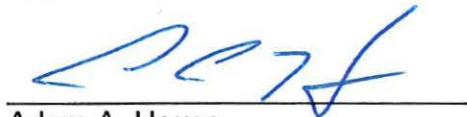
Staff recommends adoption of the resolution authorizing the County Assessor to incorporate the \$100 per parcel Special Fire Tax for the Sloughouse/Rancho Murieta area with the 2024/25 Sacramento County property tax levy.

Submitted by:



Dave O'Toole  
Chief Financial Officer

Approved by:



Adam A. House  
Fire Chief

Attachment:

- 1) Resolution to Collect a Special Tax Authorized in the Sloughouse/Rancho Murieta Area and to Authorize the County to Collect the Funds





ADAM A. HOUSE  
Fire Chief

# Sacramento Metropolitan Fire District

10545 Armstrong Ave. Suite 200 • Mather, CA 95655 • Phone (916) 859-4300 • Fax (916) 859-3702

## RESOLUTION NO. 2024-XXX

BEFORE THE GOVERNING BOARD OF  
THE SACRAMENTO METROPOLITAN FIRE DISTRICT  
County of Sacramento, State of California

**A RESOLUTION TO COLLECT A SPECIAL TAX AUTHORIZED IN  
THE SLOUGHHOUSE /RANCHO MURIETA AREA AND TO AUTHORIZE  
THE COUNTY TO COLLECT THE FUNDS FOR FY 2024/25**

**WHEREAS**, the electorate of the Sacramento Metropolitan Fire District passed a Special Tax for fire operating expenses in the Sloughhouse/Rancho Murieta Area; and

**WHEREAS**, the Special Tax authorization is adopted pursuant to Article XIII C, Section 2(d) of the California Constitution; and

**WHEREAS**, the purpose of the Special Tax is to establish a stable source of supplementary funds to acquire, operate, and maintain fire suppression equipment and services, or for the purpose of paying the salaries and benefits of firefighting personnel, or both, whether or not these services are actually used; and

**WHEREAS**, on November 7, 2000, the residents of the Sloughhouse/Rancho Murieta Area voted on and successfully passed Measure Q by a yes vote of 2,100 and a no vote of 872; and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Fire District now agrees to collect the Special Tax for this 2024/25 fiscal year.

**NOW, THEREFORE, BE IT RESOLVED** that the Sacramento Metropolitan Fire District authorizes the Sacramento County Office of Auditor/Controller to collect these funds for the District from an estimated 3,477 parcels at \$100.00 each for an approximate levy amount of \$347,700.

**PASSED, APPROVED AND ADOPTED this 27<sup>th</sup> day of June 2024. I, MARNI RITTBURG, BOARD CLERK OF SACRAMENTO METROPOLITAN FIRE DISTRICT HEREBY CERTIFY** the foregoing Resolution was introduced and passed at a regular meeting of the Sacramento Metropolitan Fire District Board by the following roll call vote:

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:**

**SACRAMENTO METROPOLITAN FIRE DISTRICT**

By: \_\_\_\_\_  
President, Board of Directors

**ATTEST:**

\_\_\_\_\_  
Marni J. Rittburg, CMC, CPMC  
Clerk of the Board





ADAM A. HOUSE  
Fire Chief

# Sacramento Metropolitan Fire District

10545 Armstrong Ave., Suite 200 • Mather, CA 95655 • Phone (916) 859-4300 • Fax (916) 859-3702

**DATE:** June 27, 2024  
**TO:** Board of Directors  
**SUBJECT:** California Fire Foundation Grant Opportunity

## TOPIC

Request to authorize staff to apply for the California Fire Foundation Grant.

## BACKGROUND

The California Fire Foundation (CFF) is a statewide nonprofit charitable organization formed in 1987. CFF has several mandates to advance stated objectives which include survivor assistance projects and community initiatives. To that end, CFF has a competitive grant program whereby it offers grant funding to fire departments, firefighter associations, nonprofit organizations and tribal entities which submit projects that meet the specified guidelines and align with CFF's focus areas. This year the focus areas are:

- Vegetation Mitigation & Fuels Reduction
- Education, Planning and/or Community Outreach Campaigns
- Personal Protective Equipment
- Specialized Firefighting Equipment

## DISCUSSION

The Community Relations Division (Community Relations) has initiated a project to produce video content as a part of its digital education series. By securing additional funding Community Relations could produce more video content specifically targeting under-resourced and historically marginalized communities (additional scope). The additional scope is consistent with CFF's focus area Education, Planning and/or Community Outreach Campaigns.

