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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO TOWNS AND CITIES -- RELIEF OF INJURED AND DECEASED
FIREFIGHTERS AND POLICE OFFICERS

Introduced By: Representatives Casey, Canario, Morin, Jacquard, and Noret

Date Introduced: February 26, 2020

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)(1) Whenever any police officer of the Rhode Island airport corporation or whenever
5 any police officer, firefighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or
6 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, firefighter, crash
13 rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed,
14 shall, during the period of the incapacity, pay the police officer, firefighter, crash rescue
15 crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, the salary or wage
16 and benefits to which the police officer, firefighter, crash rescue crewperson, fire marshal, chief
17 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, firefighter, crash rescue crewperson, fire marshal,
4 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 a
10 disability pension and suffers a recurrence of the injury or illness that dictated his or her disability
11 retirement, subject to the provisions of subsection (j) herein.

12 (2) Post-traumatic stress disorder, related to the exposure of potentially traumatic events
13 resulting from a police officer or firefighter acting within the course of their employment or from
14 the rendering of emergency assistance in the state of Rhode Island at any occurrence involving
15 the protection or the rescue of human life while off-duty as set forth in subsection (h) of this
16 section, as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition,
17 published by the American Psychiatric Association and diagnosed with a disorder by a licensed
18 mental health professional, with a master's degree or higher, shall be deemed to have sustained an
19 injury in the line of duty, as that term is used in subsection (a)(1) of this section. The benefits
20 provided for under this section shall not be extended to a police officer or firefighter if their post-
21 traumatic stress disorder diagnosis, arises out of any disciplinary action, work evaluation, job
22 transfer, layoff, demotion, termination or similar adverse job actions.

23 (b) As used in this section, "police officer" means and includes any chief or other
24 member of the police department of any city or town regularly employed at a fixed salary or wage
25 and any deputy sheriff, member of the fugitive task force, or capitol police officer, permanent
26 environmental police officer or criminal investigator of the department of environmental
27 management, or airport police officer.

28 (c) As used in this section, "firefighter" means and includes any chief or other member of
29 the fire department or rescue personnel of any city, town, or fire district, and any person
30 employed as a member of the fire department of the town of North Smithfield, or fire department
31 or district in any city or town.

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

1 (e) As used in this section, "fire marshal," "chief deputy fire marshal," and "deputy fire
2 marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
3 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title
4 23.

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

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

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

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

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

25 (j) Any person, not employed by the state of Rhode Island, receiving injured on-duty
26 benefits pursuant to this section, and subject to the jurisdiction of the state retirement board for
27 accidental retirement disability, for an injury occurring on or after July 1, 2011, shall apply for an
28 accidental disability retirement allowance from the state retirement board not later than the later
29 of eighteen (18) months after the date of the person's injury that resulted in the person's injured-
30 on-duty status or sixty (60) days from the date on which the treating physician certifies that the
31 person has reached maximum medical improvement. Nothing herein shall be construed to limit or
32 alter any and all rights of the parties with respect to independent medical examination or
33 otherwise, as set forth in the applicable collective bargaining agreement. Notwithstanding the
34 forgoing, any person receiving injured-on-duty benefits as the result of a static and incapacitating

1 injury whose permanent nature is readily obvious and ascertainable shall be required to apply for
2 an accidental disability retirement allowance within sixty (60) days from the date on which the
3 treating physician certifies that the person's injury is permanent, or sixty (60) days from the date
4 on which the determination of permanency is made in accordance with the independent medical
5 examination procedures as set forth in the applicable collective bargaining agreement.

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

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

18 (k) Any person employed by the state of Rhode Island who is currently receiving injured-
19 on-duty benefits or any person employed by the state of Rhode Island who in the future is entitled
20 to injured-on-duty benefits pursuant to this chapter, and subject to the jurisdiction of the state
21 retirement board for accidental retirement disability, shall apply for an accidental disability
22 retirement allowance from the state retirement board not later than sixty (60) days from the date
23 on which a treating physician or an independent medical examiner certifies that the person has
24 reached maximum medical improvement, and in any event not later than eighteen (18) months
25 after the date of the person's injury that resulted in the person being on injured-on-duty. Nothing
26 herein shall be construed to limit or alter any and all rights of the parties with respect to
27 independent medical examination or otherwise, as set forth in the applicable collective bargaining
28 agreement. Notwithstanding the forgoing, any person receiving injured on duty benefits as the
29 result of a static and incapacitating injury whose permanent nature is readily obvious and
30 ascertainable shall be required to apply for an accidental disability retirement allowance within
31 sixty (60) days from the date on which a treating physician or an independent medical examiner
32 certifies that the person's injury is permanent, or sixty (60) days from the date on which such
33 determination of permanency is made in accordance with the independent medical examination
34 procedures as set forth in the applicable collective bargaining agreement.

1 (1) If a person employed by the state of Rhode Island with injured-on-duty status fails to
2 apply for an accidental disability retirement allowance from the state retirement board within the
3 time frame set forth in subsection (k) above, that person's injured-on-duty payment shall
4 terminate. Further, any person employed by the state of Rhode Island suffering a static and
5 incapacitating injury as set forth in subsection (k) above and who fails to apply for an accidental
6 disability benefit allowance as set forth in subsection (k) shall have his or her injured on duty
7 payment terminated.

8 (2) A person employed by the state of Rhode Island who so applies shall continue to
9 receive injured on duty payments, and the right to continue to receive injured on-duty payments
10 of a person who so applies shall terminate upon final adjudication by the state retirement board
11 approving or denying either ordinary or accidental disability payments and, notwithstanding § 45-
12 31.2-9, this termination of injured-on-duty benefits shall not be stayed.

13 (3)(i) Notwithstanding any other provision of law, all persons employed by the state of
14 Rhode Island entitled to benefits under this section who were injured prior to July 1, 2019, and
15 who have been receiving injured-on-duty benefits pursuant to this section for a period of eighteen
16 (18) months or longer as of July 1, 2019, shall have up to ninety (90) days from July 1, 2019, to
17 apply for an accidental disability retirement benefit allowance. Any person employed by the state
18 of Rhode Island receiving injured-on-duty benefits for a period less than eighteen (18) months as
19 of July 1, 2019, shall apply for an accidental disability retirement benefit allowance within
20 eighteen (18) months of the date of injury that resulted in the person receiving injured-on-duty
21 pay; provided however, said person shall have a minimum of ninety (90) days to apply.

22 Applications for disability retirement received by the state retirement board by any
23 person employed by the State of Rhode Island receiving injured-on-duty payments that shall be
24 deemed untimely pursuant to § 36-10-14(b) shall have ninety (90) days from July 1, 2019, to
25 apply for an accidental disability retirement benefit allowance. Failure to apply for an accidental
26 disability retirement benefit allowance within the timeframe set forth herein shall result in the
27 termination of injured-on-duty benefits.

28 (ii) Any person employed by the state of Rhode Island receiving injured-on-duty
29 payments who has been issued a final adjudication of the state retirement board on an application
30 for an ordinary or accidental disability benefit, either approving or denying the application, shall
31 have his or her injured-on-duty payments terminated.

32 (4) If awarded an accidental disability pension, any person employed by the state of
33 Rhode Island covered under this section shall receive benefits consistent with § 36-10-15.

1 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 -- RELIEF OF INJURED AND DECEASED
FIREFIGHTERS AND POLICE OFFICERS

- 1 This act would extend injured-on-duty benefits to police officers and firefighters that
- 2 suffer from diagnosed post-traumatic stress disorder, except under certain conditions.
- 3 This act would take effect upon passage.

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