

1 exposure in the workplace. Other essential workers who work in
2 environments requiring direct interactions with the public may also be at
3 greater risk for exposure as a natural incident of their occupations; and

4 WHEREAS, The New Mexico Workers Compensation Act permits workers
5 to obtain compensation, medical care, and other benefits that are necessitated
6 by injuries suffered through their occupation. The Law applies to the City and
7 its employees per NMSA 19878 § 52-1-2; and

8 WHEREAS, on April 23, 2020, Governor Lujan Grisham issued an order
9 directing that certain State employees who contract COVID-19 be presumed to
10 have suffered a compensable occupational disease under the Law, and that
11 they be granted PERA service credit for related absences, which order
12 encouraged local governments to follow suit.

13 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
14 ALBUQUERQUE:

15 Section 1. PRESUMPTION OF COMPENSABLE INJURY

16 A) In processing or responding to workers' compensation claims, the
17 City shall employ a presumption that the following essential City employees
18 who contract COVID-19 during the duration of the COVID-19 public health
19 emergency have suffered a compensable injury under the Workers
20 Compensation Act: public safety employees in the field, code enforcers,
21 animal welfare officers in the field, security officers in the field, motor coach
22 operators/sun van chauffeurs, solid waste workers in the field or at any open
23 solid waste drop off site, family community services workers, recreation
24 services workers and any other city employee physically engaging the public
25 or staffing any facility in a City sponsored COVID-19 related response
26 initiative.

27 B) The presumption set forth in subparagraph 'A', above, will be applied
28 where the following criteria are met:

29 1. The employee notifies the City of his or her contraction of
30 COVID-19 within 15 days of a positive test result;

31 2. The employee exhausts health coverages available through
32 the city's benefits program prior to collecting Workers Compensation benefits;

1 3. The employee follows all COVID-19 CDC health guidelines
2 both on and off duty;

3 Section 2. SERVICE CREDIT

4 A) The City shall treat the provision of direct services and assistance to
5 the general public during the present public health emergency stay-at-home
6 orders as “inherently dangerous circumstances” for all employees described
7 in subsection ‘1’, above, for purposes of awarding service credit under NMSA
8 1978 § 10-11-6.1.

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