CFF's process requires applicants to upload a letter from the governing body to authorize the receipt of these grant funds. Typically, staff would ask the Board of Directors to formally accept a grant funds after the notice of award was received. Therefore, due to this stipulation, staff is requesting a letter from the Board of Directors as required.

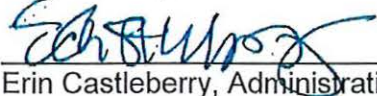
## FISCAL IMPACT

Community Relations intends to request \$25,000 in grant funding from CFF. The requested funding would offset the cost of the additional scope.

**RECOMMENDATION**

Staff recommends the Board adopt a resolution to allow the Board President to execute a letter which authorizes the District to receive these grant funds as required by the application process.

Submitted by:



Erin Castleberry, Administrative Analyst  
Planning and Development

Approved by:



Jeff Frye, Chief Development Officer  
Planning and Development

**ATTACHMENT:**

Attachment 1: Resolution Authorizing the Board President Sign a Letter of Authorization to Receive Grant Funds





# Sacramento Metropolitan Fire District

10545 Armstrong Ave., Suite 200, Mather, CA Phone (916) 859-4300 Fax (916) 859-3700

ADAM A. HOUSE  
Fire Chief

## RESOLUTION NO. 2024-XXX

### A RESOLUTION AUTHORIZING THE BOARD PRESIDENT SIGN A LETTER OF AUTHORIZATION TO RECEIVE GRANT FUNDS

**WHEREAS**, the Sacramento Metropolitan Fire District ("District") is a political subdivision of the State of California and is duly organized and existing pursuant to the State constitution and laws; and

**WHEREAS**, the District's Board of Directors identified community outreach and education as a key initiative in its strategic plan; and

**WHEREAS**, California Fire Foundation (CFF) funds community outreach and education projects through its grant program; and

**WHEREAS**, CFF requires a Board signed letter of authorization as a part of the grant application process.

**NOW THEREFORE BE IT RESOLVED** that the Board of Directors of the Sacramento Metropolitan Fire District does hereby authorize the Board President to sign a letter of authorization as required.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of June, 2024. I, MARNI RITTBURG, BOARD CLERK OF SACRAMENTO METROPOLITAN FIRE DISTRICT HEREBY CERTIFY the foregoing Resolution was introduced and passed at a regular meeting of the Sacramento Metropolitan Fire District Board by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

### SACRAMENTO METROPOLITAN FIRE DISTRICT

By: \_\_\_\_\_  
President, Board of Directors

ATTEST:

\_\_\_\_\_  
Marni J. Rittburg, CMC, CPMC  
Clerk of the Board

intercare



WC 101

June 27, 2024

## AGENDA

- Reporting New Injuries
- WC Process & Treatment Review
- Types of Claims
- Affirmative Defenses & Presumptions
- Utilization Review
- MMI & Settlement



