



Colorado Firefighter
Heart and Circulatory Benefits Trust

Firefighter Eligibility Outline

Establishing eligibility in the CFH Trust program is an important aspect of determining compliance with Senate Bill 14-172. This outline was written to help answer some questions regarding individual eligibility in the CFH Trust program.

This document has been drafted bearing in mind instances where a sympathetic jury could conceivably determine that a plaintiff was eligible for coverage. It is our goal to provide equitable treatment to any reasonably qualified firefighter without overstepping the intent of the statute, thus avoiding a substantial future liability. The sample scenarios below speak to some issues which have been presented thus far.

Methodology Abstract

Ultimately, any ruling on benefits must comply with the spirit of the original legislation upon which the CFH Trust is built. The Trust's mission is to provide benefits to firefighters when they have suffered from a qualifying line of duty cardiac incident. Since eligibility is established within a framework of years of qualifying service, it is that principle upon which the majority of eligibility questions are answered.

As long as a firefighter is on a roster submitted to the Trust by a paid member department, his or her eligibility will be established on a case-by-case basis weighted by a firefighter's service time. This service must include five (5) or more years as a career, volunteer, or part-time firefighter or other official working in the fire protection service. This includes firefighters, chiefs, trainers, community outreach personnel, administrative staff, and mechanics. The duration of service must exist in the firefighter's background, but need not immediately precede the qualifying cardiac incident and need not have taken place in the state of Colorado as long as the service was completed in a qualifying role in another state or country.

Eligibility Scenarios

Trust members have posed questions regarding whether benefits may be available in certain scenarios. This document discusses some of these examples along with our response. While this information is intended to assist discussion of eligibility issues, each claim for benefits must be reviewed for eligibility on an individual, case-by-case basis. This guidance is non-binding and is not the basis for any claim of rights, benefits, or liabilities assigned to the Trust or any of its members.

SCENARIO: Full-time Colorado firefighter (FF) has 10 years of continuous service, leaves the country for 18 months, and then returns to a full-time FF position in Colorado. Ten months later, the FF has a heart attack. He is on the roster as an eligible FF and the department has paid the contribution. Based on the department's interpretation of the statute, the FF is eligible because the statute does not specify that the five years of continuous service must take place either "immediately preceding the heart incident" or that continuous service had to be in-state.

RESPONSE: The Trust agrees with the department's interpretation. The five years of service do not need to immediately precede the heart incident. As long as five years have been served and the other eligibility requirements are met, the FF is eligible.



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SCENARIO: A volunteer FF with 10 years of service at the same department becomes paid full-time staff. The FF previously qualified as a volunteer, so we presume his qualification continues. The department is currently paying a contribution.

RESPONSE: Service that is split between volunteer and career positions should not be excluded as long as the other eligibility requirements are met.

SCENARIO: A volunteer FF with four years and nine months of service with the same employer becomes a full-time paid FF with the same employer. We presume that the combination of volunteer time plus full-time years of service accumulates to qualify this FF when a total of 5 years is reached.

RESPONSE: Same as previous - service time that is split between volunteer and career positions should not be excluded as long as the other eligibility requirements are met.

SCENARIO: A mechanic who had previously worked as a sworn FF with 10 years of service and is also on call to respond to equipment failures at a fire scene, training grounds, or wherever required. The employee was called out in the middle of the night to an equipment malfunction at the scene of a multiple alarm fire, and has a heart incident while trying to get water to his crew. Is his mechanic position directly related to the provision of fire prevention services as specified by the statute?

RESPONSE: Any sworn FF, regardless of current position, is eligible. This includes mechanics, community outreach personnel, training staff and other administrative workers, provided the incident involves stressful and strenuous activity and other eligibility requirements are met. Activities outside of those under the definition of a work event do not result in eligibility.

SCENARIO: A sworn FF who is now providing community outreach and fire safety awareness to a fire department in a full-time position has a qualifying heart incident. The department the sworn FF works for contracts with a neighboring district to provide "Fire Prevention Services." We presume services for fire safety awareness education and outreach is part of the direct provisions of fire prevention services to another community.

RESPONSE: Same as previous: any sworn FF, regardless of current position, is eligible. This includes mechanics, community outreach personnel, training staff and other administrative workers, provided the incident involves stressful and strenuous activity and other eligibility requirements are met. Activities outside of those under the definition of a work event do not result in eligibility.

SCENARIO: A fire chief has almost 20 years of service as a career FF in another state plus 2 years in Colorado as a career FF. The fire department administration interprets the legislation as qualifying him under the 5 years or more of career service requirement and has paid the contribution.

RESPONSE: The five years of service requirement can also be served in another state as long as it meets the other eligibility requirements.