

2019 -- H 5261

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO TOWNS AND CITIES - RELIEF OF INJURED AND DECEASED FIRE  
FIGHTERS AND PUBLIC OFFICERS

Introduced By: Representatives Vella-Wilkinson, Morin, O'Brien, Almeida, and  
Azzinaro

Date Introduced: January 31, 2019

Referred To: House 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.**

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

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

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

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

22 (d) As used in this section, "crash rescue crewperson" means and includes any chief or  
23 other member of the emergency crash rescue section, division of airports, or department of  
24 transportation of the state of Rhode Island 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 the  
30 Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title shall  
31 be subject to the provisions of chapters 29 -- 38 of title 28 for all case management procedures  
32 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 rendering  
4 of emergency assistance in the state of Rhode Island at any occurrence involving the protection or  
5 rescue of human life while off-duty, shall first require those covered by this section to submit a  
6 sworn declaration to their employer attesting to the date, time, place and nature of the event  
7 involving the protection or rescue of human life causing the professional assistance to be rendered  
8 and the cause and nature of any injuries sustained in the protection or rescue of human life. Sworn  
9 declarations shall also be required from any available witness to the alleged emergency involving  
10 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 apply for an accidental disability retirement allowance  
18 from the state retirement board not later than the later of eighteen (18) months after the date of the  
19 person's injury that resulted in said person's injured on duty status or sixty (60) days from the date  
20 on which the treating physician certifies that the person has reached maximum medical  
21 improvement. Nothing herein shall be construed to limit or alter any and all rights of the parties  
22 with respect to independent medical examination or otherwise, as set forth in the applicable  
23 collective bargaining agreement. Notwithstanding the forgoing, any person receiving injured on  
24 duty benefits as the result of a static and incapacitating injury whose permanent nature is readily  
25 obvious and ascertainable shall be required to apply for an accidental disability retirement  
26 allowance within sixty (60) days from the date on which the treating physician certifies that the  
27 person's injury is permanent, or sixty (60) days from the date on which such determination of  
28 permanency is made in accordance with the independent medical examination procedures as set  
29 forth in the applicable collective bargaining agreement.

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

1 payment terminated.

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

8 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 - RELIEF OF INJURED AND DECEASED FIRE  
FIGHTERS AND PUBLIC OFFICERS

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1           This act would add correctional officers at the Rhode Island department of corrections to  
2 the group of public safety officials eligible to collect salary, wages, and benefits during the  
3 periods of whole or partial incapacitation incurred while on duty, or while providing emergency  
4 assistance within the state while off duty.

5           This act would take effect upon passage.

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