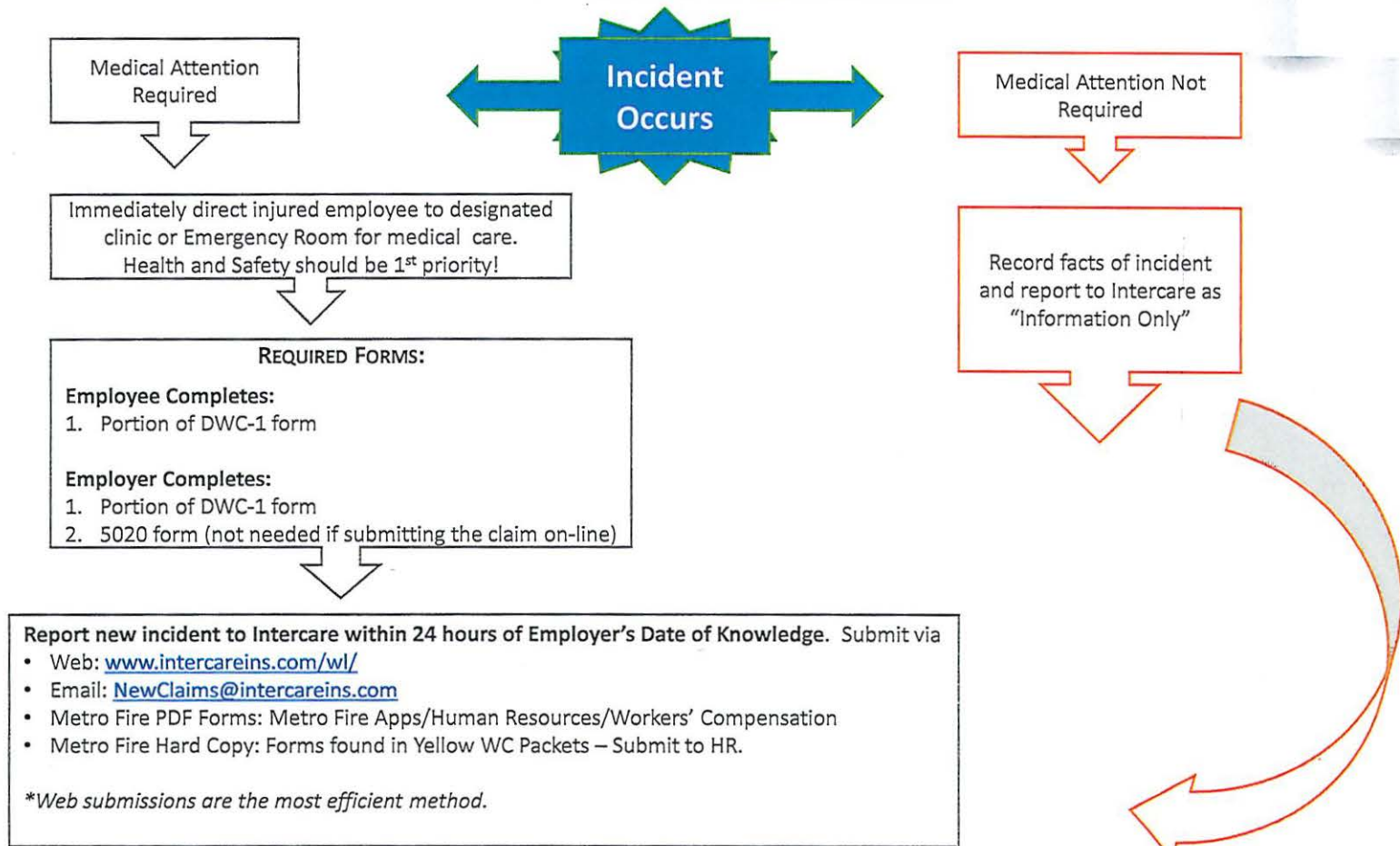
## WHAT IS WORKERS' COMPENSATION?

*It is a system set-up to be the sole recourse for work related injuries. Prior to this system, employees could sue their employer and receive pain and suffering.*



## REPORTING NEW INJURIES

- Metro Fire Reporting Process – Reporting
  1. Web Access to PDF forms – Metro Fire Apps/Human Resources/Workers' Comp – Submit to HR
  2. Hard Copy Forms - Yellow WC Packets in stations or with Chain of Command – Submit to HR
  3. Support for the Injured Employee
- Web Access- New Claim Portal
  - [www.intercareins.com](http://www.intercareins.com)



Medical Attention Required

Immediately direct injured employee to designated clinic or Emergency Room for medical care. Health and Safety should be 1<sup>st</sup> priority!

**REQUIRED FORMS:**

**Employee Completes:**

1. Portion of DWC-1 form

**Employer Completes:**

1. Portion of DWC-1 form
2. 5020 form (not needed if submitting the claim on-line)

Report new incident to Intercare within 24 hours of Employer's Date of Knowledge. Submit via

