

Legislation Text

File #: 210325, Version: 1

Amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by modifying the circumstances when certain City of Philadelphia employees are entitled to service-connected death benefits during the pandemic, and making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code" is amended as follows:

TITLE 22. PUBLIC EMPLOYEES RETIREMENT CODE

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CHAPTER 22-500. DEATH BENEFITS

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CHAPTER 22-500. DEATH BENEFITS

§ 22-501. Service-Connected Death and Health Care Benefits.

(1) Death due solely to performance of member's duties. If the Board determines that the death of a member resulted solely from the performance of the duties of such member's position and was not caused by the member's own wrongful conduct, a service-connected death benefit shall become payable. The Board shall avail itself of the services of the Medical Panel in making its determination whether the member died solely as a result of the performance of the duties of the member's position. *This subsection (1) does not apply to death benefits payable under subsection (1.1). Members awarded death benefits under subsection (1.1) are not eligible to receive death benefits under this subsection (1).*

(1.1) Death due to COVID-19 infection contracted during the performance of member's in-person duties. If the Board determines that the death of a member on or before the ninetieth (90th) day following the expiration or termination of the Proclamation of Disaster Emergency of the Governor of Pennsylvania related to the COVID-19 pandemic ("COVID-19 Disaster Proclamation") resulted from such member contracting the novel coronavirus of 2019 ("COVID-19"), and that the member contracted COVID-19 during the period beginning March 6, 2020 and ending upon expiration or termination of the COVID-19 Disaster Proclamation as the result of the performance of the in-person duties of such member's position; a service-connected death benefit shall become payable. For the purpose of this subsection (1.1) only, there shall be no requirement that such member's death resulted solely from the performance of such member's duties or solely from the COVID-19 infection.

(a) *Presumption. For the purpose of this subsection (1.1) only, a member who was*

carrying out in-person employment duties shall be entitled to a rebuttable presumption that the member contracted COVID-19 as the result of the performance of the duties of such member's position if both of the following requirements are met:

(1) Such member performed in-person duties within the three-week period prior to either such member's positive COVID-19 test, or such member first exhibiting symptoms consistent with COVID-19, which resulted in a diagnosis of COVID-19 confirmed by a positive COVID-19 test; and

(2) The in-person duties performed, in fact, by such member during the three-week period referenced subsection (1.1)(a)(1) included one or more of the following:

(a) in-person interaction with the public;

(b) in-person collection or transport of corpses or public waste materials, such as trash collection, biohazardous waste, or medical waste; or

(c) in-person interaction with other City employees who performed the type of duties identified under clauses (.a) or (.b), but only if such member, or any City employee with whom such member had in-person interaction with as part of the performance of such member's work duties, had an actual workplace exposure to COVID-19, which could have led to such member contracting COVID-19 within the three-week time period referenced under subsection (1.1)(a)(1).

(b) Medical Panel. The Board shall avail itself of the services of the Medical Panel in making its determination whether such member's death resulted from the contraction of COVID-19 as the result of the performance of the duties of such member's position, taking into consideration the presumption in subsection (1.1)(a).

(c) Retroactivity. This subsection (1.1) shall be retroactive to March 6, 2020.

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SECTION 2. Effective Date. This Ordinance shall be effective immediately with respect to employees not subject to the terms of a collective bargaining agreement. With respect to represented employees subject to a collective bargaining agreement, this Ordinance shall be effective on the date the Director of Finance certifies to the Clerk of Council that the employee's union has agreed to the terms of this Ordinance.

Explanation:

Italics indicate new matter added.