CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL	BILL NO	R-20-60	ENACTMENT NO.
SPONSO	RED BY:	Lan Sena and Klaris	ssa Peña
1			RESOLUTION
2	DIRECTING	THAT THE CITY ADI	MINISTRATION AFFORD A PRESUMPTION OF
3	COMPENSA	ABLE WORKERS CO	MPENSATION INJURY, AND TO AWARD
4	SERVICE C	REDIT TO CERTAIN	CITY EMPLOYEES WHO CONTRACT COVID-19
5	WHERE	AS, on March 11, 202	0 Governor Michelle Lujan Grisham issued
6	Executive C	Order 2020-004, Decla	ring a Public Health Emergency in New
7	Mexico rela	ting to the spread of	COVID-19; and
8	WHERE	AS, pursuant to the P	ublic Health Emergency, on March 23, 2020,
9	the New Me	xico Department of H	lealth issued an order directing the closure of
10	non-essent	ial business and offic	ces, and the City of Albuquerque has
11	correspond	lingly carried out clos	sures and subsequent occupancy limits for
12	city building	gs and facilities and i	mplemented flexible working arrangements
13	for City stat	ff; and	
14	WHERE	AS, the virus that caι	ses COVID-19 is highly contagious and can
15	easily be tra	ansferred through pe	rson-to-person contact for a period of
16	approximat	ely two weeks after a	person is infected. The virus has also shown
17	the ability to	o remain viable for si	gnificant periods of time in the air and on
18	surfaces; a	nd	
19	WHERE	AS, notwithstanding	significant and early safety measures by the
20	City to allow	w telecommuting and	other flexible work arrangements, they
21	physical pro	esence of certain City	y staff has remained essential to City's health
22	and safety f	functions; and	
23	WHERE	AS, Professionals wh	o provide direct care or assistance to patients
24	infected wit	th COVID-19 are expo	sed to the virus causing COVID-19 as a
25	natural inci	dent of their occupat	ions and carry a far greater risk of contracting

COVID-19 than the general public due to this significant and inevitable

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- 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 and 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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