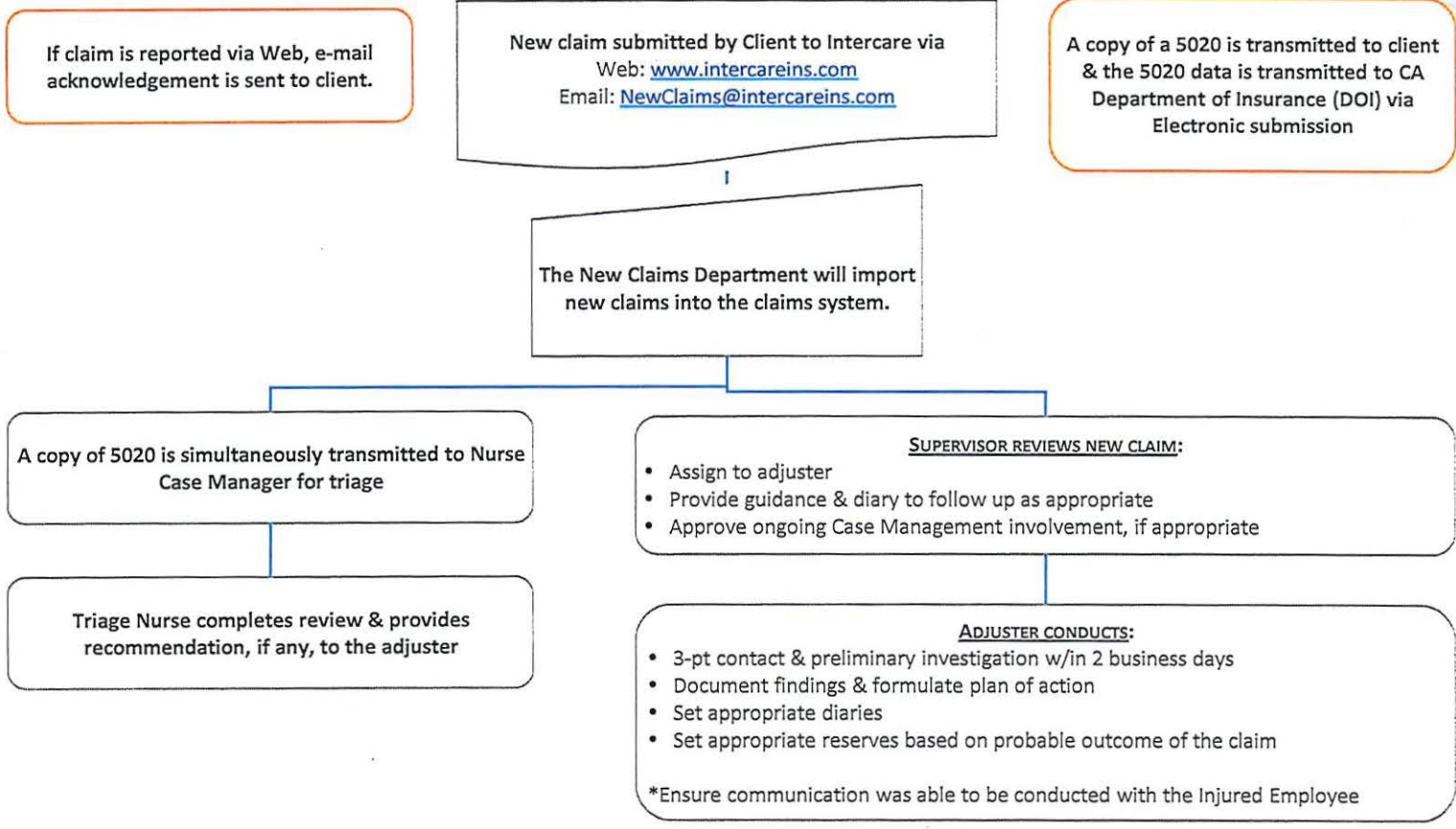
- Web: [www.intercareins.com/wl/](http://www.intercareins.com/wl/)
- Email: [NewClaims@intercareins.com](mailto:NewClaims@intercareins.com)
- Metro Fire PDF Forms: Metro Fire Apps/Human Resources/Workers' Compensation
- Metro Fire Hard Copy: Forms found in Yellow WC Packets – Submit to HR.

*\*Web submissions are the most efficient method.*

Medical Attention Not Required

Record facts of incident and report to Intercare as "Information Only"





If claim is reported via Web, e-mail acknowledgement is sent to client.

New claim submitted by Client to Intercare via  
Web: [www.intercareins.com](http://www.intercareins.com)  
Email: [NewClaims@intercareins.com](mailto:NewClaims@intercareins.com)

A copy of a 5020 is transmitted to client & the 5020 data is transmitted to CA Department of Insurance (DOI) via Electronic submission

The New Claims Department will import new claims into the claims system.

