

2011 -- H 5702

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO TOWNS AND CITIES -- LABOR--INJURED ON DUTY RESOLUTION

Introduced By: Representatives Brien, Trillo, Martin, and Silva

Date Introduced: March 03, 2011

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

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

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

15 (c) As used in this section, "fire fighter" means and includes any chief or other member
16 of the fire department or rescue personnel of any city, town, or fire district, and any person
17 employed as a member of the fire department of the town of North Smithfield, or fire department
18 or district 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
27 the Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title
28 shall be subject to the provisions of chapters 29 -- 38 of title 28 for all case management
29 procedures and dispute resolution for all benefits.

30 (g) Any person employed by any city, town, or fire district who is otherwise entitled to
31 the benefits of chapter 19 of this title shall be subject to the provisions of chapters 28 through 38
32 of title 28 for all case management procedures and dispute resolution of all benefits.

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

11 ~~(h)~~(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 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would make public safety employees injured on duty subject to the workers'
2 compensation procedures and worker's compensation court for purposes of resolving benefit
3 disputes.

4 This act would take effect upon passage.

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