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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO TOWNS AND CITIES - POLICE AND FIRE EMPLOYEES

Introduced By: Representatives Brien, and Edwards

Date Introduced: February 16, 2012

Referred To: House Municipal Government

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 who: (1) Must have successfully graduated from a recognized police academy; and (2) Has  
14 maintained all of the qualifications required during any period of employment in law enforcement  
15 in either a municipal or state department; and (3) Has as their primary function to regularly and  
16 routinely engage in the delivery of crime prevention services and any executive high sheriff,  
17 sheriff, deputy sheriff, member of the fugitive task force, or capitol police officer, permanent  
18 environmental police officer or criminal investigator of the department of environmental  
19 management, or airport police officer.

20 (c) "Police Officer" shall only be deemed to include dispatchers and administrative or  
21 clerical staff if the employee satisfies the requirements set forth in sections (b)(1) through (b)(3)  
22 above, and:

23 (1) The functions are performed on a temporary of limited basis; or

24 (2) As a result of a physical or mental limitation of the member, such dispatcher or  
25 administrative or clerical position is the only position available.

26 ~~(d)~~ (e) As used in this section, "fire fighter" means and includes any chief or other  
27 member of the fire department or rescue personnel of any city, town, or fire district, and any  
28 person employed as a member of the fire department of the town of North Smithfield, or fire  
29 department or district in any city or town. The term "fire fighter" shall also mean those  
30 employees who meet the following criteria:

31 (1) Such employees must have successfully completed all local hiring and state  
32 requirements for becoming a fire fighter in a state, city, town, fire district, municipal corporation,  
33 or in a city, town or fire district rescue/emergency medical services organization. Requirements  
34 may include, but are not necessarily limited to, successful completion of any and all requisite

1 trainings, successful completion of any and all physical performance, written and/or  
2 psychological examinations, and/or graduation from a recognized training academy;

3 (2) Such employees must successfully maintain all of the required qualifications,  
4 certifications and licenses during any period of employment in a fire fighting or  
5 rescue/emergency medical service organization as provided for in departmental rules and  
6 regulations and collective bargaining agreements; and

7 (3) Such employees must be either:

8 (i) Regular and full-time permanent uniformed members of a municipal or state fire  
9 fighting service, fire district, fire department or municipal corporation whose primary function is  
10 to regularly and routinely engage in fire fighting/suppression activities, hazardous materials  
11 mitigation, fire prevention and training; or

12 (ii) A regular and permanent member of a city or town rescue/emergency medical service  
13 organization or a municipal corporation whose primary function is to regularly and routinely  
14 engage in the delivery of rescue or emergency medical services as their primary function.

15 (4) The term "fire fighter" shall not include those positions that do not regularly and  
16 routinely engage in the duties as described above such as fire engine or vehicle mechanics,  
17 dispatchers, apparatus maintenance personnel, clerical or administrative positions, and any other  
18 non-firefighter or non-emergency medical personnel positions.

19 (5) The term "fire fighter" shall only be deemed to include dispatchers and administrative  
20 or clerical staff if the employee satisfies the requirements set forth in sections (d)(1) through  
21 (d)(3) above and:

22 (i) The functions are performed on a temporary or limited basis pending transition to a  
23 fire fighter; or

24 (ii) As a result of a physical or mental limitation of the member, such dispatcher or  
25 administrative or clerical position is the only position available.

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

29 (f)(e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire  
30 marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals  
31 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title  
32 23.

33 (g)(f) Any person employed by the state of Rhode Island, except for sworn employees of  
34 the Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title

1 shall be subject to the provisions of chapters 29 -- 38 of title 28 for all case management  
2 procedures and dispute resolution for all benefits.

3 ~~(h)~~ ~~(g)~~ In order to receive the benefits provided for under this section, a police officer or  
4 firefighter must prove to their employer that he or she had reasonable grounds to believe that  
5 there was an emergency which required an immediate need for their assistance for the protection  
6 or rescue of human life.

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

15 ~~(j)~~ ~~(i)~~ All declarations required under this section shall contain the following language:

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

19 ~~(k)~~ ~~(j)~~ Any person receiving injured on-duty benefits pursuant to this section, and subject  
20 to the jurisdiction of the state retirement board for accidental retirement disability, for an injury  
21 occurring on or after July 1, 2011, shall be eligible to receive such benefits for a total period of  
22 eighteen (18) months after the date of the person's injury that resulted in said person's injured on  
23 duty status, except as provided for in subdivision 45-19-1(j)(2).

24 (1) Within eighteen (18) months of being injured, the person shall apply for an accidental  
25 disability retirement allowance from the state retirement board. A person who so applies shall  
26 continue to receive injured on duty payments until the person's application for an accidental  
27 disability retirement allowance has been allowed or denied, and if denied initially, then upon the  
28 expiration of the appeal period from such decision to the workers' compensation court pursuant to  
29 section 45-21.2-9 of the general laws, or, if appealed, then upon a decision from the workers'  
30 compensation court denying said appeal, whichever is applicable.

31 (2) If a person with injured on duty status fails to apply for an accidental disability  
32 retirement allowance from the state retirement board within the eighteen (18) month period set  
33 forth in this subsection, that person's injured on duty payments shall terminate, unless said person  
34 provides to the applicable municipality a written opinion from a physician that states that it is the

1 physician's opinion, to a reasonable degree of medical certainty, that the person will be able to  
2 return to work within six (6) months. In such event, the injured person may continue to receive  
3 injured on duty payments for a period, not to exceed six (6) months, after the initial eighteen (18)  
4 month period expires.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO TOWNS AND CITIES - POLICE AND FIRE EMPLOYEES

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- 1           This act would expand the definition of police officer and fire fighter for the purposes of
- 2 salary payments during line of duty illness or injury.
- 3           This act would take effect upon passage.

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