

2018 -- S 2782

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO TOWNS AND CITIES -- PUBLIC SAFETY EMPLOYEES

Introduced By: Senators Ciccone, Pearson, DaPonte, Felag, and McCaffrey

Date Introduced: April 05, 2018

Referred To: Senate 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.**

4 (a) Whenever any police officer of the Rhode Island Airport Corporation or whenever
5 any police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal,
6 or deputy fire marshal of any city, town, fire district, or the state of Rhode Island is wholly or
7 partially incapacitated by reason of injuries received or sickness contracted in the performance of
8 his or her duties or due to their rendering of emergency assistance within the physical boundaries
9 of the state of Rhode Island at any occurrence involving the protection or rescue of human life
10 which necessitates that they respond in a professional capacity when they would normally be
11 considered by their employer to be officially off-duty, the respective city, town, fire district, state
12 of Rhode Island or Rhode Island Airport Corporation by which the police officer, fire fighter,
13 crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is
14 employed, shall, during the period of the incapacity, pay the police officer, fire fighter, crash
15 rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, the salary or
16 wage and benefits to which the police officer, fire fighter, crash rescue crewperson, fire marshal,
17 chief deputy fire marshal, or deputy fire marshal, would be entitled had he or she not been
18 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, [or correctional officer at the department of corrections](#).

16 (c) As used in this section, "fire fighter" means and includes any chief or other member of
17 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 regularly employed at a fixed salary or wage.

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

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

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

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

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

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

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

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

34 (2) A person who so applies shall continue to receive injured on duty payments, and the

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES -- PUBLIC SAFETY EMPLOYEES

1 This act would add department of corrections' correctional officers to the list of public
2 safety employees that are entitled to their full salary if they are injured and become disabled as a
3 result of performance of their job duties.

4 This act would take effect upon passage.

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