

## **RESOLUTION NO. 539**

WHEREAS, the Board of Trustees (Board) of the Bureau of Fire and Police Disability and Retirement (FPDR) determined that changes were necessary to the FPDR Administrative Rules to address the City of Portland's Vaccination Policy as a result of the COVID-19 virus pandemic; and

WHEREAS, on August 30, 2021, the City of Portland issued a vaccination policy requiring all City employees to be fully vaccinated for COVID-19 by October 18, 2021; and

WHEREAS, because the City of Portland is mandating the COVID-19 vaccine as a condition of employment; and

WHEREAS, in response to the City of Portland's Vaccination Policy, staff recommends the proposed amendments to Section 5.7.04 of the FPDR Administrative Rules; and


WHEREAS, proposed amendments to the FPDR Administrative Rules were posted on the FPDR website; and

WHEREAS, the Board has considered and recommends the amendments to Section 5.7.04 of the FPDR Administrative Rules as shown on Exhibit "A", attached hereto and by this reference made a part hereof; and

WHEREAS, it is appropriate and in the public interest that the FPDR Administrative Rules be changed in response to the City of Portland's Vaccination Policy; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees that Section 5.7.04 of the FPDR Administrative Rules be amended as shown on Exhibit "A".

ADOPTED by the Board of Trustees on the 28<sup>th</sup> day of September 2021.



Samuel Hutchison  
FPDR Director



# **FIRE AND POLICE DISABILITY AND RETIREMENT**

## **City of Portland, Oregon**



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### **AMENDMENT 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, the FPDR Director published a policy and proposed the amendment of the FPDR Administrative Rules to address the unique situations our members are facing in today's environment because of the COVID-19 virus.

The FPDR Board has approved the proposed rules with revisions. The approved rules are as follows:

#### **5.7.04 – CLAIM APPROVAL OR DENIAL**

(A) Disability Claim applications fall into one of the following four categories:

##### **(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, incur an adverse reaction, and file a complete application for disability benefits for the side effects of the vaccine, FPDR will treat the need for medical treatment and any time loss as occurring at work unless clear and convincing 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.