

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**
10005 East Osborn Road
Scottsdale, Arizona 85256

ORDINANCE NUMBER: SRO-600-2026

**AN AMENDMENT TO CHAPTER 23, ARTICLE III, SECTION 23-55 AND AN
ADDITION OF SECTION 23-63 AND SECTION 23-64, OF THE SALT RIVER PIMA-
MARICOPA INDIAN COMMUNITY CODE OF ORDINANCES TO EXPAND
WORKERS' COMPENSATION BENEFITS FOR FIRST RESPONDERS.**

BE IT ENACTED THAT:

This ordinance amends Chapter 23, Article III, Section 23-55 and adds Section 23-63 and Section 23-64 of the Salt River Pima-Maricopa Indian Community Code of Ordinances effective December 1, 2025 as follows:

Sec. 23-55. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the third-party entity that is responsible for managing the workers' compensation program. The administrator's responsibilities include, but are not limited to:

- (1) Determining the compensability of claims;
- (2) Making payments to injured workers, medical providers and others;
- (3) Managing a trust account, if deemed appropriate for the purpose of dispensing the Community's workers' compensation payments; and
- (4) Making reports to the Community regarding its program and individual claims.

The administrator's duties are more fully described in section 23-58.

Claimant means any employee or dependent who files a claim with the administrator for benefits under this article.

Community means the Salt River Pima-Maricopa Indian Community, a federally recognized Indian tribe, and all of its departments, divisions and enterprises.

Compensable injury means a work-related injury to an employee, whether on or off the premises of the Community, that results in:

- (1) Medical treatment, with or without lost work time; or
- (2) The employee's death.

Council means the Community Council, the governing body of the Community.

Days means calendar days, unless otherwise provided.

Dependent means the spouse, parent, child, grandparent, stepparent, grandchild, sibling, halfsibling, niece, nephew or other extended family member or good faith member of the household of the employee who can prove through verifiable evidence that he or she was actually and necessarily dependent in whole or in part upon the earnings of the employee at the time of the employee's death caused by a compensable injury. The administrator shall verify that a claimed dependent qualifies for dependent status under this definition before administering dependency benefits under this article.

Designated workers' compensation liaison means the persons or entities that the Community and its departments, divisions and enterprises designate to accept incident reports and transfer them to the administrator. The Community government and each Community enterprise shall have a designated workers' compensation liaison.

Disability means an employee's incapacity, because of a work-related injury, to earn wages performing his or her job functions.

Employee.

(1) The term "employee" means a person employed by or in the service of the Community, its departments, divisions or enterprises under any appointment or contract for hire or apprenticeship, express or implied, oral or written, where the Community has the power or right to control and direct such individual, whether such individual receives a salary or wages or is a volunteer.

(2) The term "employee," for purposes of this article, does not include contractors, board or committee members or outside consultants.

Employer means the Community as defined in this article.

First Responder means any police officer, firefighter, EMT, or 9-1-1 dispatcher employed by the Community.

Impairment means any anatomic or functional abnormality or loss.

Incident means an event that causes impairment.

Independent medical examination (IME) means a medical examination and/or evaluation of the claimant scheduled by the employer or administrator, at the employer's expense, for the purpose of obtaining a medical opinion or information. The administrator may order an IME at its discretion, but normally shall order an IME when a medical dispute arises under a claim, or when the compensatory nature of an alleged injury is dependent upon a medical determination.

Licensed Mental Health Professional means a licensed individual who specializes in trauma and crisis, who uses evidence-based treatment options and who is one of the following:

- a. A licensed psychiatrist

- b. A licensed psychologist
- c. A licensed mental health professional with either a master's or doctoral degree related to the mental health profession
- d. A licensed mental health nurse practitioner or a licensed psychiatric clinical nurse specialist

Managerial reviewer means a person or group of persons designated by the third-party administrator to conduct an independent review of the final administrator decision issued by the claims examiner.

Mental injury means a mental, emotional, psychotic or neurotic injury, illness or condition.

