

2014 -- S 2672

=====
LC004543
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

—————
A N A C T

RELATING TO TOWNS AND CITIES - THE DEPARTMENT OF CORRECTIONS

Introduced By: Senators Ciccone, Archambault, and Lombardi

Date Introduced: March 04, 2014

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-19-1 of the General Laws in Chapter 45-19 entitled "Relief of
2 Injured and Deceased Fire Fighters and Police Officers" is hereby amended to read as follows:
3 **45-19-1. Salary payment during line of duty illness or injury.** -- (a) Whenever any
4 police officer of the Rhode Island Airport Corporation or whenever any police officer, fire
5 fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal of
6 any city, town, fire district, or the state of Rhode Island is wholly or partially incapacitated by
7 reason of injuries received or sickness contracted in the performance of his or her duties or due to
8 their rendering of emergency assistance within the physical boundaries of the state of Rhode
9 Island at any occurrence involving the protection or rescue of human life which necessitates that
10 they respond in a professional capacity when they would normally be considered by their
11 employer to be officially off-duty, the respective city, town, fire district, state of Rhode Island or
12 Rhode Island Airport Corporation by which the police officer, fire fighter, crash rescue
13 crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall,
14 during the period of the incapacity, pay the police officer, fire fighter, crash rescue crewperson,
15 fire marshal, chief deputy fire marshal, or deputy fire marshal, the salary or wage and benefits to
16 which the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire
17 marshal, or deputy fire marshal, would be entitled had he or she not been incapacitated, and shall
18 pay the medical, surgical, dental, optical, or other attendance, or treatment, nurses, and hospital
19 services, medicines, crutches, and apparatus for the necessary period, except that if any city,

1 town, fire district, the state of Rhode Island or Rhode Island Airport Corporation provides the
2 police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or
3 deputy fire marshal, with insurance coverage for the related treatment, services, or equipment,
4 then the city, town, fire district, the state of Rhode Island or Rhode Island Airport Corporation is
5 only obligated to pay the difference between the maximum amount allowable under the insurance
6 coverage and the actual cost of the treatment, service, or equipment. In addition, the cities, towns,
7 fire districts, the state of Rhode Island or Rhode Island Airport Corporation shall pay all similar
8 expenses incurred by a member who has been placed on a disability pension and suffers a
9 recurrence of the injury or illness that dictated his or her disability retirement, subject to the
10 provisions of subsection (j) herein.

11 (b) As used in this section, "police officer" means and includes any chief or other
12 member of the police department of any city or town regularly employed at a fixed salary or wage
13 and any deputy sheriff, member of the fugitive task force, ~~or~~ capitol police officer, permanent
14 environmental police officer or criminal investigator of the department of environmental
15 management, ~~or~~ airport police officer, or correctional investigator and corrections officer of the
16 Rhode Island department of corrections.

17 (c) As used in this section, "fire fighter" means and includes any chief or other member
18 of the fire department or rescue personnel of any city, town, or fire district, and any person
19 employed as a member of the fire department of the town of North Smithfield, or fire department
20 or district in any city or town.

21 (d) As used in this section, "crash rescue crewperson" means and includes any chief or
22 other member of the emergency crash rescue section, division of airports, or department of
23 transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

24 (e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire
25 marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
26 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title
27 23.

28 (f) Any person employed by the state of Rhode Island, except for sworn employees of
29 the Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title
30 shall be subject to the provisions of chapters 29 -- 38 of title 28 for all case management
31 procedures and dispute resolution for all benefits.

32 (g) In order to receive the benefits provided for under this section, a police officer or
33 firefighter must prove to their employer that he or she had reasonable grounds to believe that
34 there was an emergency which required an immediate need for their assistance for the protection

1 or rescue of human life.

2 (h) Any claims to the benefits provided for under this section resulting from the
3 rendering of emergency assistance in the state of Rhode Island at any occurrence involving the
4 protection or rescue of human life while off-duty, shall first require those covered by this section
5 to submit a sworn declaration to their employer attesting to the date, time, place and nature of the
6 event involving the protection or rescue of human life causing the professional assistance to be
7 rendered and the cause and nature of any injuries sustained in the protection or rescue of human
8 life. Sworn declarations shall also be required from any available witness to the alleged
9 emergency involving the protection or rescue of human life.

10 (i) All declarations required under this section shall contain the following language:

11 "Under penalty of perjury, I declare and affirm that I have examined this declaration,
12 including any accompanying schedules and statements, and that all statements contained herein
13 are true and correct."

14 (j) Any person receiving injured on-duty benefits pursuant to this section, and subject to
15 the jurisdiction of the state retirement board for accidental retirement disability, for an injury
16 occurring on or after July 1, 2011, shall apply for an accidental disability retirement allowance
17 from the state retirement board not later than the later of eighteen (18) months after the date of the
18 person's injury that resulted in said person's injured on duty status or sixty (60) days from the date
19 on which the treating physician certifies that the person has reached maximum medical
20 improvement. Nothing herein shall be construed to limit or alter any and all rights of the parties
21 with respect to independent medical examination or otherwise, as set forth in the applicable
22 collective bargaining agreement. Notwithstanding the forgoing, any person receiving injured on
23 duty benefits as the result of a static and incapacitating injury whose permanent nature is readily
24 obvious and ascertainable shall be required to apply for an accidental disability retirement
25 allowance within sixty (60) days from the date on which the treating physician certifies that the
26 person's injury is permanent, or sixty (60) days from the date on which such determination of
27 permanency is made in accordance with the independent medical examination procedures as set
28 forth in the applicable collective bargaining agreement.

29 (1) If a person with injured on duty status fails to apply for an accidental disability
30 retirement allowance from the state retirement board within the time frame set forth above, that
31 person's injured on duty payment shall terminate. Further, any person suffering a static and
32 incapacitating injury as set forth in subsection (j) above and who fails to apply for an accidental
33 disability benefit allowance as set forth in subsection (j) shall have his or her injured on duty
34 payment terminated.

1 (2) A person who so applies shall continue to receive injured on duty payments, and the
2 right to continue to receive IOD payments of a person who so applies shall terminate in the event
3 of a final ruling of the workers compensation court allowing accidental disability benefits.
4 Nothing herein shall be construed to limit or alter any and all rights of the parties with respect to
5 independent medical examination or otherwise, as set forth in the applicable collective bargaining
6 agreement.

7 SECTION 2. This act shall take effect upon passage.

=====
LC004543
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO TOWNS AND CITIES - THE DEPARTMENT OF CORRECTIONS

1 This act would add correctional investigators and correctional officers to the definition of
2 “police officer” for the purposes of those public safety officials entitled to payment of full salary
3 if disabled in the line of duty.

4 This act would take effect upon passage.

=====
LC004543
=====