



FIRE AND POLICE DISABILITY AND RETIREMENT City of Portland, Oregon



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ADMENDMENT TO FPDR ADMINISTRATIVE RULES FOR COVID-19 CLAIMS SUBMITTED BY ACTIVE MEMBERS

In response to the City of Portland's Vaccination Policy dated August 30, 2021, requiring every position at the City of Portland to be fully vaccinated for COVID-19 by October 18, 2021, the FPDR Director hereby is publishing a policy and is proposing this amendment of the FPDR Administrative Rules to address this City requirement.

FPDR will present proposed administrative rules to FPDR's Board of Trustees to formally adopt at the next Board meeting, but this policy as described below will remain in effect in the meantime.

5.7.04 – CLAIM APPROVAL OR DENIAL

(4) COVID-19 Claims

- (a) Definition: the term "COVID-19 Exposed Employees" means Active Members of the FPDR Plan who are required by their work to have hands-on contact with members of the public or coworkers.
- (b) For COVID-19 Exposed Employees, the City will treat a diagnosis of COVID-19 as occurring at work, unless clear and convincing evidence indicates that it is not service connected.
- (c) For Active Members who take a COVID vaccine as required by the City of Portland's Vaccination Policy dated August 30, 2021, incur an adverse reaction, and file a complete application for disability benefits for the side effects of the vaccine, the City will treat the need for medical treatment and any time loss as occurring at work unless the preponderance of the evidence indicates that the vaccine was not a Significant Factor in causing the need for medical treatment or the inability to perform the Member's required duties. This provision is effective August 30, 2021.
- (d) Explanation: Claims filed by COVID-19 Exposed Employees who are diagnosed with COVID-19 will be compensable unless the City shows by clear and convincing evidence that it is not service connected. Such provision of medical

benefits and time loss shall be consistent with statute, the FPDR Plan and/or FPDR's administrative rules or Charter.

- (e) For COVID-19 Exposed Employees who have not been diagnosed with COVID-19 but 1) come into contact at work with someone diagnosed with COVID-19, or develop symptoms at work consistent with COVID-19, as defined by the Center for Disease Control (CDC), and 2) the COVID-19 Exposed Employee seeks medical advice within a reasonable time of either known exposure or the development of symptoms, and then follow through within a reasonable time for testing for COVID-19 if recommended by the medical provider, will receive medical benefits and time loss. Such provision of medical benefits and time loss shall be consistent with statute, the FPDR Plan and/or FPDR's administrative rules or Charter.
- (f) Disability benefits will be paid to Active Members who are under a mandatory quarantine ordered under the authority of the Multnomah County Health Officer. Such provision of time loss shall be consistent with statute, the FPDR Plan and/or FPDR's administrative rules or Charter. The FPDR Plan does not permit reimbursement to Members for "room and board" costs incurred to quarantine outside of their home at alternative locations.
- (g) These Administrative Rules, 5.7.04 (5) (a) – (e), are effective immediately and will remain in effect until 180 days after any COVID-related State of Emergency declared by the Mayor expires.