A copy of 5020 is simultaneously transmitted to Nurse Case Manager for triage

Triage Nurse completes review & provides recommendation, if any, to the adjuster

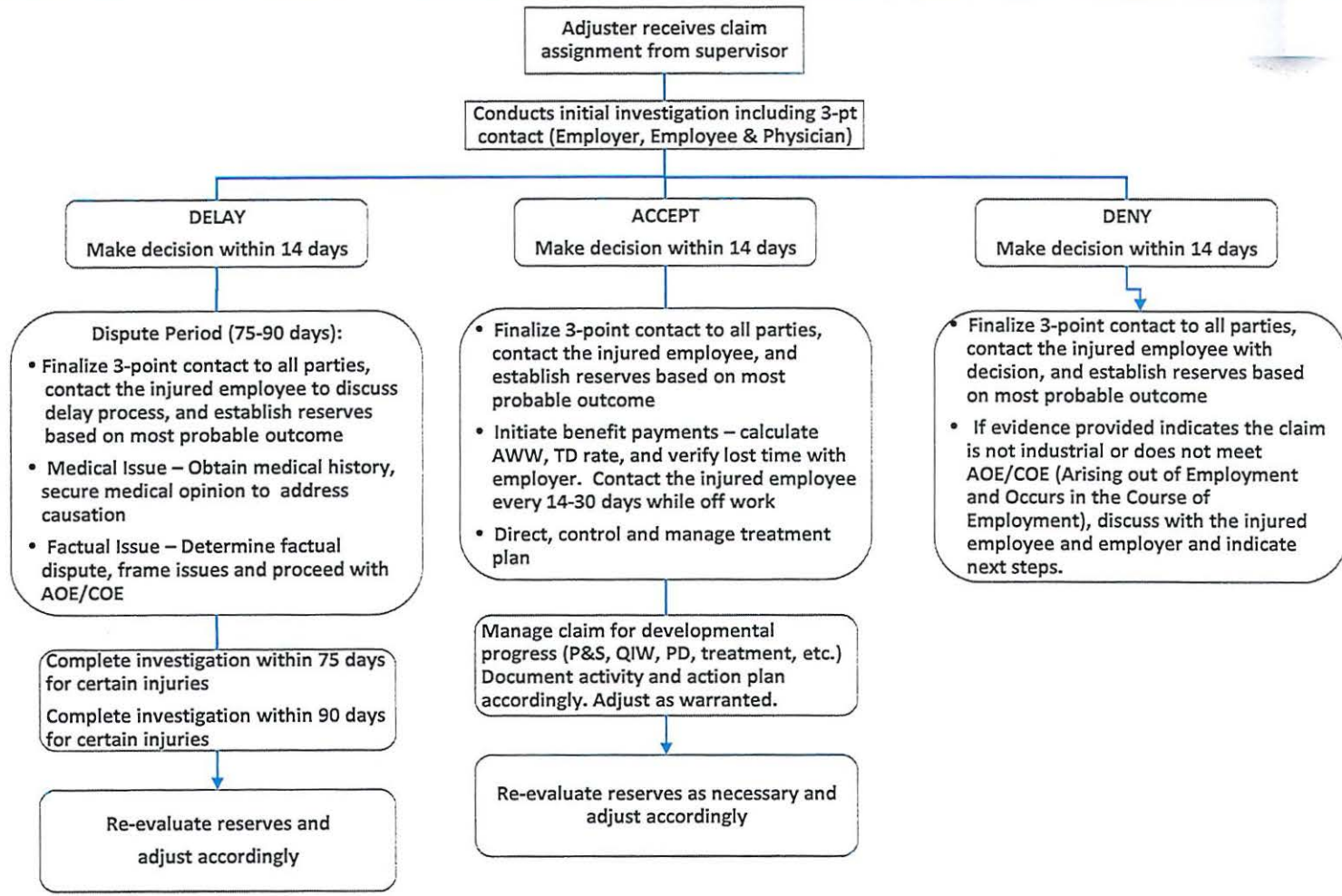
SUPERVISOR REVIEWS NEW CLAIM:

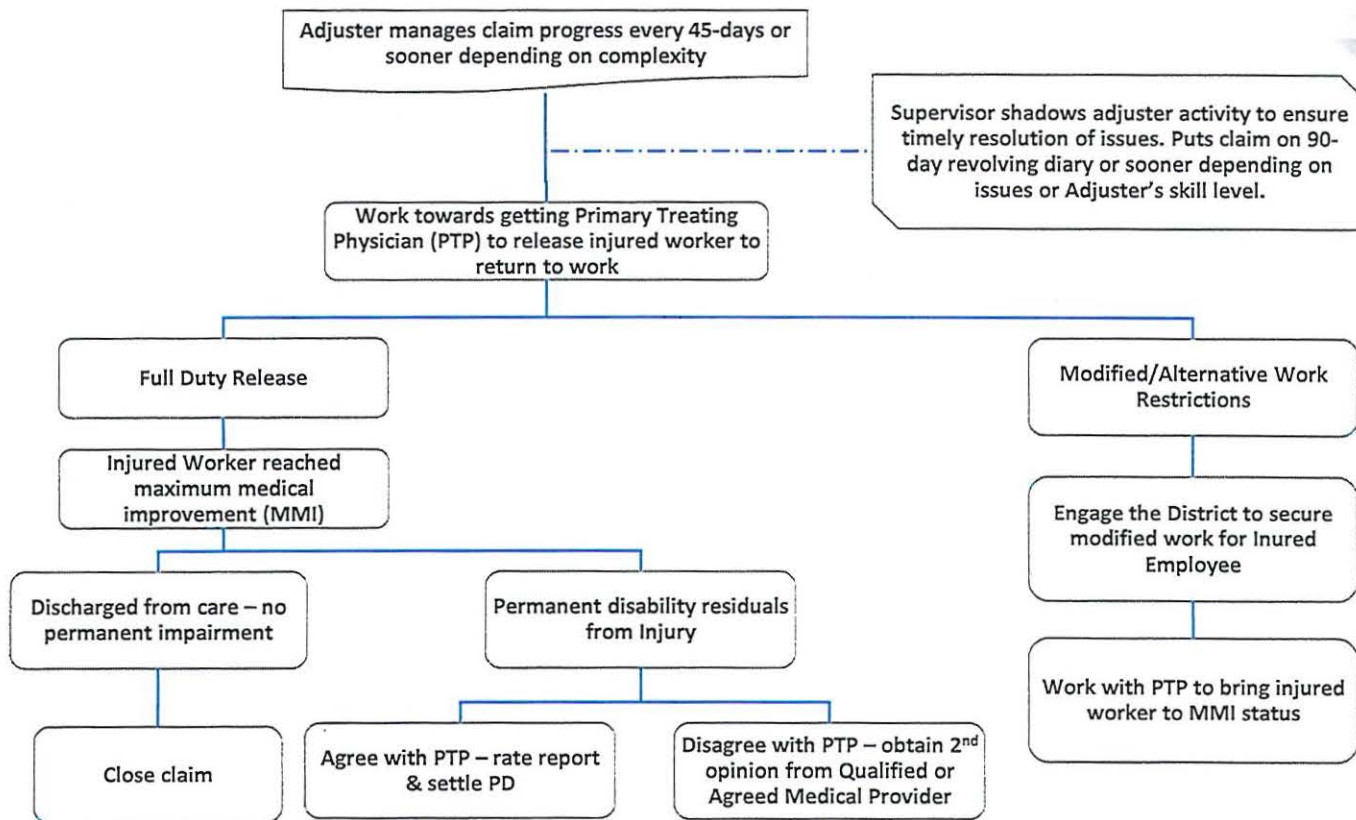
- Assign to adjuster
- Provide guidance & diary to follow up as appropriate
- Approve ongoing Case Management involvement, if appropriate

ADJUSTER CONDUCTS:

- 3-pt contact & preliminary investigation w/in 2 business days
- Document findings & formulate plan of action
- Set appropriate diaries
- Set appropriate reserves based on probable outcome of the claim

\*Ensure communication was able to be conducted with the Injured Employee







## TYPES OF CLAIMS

- **For the Record/Incident Only**
  - Cases where there was an incident, but the employee is not seeking medical treatment
- **First Aid**
  - One minor treatment with one minor follow-up
- **Medical Only**
  - No lost time
  - No expectation of permanent disability
- **Indemnity**
  - Losing time from work
  - Causation of claim in question
  - Potential of permanent disability
  - Injury or illness causing fatality
  - Ongoing medical treatment beyond 180 days even if not losing time from work

## TYPES OF INJURIES

- **Specific Injury:** Injuries that result from a single identifiable event that occurred while on duty
  - Slip, fall, burn, strain, sprain, cut, etc.
- **Cumulative Trauma Injury:** Injury/illness that result over time due to repetitive actions or exposures
  - Bending, lifting, stooping, cancer, hearing loss, repetitive motion
- **Aggravation Injury:** Injury/Illness that has worsened
  - A pre-existing condition worsened by some aspect of employment--prior injury and medical records needed to determine apportionment. E.g., back, psyche, heart, etc.
- *Exacerbation is the same injury and aggravation is a new injury.*

# FIVE WORKERS' COMPENSATION BENEFIT TYPES

- **Medical Treatment**
  - Reasonably required to cure or relieve the injured worker from the effects of the injury
  - Reimbursement of reasonable expenses or transportation (mileage)
  - Subject to Utilization Review / Disputes referred to Independent Medical Review
  - Objections of medical treatment can go to Qualified Medical Evaluation or Agreed Medical Evaluation.
- **Temporary Disability**
  - Wage replacement based on earnings capacity / Wage Statements are required (Duration Limitations)
  - Paid at 2/3 of Average Weekly Wage (subject to maximum)
  - 4850 Salary Continuation (Duration Limitations)
- **Permanent Disability**
  - Based on limitations with Activities of Daily Living
  - AMA Guides utilized to evaluate Permanent Disability based on:
    - Physical Injury/disfigurement
    - Occupation
    - Age at time of injury
    - Diminished future earning capacity
  - Apportionment due to causation and/or prior awards
- **Supplemental Job Displacement Voucher**
  - Available when injured worker's permanent limitations prevent them from returning to usual and customary work, and is based upon level of Permanent Disability.
- **Death Benefits**



