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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

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

Introduced By: Senators Ciccone, F Lombardi, McCaffrey, and Goodwin

Date Introduced: January 25, 2022

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,

1 medicines, crutches, and apparatus for the necessary period, except that if any city, town, fire  
2 district, the state of Rhode Island, or Rhode Island airport corporation provides the police officer,  
3 firefighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal,  
4 with insurance coverage for the related treatment, services, or equipment, then the city, town, fire  
5 district, the state of Rhode Island, or Rhode Island airport corporation is only obligated to pay the  
6 difference between the maximum amount allowable under the insurance coverage and the actual  
7 cost of the treatment, service, or equipment. In addition, the cities, towns, fire districts, the state of  
8 Rhode Island, or Rhode Island airport corporation shall pay all similar expenses incurred by a  
9 member who has been placed on a disability pension and suffers a recurrence of the injury or illness  
10 that dictated his or her 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 member  
12 of the police department of any city or town regularly employed at a fixed salary or wage and any  
13 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, "firefighter" 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 employed  
18 as a member of the fire department of the town of North Smithfield, or fire department or district  
19 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 and  
30 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 his or her employer that he or she had reasonable grounds to believe that  
33 there was an emergency that required an immediate need for their assistance for the protection or  
34 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 are  
12 true and correct."

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

5 (k) Any person employed by the state of Rhode Island who is currently receiving injured-  
6 on-duty benefits [for any injury occurring on or after July 1, 2011](#), or any person employed by the  
7 state of Rhode Island who [was injured on or after July 1, 2011, and](#) in the future is entitled to  
8 injured-on-duty benefits pursuant to this chapter, and subject to the jurisdiction of the state  
9 retirement board for accidental retirement disability, shall apply for an accidental disability  
10 retirement allowance from the state retirement board not later than sixty (60) days from the date on  
11 which a treating physician or an independent medical examiner certifies that the person has reached  
12 maximum medical improvement, and in any event not later than eighteen (18) months after the date  
13 of the person's injury that resulted in the person being on injured-on-duty. Nothing herein shall be  
14 construed to limit or alter any and all rights of the parties with respect to independent medical  
15 examination or otherwise, as set forth in the applicable collective bargaining agreement.  
16 Notwithstanding the forgoing, any person receiving injured on duty benefits as the result of a static  
17 and incapacitating injury whose permanent nature is readily obvious and ascertainable shall be  
18 required to apply for an accidental disability retirement allowance within sixty (60) days from the  
19 date on which a treating physician or an independent medical examiner certifies that the person's  
20 injury is permanent, or sixty (60) days from the date on which such determination of permanency  
21 is made in accordance with the independent medical examination procedures as set forth in the  
22 applicable collective bargaining agreement.

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

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

34 (3)(i) Notwithstanding any other provision of law, all persons employed by the state of

1 Rhode Island entitled to benefits under this section who were injured [after July 1, 2011, and](#) prior  
2 to July 1, 2019, and who have been receiving injured-on-duty benefits pursuant to this section for  
3 a period of eighteen (18) months or longer as of July 1, 2019, shall have up to ninety (90) days  
4 from July 1, 2019, to apply for an accidental disability retirement benefit allowance. Any person  
5 employed by the state of Rhode Island receiving injured-on-duty benefits for a period less than  
6 eighteen (18) months as of July 1, 2019, shall apply for an accidental disability retirement benefit  
7 allowance within eighteen (18) months of the date of injury that resulted in the person receiving  
8 injured-on-duty pay; provided however, said person shall have a minimum of ninety (90) days to  
9 apply.

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

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

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

22 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 POLICE OFFICERS

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1           This act would provide that a person employed as a police officer, fire fighter or fire  
2 marshal, who is wholly or partially incapacitated by reason of on-the-job injuries or sickness and  
3 is receiving injured-on-duty benefits, shall not be subject to the requirement to apply for accidental  
4 disability retirement allowances, as long as the person's injury which resulted in the person's  
5 injured-on-duty status, occurred on or before July 1, 2011.

6           This act would take effect upon passage.

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