Occupational disease; proximate causation

(a) Occupational disease means a disease caused by an employee's performance of his or her job duties where all six of the following requirements exist:

- (1) There is a direct causal connection between the conditions under which the work was performed and the occupational disease;
- (2) The disease can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment;
- (3) The disease can be fairly traced to the employment as the proximate cause;
- (4) The disease does not come from a hazard to which workers would have been equally exposed outside of the employment;
- (5) The disease is incidental to the character of the business and not independent of the relations of the employer and employee; and
- (6) The disease, after its contraction, appears to have had its origin in a risk connected with the employment and to have flowed from that source as a natural consequence, although it need not have been foreseen or expected.

(b) The occupational diseases exempted from the six requirements listed in subsection (a) of this section are noted in Section 23-63: "Presumptions"

Permanent impairment means any impairment that the health care provider considers stable or nonprogressive upon evaluation after maximum medical rehabilitation has been achieved.

Permanent partial disability means as defined in section 23-61(d)(2).

Permanent total disability means as defined in section 23-61(d)(1).

Physician means a physician or surgeon holding an M.D. or D.O. degree, or a psychologist, acupuncturist, optometrist, dentist, podiatrist or chiropractic practitioner licensed under state law and practicing within the scope of his or her licensure.

Spouse means the husband or wife of the employee who was married to the employee at the time of the death caused by a compensable injury, and whose marriage is duly recognized by the laws of the state or the Community.

Temporary partial disability means as defined in section 23-61(c)(2).

Temporary total disability means as defined in section 23-61(c)(1).

Traumatic event means any event, crisis, or case encountered during the course and scope of employment with the Community that is extremely psychologically distressing. A traumatic event may include:

- (1) Visually or audibly witnessing human maiming or death, or the immediate aftermath thereof; or
- (2) Direct involvement in cases involving or responding to dangerous crimes against children; or
- (3) A situation wherein the employee required rescue from a life-threatening situation; or
- (4) Using deadly force or being subjected to deadly force regardless of whether the employee was injured; or
- (5) Witnessing the death of another first-responder in the line of duty; or
- (6) Responding to or being directly involved in the actual or near drowning of a child.

Work-related injury.

(1) The term "work-related injury" means:

- a. An impairment caused by an incident arising out of and occurring in the course and scope of employment;
- b. An impairment caused by the willful act of a third person or third party directed against an employee during employment with the Community; or
- c. An occupational disease arising out of and occurring in the course and scope of employment that is due to causes and conditions characteristic of and peculiar to the particular trade, occupation, process or employment, and not the ordinary diseases to which the general public is exposed.

Work-related injuries under this section shall be either: specific, which means that the injury is a result of one incident or exposure that causes disability or a need for

medical treatment; or cumulative, which means that the injury is a result of repetitive activities extending over a period of time that cause disability or a need for medical treatment. The date of a cumulative injury is the date upon which the employee first suffered the disability or need for medical treatment and knew, or in the exercise of reasonable diligence should have known, that the disability or need for medical treatment was caused by his or her present or prior employment.

(2) The term "work-related injury" does not include injuries caused by the acts identified in section 23-60. Mental injuries shall not be considered work-related injuries and shall not be compensable pursuant to this chapter unless an unexpected, unusual or extraordinary stress related to the employment, or a physical injury related to the employment, was a substantial contributing cause of the mental injury. Examples of mental injuries that are not considered work-related injuries and are not compensable pursuant to this chapter include, without limitation, mental injuries caused by good faith, nondiscriminatory employment actions, including termination and discipline of an employee.

Sec. 23-63. Presumptions.

(a) Firefighter Cancer Presumption

- (1) Any disease, infirmity or impairment of a firefighter's health that is caused by brain, bladder, rectal or colon cancer, lymphoma, leukemia, or adenocarcinoma or mesothelioma of the respiratory tract and that results in disability or death is presumed to be an occupational disease as defined in section 23-55 under work-related injury and is deemed to arise out of employment.
- (2) Notwithstanding any disease, infirmity or impairment of a firefighter's health that is caused by buccal cavity and pharynx, esophagus, large intestine, lung, kidney, prostate, skin, stomach or testicular cancer or non-Hodgkin's lymphoma, multiple myeloma or malignant melanoma and that results in disability or death is presumed to be an occupational disease as defined in section 23-55 under work-related injury and is deemed to arise out of employment.
- (3) The presumption provided in subsection (1) of this section is granted if all the following apply:
 - (i) The firefighter passed a physical examination before employment and the examination did not indicate evidence of cancer.
 - (ii) The firefighter was assigned to hazardous duty for at least five (5) years.