# Affirmative Defenses

- **Are there situations when a work injury is not covered under workers' compensation?**
  - Yes. The California Labor Code includes a number of situations that are excluded from workers' compensation coverage. These "Affirmative Defenses" are as follows:
    - Independent Contractor
    - Intoxication
    - Self-Inflicted Injury
    - Initial Aggressor
    - Post-Termination
    - Going and Coming Rule
    - Horseplay
    - Recreational Activity from a Voluntary Act
    - In the commission of a felony or misdemeanor

# Presumptions

- **Burden of Proof**

- In a normal case of industrial injury, the employee has the burden of proof to show that an injury/disability arose out of and in the course of employment (Labor Code §§3600, 3202.5): a. The employee must meet his burden by a “preponderance of the evidence.” b. “Preponderance of the evidence” is defined as evidence which weighed with that opposed to it, has more convincing force and the greater probability of truth.

- **What is a Presumption?**

- a. Simply put, a presumption is an assumption of fact the law requires to be made from another fact or group of facts formed in the case (Evidence Code §600 (a)). These statutorily enacted facts can either be “conclusive”, meaning that you cannot dispute them, or they are “rebuttable”, which means that you can produce evidence to overcome what you are told you must assume to be true. b. The presumptions we are dealing with in these statutes are rebuttable.

- **Why do we have Presumptions?**

- a. To provide additional compensation to certain public employees who provide vital and hazardous services by easing their burden of proof – it is a benefit to them, conferred by the legislature, to which other employees are not entitled. b. This additional compensation is delivered by easing the burden of proof that the employee has to show and, in fact, actually shifts this burden of proof to the employer to disprove the statutorily enacted fact.

# Presumptions

- Heart trouble
- Pneumonia
- Hernia
- Tuberculosis
- Cancer
- Low back where a police “duty belt” is a condition of employment
- Blood borne diseases
- Meningitis
- Biochemical exposure
- Lyme Disease
- Methicillin-resistant *Staphylococcus aureus* skin infection (MRSA I)
- Post-Traumatic Stress Disorder (PTSD)
  - This presumption begins effective 1/1/2020 and sunsets on 1/1/2025 unless extended by the Legislature.
- COVID-19 All COVID-19
  - Presumption statutes sunset on January 1, 2024 or on repeal, whichever occurs first.



# SB 1127

SB 1127 ([Chapter 835, Statutes of 2022](#)) was signed into law by Governor Newsom on September 29, 2022. The passage of SB 1127 reduces time periods a claim administrator/employer has to deny liability for workers' compensation claims for certain injuries, increases the time specified that employees can access temporary disability benefits for work-related cancer injuries, and most importantly imposes a penalty for alleged unreasonably rejected claims.

## Reduced Time Periods

- This bill requires that for presumptive injuries, covered under Labor Code Sections 3212 to 3212.85 and 3212.9 to 3213.2 be considered compensable if the claim is not denied within 75-days after the claim form is filed. This bill does not reduce the period to deny liability of claims for ALL injuries, rather only those covered in the listed sections. Those code sections govern the peace officer and firefighters' presumptions for specified injuries. The time period has been reduced from 90-days to 75-days. The presumptions continue to be rebuttable, whereas employers can still demonstrate the injury did not arise out of employment by other evidence or exposure is not reasonably linked to the disabling injury. Because this presumption is limited to certain injuries (Cancer, PTSD, heart trouble, pneumonia, etc.) it is important to know what injury is being claimed and whether the reduced time period will apply.

## Temporary Disability Benefits

- Newly enacted, SB 1127 expands temporary disability for specified firefighters and peace officers claiming injuries related to cancers, including leukemia, to receive up to 240 weeks of temporary disability benefits. Unlike the other provisions in Labor Code 4656 that limit receipt of temporary disability benefits within 5 years from the date of injury, SB 1127 does not limit the collecting of benefits within 5 years from the date of injury for injuries related to cancer. Because this does not expand temporary disability over every injury nor to every employee, again it is important to make sure that the employer is aware that for this section to apply, the firefighter or peace officer must be claiming an injury related to cancer.

