

2013 -- H 5417

=====
LC01117
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO TOWNS AND CITIES - INJURED AIRPORT FIREFIGHTERS

Introduced By: Representatives Keable, Carnevale, and Casey

Date Introduced: February 13, 2013

Referred To: House Finance

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, [the Rhode Island airport corporation](#) or the state of Rhode Island is
7 wholly or partially incapacitated by reason of injuries received or sickness contracted in the
8 performance of his or her duties or due to their rendering of emergency assistance within the
9 physical boundaries of the state of Rhode Island at any occurrence involving the protection or
10 rescue of human life which necessitates that they respond in a professional capacity when they
11 would normally be considered by their employer to be officially off-duty, the respective city,
12 town, fire district, state of Rhode Island or Rhode Island Airport Corporation by which the police
13 officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy
14 fire marshal, is employed, shall, during the period of the incapacity, pay the police officer, fire
15 fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal,
16 the salary or wage and benefits to which the police officer, fire fighter, crash rescue crewperson,
17 fire marshal, chief deputy fire marshal, or deputy fire marshal, would be entitled had he or she not
18 been incapacitated, and shall pay the medical, surgical, dental, optical, or other attendance, or
19 treatment, nurses, and hospital services, medicines, crutches, and apparatus for the necessary

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

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

20 (d) As used in this section, "crash rescue crewperson" means and includes any chief or
21 other member of the emergency crash rescue section, division of airports, or department of
22 transportation of the state of Rhode Island, [or the aircraft rescue firefighting unit of the Rhode
23 Island airport corporation, or any person performing the services of an airport firefighter at T.F.
24 Green airport](#) ~~regularly~~ employed at a fixed salary or wage.

25 (e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire
26 marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
27 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title
28 23.

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

33 (g) In order to receive the benefits provided for under this section, a police officer or
34 firefighter must prove to their employer that he or she had reasonable grounds to believe that

1 there was an emergency which required an immediate need for their assistance for the protection
2 or rescue of human life.

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

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

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

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

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

27 (2) If a person with injured on duty status fails to apply for an accidental disability
28 retirement allowance from the state retirement board within the eighteen (18) month period set
29 forth in this subsection, that person's injured on duty payments shall terminate, unless said person
30 provides to the applicable municipality a written opinion from a physician that states that it is the
31 physician's opinion, to a reasonable degree of medical certainty, that the person will be able to
32 return to work within six (6) months. In such event, the injured person may continue to receive
33 injured on duty payments for a period, not to exceed six (6) months, after the initial eighteen (18)
34 month period expires.

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

=====
LC01117
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO TOWNS AND CITIES - INJURED AIRPORT FIREFIGHTERS

1 This act would entitle airport corporation rescue and firefighters to obtain injured in the
2 line of duty benefits if so qualified.

3 This act would take effect upon passage.

=====
LC01117
=====