



# FIRE AND POLICE DISABILITY AND RETIREMENT City of Portland, Oregon



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

### IMPORTANT NOTICE

In response to the COVID-19 pandemic and the Mayor's declaration of a State of Emergency, the FPDR Director published, and the Board approved FPDR Administrative Rules to address on the job exposures to the coronavirus. Those rules were to remain in effect until 180 days after the Mayor's COVID-related State of Emergency expires.

**IMPORTANT:** On April 1, 2022, Mayor Wheeler lifted the City of Portland's COVID State of Emergency. This is notice that the COVID rules will remain in effect for 180 days from April 1, 2022 and will expire on September 27, 2022.

The expiration of these rules will not impact any claims approved on or before September 27, 2022.

### QUESTIONS AND ANSWERS

**Q:** What happens if a Member filed a claim before the State of Emergency Expired but did not have a decision before it expired?

**A:** If Member filed a complete application for benefits on or before September 27, 2022, FPDR will process the Member's claim under the COVID-19 rules in effect prior to their expiration.

**Q:** Can a Member file a disability claim for a COVID-19 related illness after September 27, 2022?

**A:** Yes, Members can file a claim after September 27, 2022. However, they will not have the protections described in the COVID-19 Administrative Rules.

**Q:** What happens if the Mayor reinstates the COVID State of Emergency before September 27, 2022?

**A:** If the Mayor reinstates the COVID State of Emergency before September 27, 2022, the COVID-19 rules will not expire on September 27, 2022 and will stay in effect until 180 days after the COVID-related State of Emergency expires.

**Q:** What happens if the Mayor reinstates the COVID State of Emergency after September 27, 2022?

**A:** If the Mayor reinstates the COVID State of Emergency after September 27, 2022, the FPDR Board of Trustees will have to decide to reinstate to COVID-19 Administrative Rules.

## **COVID-19 ADMINISTRATIVE RULES**

### **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.



Sam Hutchison, FPDR Director