

# **Bond Case Briefs**

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## **BENEFITS - OREGON**

### **Miller v. City of Portland**

**Supreme Court of Oregon - October 30, 2014 - P.3d - 2014 WL 5474513**

City firefighters who had suffered disabling injuries at work brought breach of contract action against city after city discontinued disability benefits. The Circuit Court granted summary judgment to city. Firefighters appealed.

The Supreme Court of Oregon held that:

- A firefighter's "required duties," as used in city charter provision allowing for disability benefits to a firefighter who is unable to perform required duties due to an employment-related injury or illness, refers to the core duties, that is, those that are necessary or essential, of whatever job classification the firefighter held at time he became disabled, and
- Court would decline to apply exhaustion doctrine to particular firefighter plaintiff.

A firefighter's "required duties," as used in city charter provision allowing for disability benefits to a firefighter who is unable to perform required duties due to an employment-related injury or illness, refers to the core duties, that is, those that are necessary or essential, of whatever job classification the firefighter held at time he became disabled, not to whatever subset of duties within firefighter's former job classifications that city chooses to require after firefighter becomes disabled.