- (iii) The firefighter was exposed to a known carcinogen as defined by the international agency for research on cancer and informed the department of this exposure, and the carcinogen is reasonably related to the cancer.
- (iv) For the presumption provided in subsection (b) and (c), the firefighter received a physical examination that is reasonably aligned with the national fire protection association standard on comprehensive occupational medical program for fire departments (NFPA 1582).
- (v) Subsection (1) and (2) applies to both of the following:
 - i. Firefighters currently in service.
 - ii. Former firefighters who are sixty-five (65) years of age or younger and who are diagnosed with a cancer that is listed in this section not more than fifteen (15) years after the firefighter's last date of employment as a firefighter.
- (vi) Firefighters eligible for the presumption in this section must make a Worker's Compensation claim within one year of their cancer diagnosis.

(b) First Responder Cardiac Presumptions.

- (1) A heart or other perivascular related injury is presumed to be an occupational disease as defined in section 23-55 under work-related injury and is deemed to arise out of employment for First Responders only if the disease can be fairly traced to the employment as the proximate cause.
- (2) First Responders eligible for the presumption in this section must make a Workers' Compensation claim within one year of their heart or other perivascular related diagnosis.

Section 23-64. Mental or Psychological Injury Counseling Program.

(a) Mental or Psychological Injury Counseling Program

- (1) Notwithstanding any other law, the Community shall establish a program to provide first responders who are exposed to a traumatic event while in the course of duty up to twelve visits of licensed counseling, paid for by the Community.

- (2) The Community will provide First Responders with up to twelve (12) appointments with a licensed mental health professional if the first responder suffers a mental injury as a direct causal result of exposure to a traumatic event. Should the licensed mental health professional feel that further treatment is required, and that treatment is likely to improve the first responder's condition, the Community will provide and pay for up to twenty-four (24) additional visits with the licensed mental health professional for the first responder. These additional visits must occur within one year of the first visit.
- (3) If the licensed mental health professional determines that the first responder is not fit for duty while the first responder is receiving treatment pursuant to this section, the Community shall ensure that the first responder has no loss of pay and benefits for up to thirty calendar days per incident after the date the licensed mental health professional determines that the first responder is not fit for duty if all of the following apply:
 - (i) The first responder is unable to work light duty, or the Community does not offer a light duty option.
 - (ii) The first responder has exhausted their sick leave, annual leave, or other leave provided as part of the first responder's benefits package.
 - (iii) If the Community offers short-term disability benefits, the Community offered and the first responder elected short-term disability benefits, but the first responder is not eligible to receive short-term disability benefits.
 - (iv) The Community does not have a supplemental program that provides pay and benefits after the occurrence of an injury.
- (4) The first responder will not be required to use their sick leave or annual leave to attend their licensed mental health professional sessions needed because of exposure to a traumatic event.
- (5) The first responder shall be allowed to choose their preferred licensed mental health professional for treatment of a mental or psychological injury inflicted because of exposure to a traumatic event, except if the chosen licensed mental health professional declines to provide counseling pursuant to this section, the Community is not required to secure the services of that licensed mental health professional.

- (6) Payment by the Community for licensed counseling pursuant to this section does not create a presumption that a claim is compensable under this section.

C_E_R_T_I_F_I_C_A_T_I_O_N

This Ordinance is hereby enacted pursuant to the authority contained in Article VII, Section 1(c)(1) of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing Ordinance was adopted this 12th day of November, 2025, in a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 9 members were present by a vote of 9 for; 0 opposed, 0 abstentions, and 0 excused.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY COUNCIL


Martin Harvier, President

ATTEST:


Erica Harvier, Council Secretary