

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO TOWNS AND CITIES -- PUBLIC SAFETY EMPLOYEES

Introduced By: Senators Ciccone, de la Cruz, Burke, DiPalma, and Tikoian

Date Introduced: February 16, 2023

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

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

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

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

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

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

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

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

34 (h) Any claims to the benefits provided for under this section resulting from the rendering

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

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

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

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

27 (1) 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 time frame set forth above, that
29 person’s injured on duty payment shall terminate. Further, any person suffering a static and
30 incapacitating injury as set forth in subsection (j) above and who fails to apply for an accidental
31 disability benefit allowance as set forth in subsection (j) shall have his or her injured-on-duty
32 payment terminated.

33 (2) A person who so applies shall continue to receive injured-on-duty payments, and the
34 right to continue to receive IOD payments of a person who so applies shall terminate in the event

1 of a final ruling of the workers compensation court allowing accidental disability benefits. Nothing
2 herein shall be construed to limit or alter any and all rights of the parties with respect to independent
3 medical examination or otherwise, as set forth in the applicable collective bargaining agreement.

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

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

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

32 (3)(i) Notwithstanding any other provision of law, all persons employed by the state of
33 Rhode Island entitled to benefits under this section who were injured prior to July 1, 2019, and who
34 have been receiving injured-on-duty benefits pursuant to this section for a period of eighteen (18)

1 months or longer as of July 1, 2019, shall have up to ninety (90) days from July 1, 2019, to apply
2 for an accidental disability retirement benefit allowance. Any person employed by the state of
3 Rhode Island receiving injured-on-duty benefits for a period less than eighteen (18) months as of
4 July 1, 2019, shall apply for an accidental disability retirement benefit allowance within eighteen
5 (18) months of the date of injury that resulted in the person receiving injured-on-duty pay; provided
6 however, said person shall have a minimum of ninety (90) days to apply.

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

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

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

19 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 -- 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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