## Penalty

- Where liability has been found to be unreasonably rejected, the claims administrator/employer may be penalized equal to five times the amount of the delayed benefits, not to exceed \$50,000. Whether the claim is "unreasonably" denied is to be determined by the local Workers' Compensation Appeals Board. Unlike the other two provisions, where they are to commence on January 1, 2023, and injuries thereafter, penalties may be sought to apply to ALL injuries under Labor Code Sections 3212 to 3213.2, whether the injury occurs on or after January 1, 2023, or before. Therefore, should the claims administrator/employer decide to reject a claim, the appropriate factual, medical, and legal evidence is required to prove why the claim was rejected.

# Utilization Review

California Labor Code § 4610

**What Is Utilization Review (UR)?** Labor Code § 4610 requires all employers or their workers' compensation claims administrators to have a UR program. UR was implemented as a way to confirm the treating physician's plan for the injured worker is medically necessary. To ensure prompt and effective medical treatment is provided to injured workers, UR must be completed within strict timeframes. Claims administrators who don't meet the timelines or the criteria for a proper UR program are subject to audits and penalties.

**How does UR work?** If the injured worker requires a specific course of treatment, diagnostic tests, surgery or other medical services – the treating doctor must submit a signed "Request For Authorization" (RFA) form with their latest medical report. Medical requests will not be approved without this form. A decision regarding the RFA must be issued within 5 business days of receipt.

**Levels of Review:** There are 2 levels of Utilization Review.

1. Non-Clinician – Adjuster Level – This level includes simple requests like initial diagnostics, initial series of physical therapy, etc. *Approximately 60% of all RFA received by Intercare are approved at the adjuster level, this expedites treatment & return-to-work.*
2. Clinician
  - UR nurse Review: This level includes review of surgeries, injections, medications, etc. If a UR Nurse is unable to make a determination, the request is forwarded to a Peer Review Physician.
  - Peer Review Physician: A Peer Review Physician may approve, modify or deny a RFA. Only a Peer Review Physician may modify or deny a treatment request.

**Timeframes and Penalties:**

- A UR Decision is usually made within 5 business days from the date RFA was received.
- If additional information is required to make a decision regarding the RFA, the nurse/peer review physician has up to 14 days to make a decision.

**Can UR decisions be disputed?** Yes, if the injured worker wants to dispute the UR decision they may submit their dispute through the Independent Medical Review (IMR) process.



## What is Permanent and Stationary or Maximum Medical Improvement?

- Permanent and Stationary (P&S) or Maximum Medical Improvement (MMI) is when the treating doctor determines the injured worker's medical condition has reached a point where it is stable, probably is not going to improve or change substantially.
- If the injured worker is receiving salary continuation or temporary disability benefits when P&S status is reached, those payments will generally stop at this point and permanent disability benefits will be addressed.
- At the time of P&S status, the treating doctor will decide if the injured worker's condition has resulted in any lasting physical or mental limitations and outline permanent restrictions at which time the District will need to determine whether the permanent restrictions can be accommodated.
- If there is an objection of P&S findings by the injured worker or claims administrator the parties will proceed with the Qualified Medical Evaluation or Agreed Medical Evaluation to resolve the dispute.



# Med-Legal Evaluations

California Labor Code § 4062.1

- Medical-Legal evaluations may be required to determine if injury is work-related and to resolve issues not addressed by treating physicians or specialists.
- Qualified Medical Examiner: A physician who has been certified by California Division of Workers' Compensation-Medical Unit to perform exams so that disability can be evaluated. This sort of evaluation may be used in unrepresented and represented cases.
- Agreed Medical Examiner: A physician who has been agreed upon by legal representative to establish the extent of injury or disability. This sort of evaluation is only used in represented cases.

# Settlement

- **Stipulations with Request for Award**

- Parties agree to Permanent Disability rating which is paid out every 14 days until paid in full.
- Future medical care remains open for the life of the claim
  - Claim can be administratively closed absent active medical treatment within last 2 years
  - Claim can be re-opened at any point if medical treatment resumes for accepted injured body part(s)
- Ability to re-open for new and further disability within 5 years from date of injury
- Requires approval by Workers Compensation Appeals Board

- **Compromise & Release Award**

- Settles all issues including future medical, rights to re-open and potential death benefits
- Paid out in one lump sum
- Claim is closed with no further liability
- Requires approval by Workers Compensation Appeals Board

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with Intercare!*

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Extraordinary **Results** 20