

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

*No.* 397

*Approved* May 20, 1983

RESOLVED (1) That the City Council urge the passage  
by the General Assembly of that Act entitled:

AN ACT IN AMENDMENT OF SECTION 9 OF CHAPTER 489 OF THE  
PUBLIC LAWS OF 1923, AS AMENDED, ENTITLED "AN ACT TO  
PROVIDE FOR THE RETIREMENT OF THE EMPLOYEES OF THE CITY  
OF PROVIDENCE"; RELATIVE TO PRESUMPTIONS IN THE EVENT  
OF THE DECEASE OF PROVIDENCE POLICE OFFICERS WHO ARE  
MEMBERS OF THE BARGAINING UNIT FROM HEART ATTACK OR  
HYPERTENSION

which provides that whenever a police officer who is a member of  
the bargaining unit suffers a heart attack or is suffering from  
hypertension, it shall be presumed that either of said conditions  
were caused as a result of the member's duties as a police officer  
and he shall be entitled to all of the benefits set forth in Chapter  
489 of the Public Laws of 1923, As Amended, Entitled "An Act to  
Provide for the Retirement of the Employees of the City of Providence".

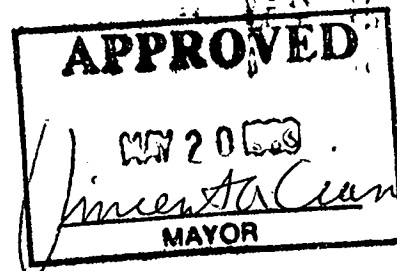
This section shall apply to any member of the bargaining  
unit who suffers a heart attack or is suffering from hypertension  
whether or not said condition occurred while the member was actually  
on a tour of duty

BE IT FURTHER RESOLVED (2) That the City Solicitor is  
directed and authorized to take whatever steps are necessary to  
assist in the passage of said act, substantially as set forth in  
the proposed bill attached.

IN CITY COUNCIL  
MAY 19 1983

READ AND PASSED

*[Signature]* PRES.  
*[Signature]* CLERK



AN ACT IN AMENDMENT OF SECTION 9  
OF CHAPTER 489 OF THE PUBLIC LAWS  
OF 1923, AS AMENDED, ENTITLED  
"AN ACT TO PROVIDE FOR THE RETIRE-  
MENT OF THE EMPLOYEES OF THE  
CITY OF PROVIDENCE"; RELATIVE TO  
PRESUMPTIONS IN THE EVENT OF THE  
DECEASE OF PROVIDENCE POLICE  
OFFICERS WHO ARE MEMBERS OF THE  
BARGAINING UNIT FROM HEART ATTACK  
OR HYPERTENSION.

*Council new form and Councilman Bill (By Request)*

IN CITY COUNCIL  
MAR 17 1983  
FIRST READING  
REFERRED TO COMMITTEE ON  
FINANCE  
*Robert M. Anderson*  
CLERK

THE COMMITTEE ON  
FINANCE  
RECOMMENDS  
*Robert M. Anderson*  
CLERK  
March 28, 1983  
April 18, 1983

THE COMMITTEE ON  
FINANCE  
APPROVES READING OF  
THE BILLS  
*Robert M. Anderson*  
CLERK  
MAY 2 1983

S T A T E   O F   R H O D E   I S L A N D

I N   G E N E R A L   A S S E M B L Y

JANUARY SESSION, A.D. 1983

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A N   A C T

IN AMENDMENT OF SECTION 9 OF CHAPTER 498 OF THE PUBLIC LAWS OF 1923, AS AMENDED, ENTITLED "AN ACT TO PROVIDE FOR THE RETIREMENT OF THE EMPLOYEES OF THE CITY OF PROVIDENCE", RELATIVE TO PRESUMPTIONS IN THE EVENT OF THE DECEASE OF PROVIDENCE POLICE OFFICERS WHO ARE MEMBERS OF THE BARGAINING UNIT FROM HEART ATTACK OR HYPERTENSION.

Introduced By:

Date Introduced:

Referred To:

It is enacted by the General Assembly as follows:

1       SECTION 1. Paragraph 8(c) of Section 9 of Chapter 489  
2 of the Public Laws of 1923, As Amended, Entitled "An Act to  
3 Provide for the Retirement of the Employees of the City of  
4 Providence", is hereby further amended by addition of the  
5 following:

6       "Whenever a Providence Police Officer, who is a member  
7 of the bargaining unit suffers a heart attack or is suffering  
8 from hypertension, it shall be presumed that either of said  
9 conditions were caused as a result of the employee's duties  
10 and he shall be entitled to all of the foregoing benefits set  
11 forth in Chapter 489."

12       "This section shall apply to any Providence Police Officer  
13 who is a member of the bargaining unit and who suffers a heart  
14 attack or is suffering from hypertension whether or not said  
15 condition occurred while the employee was actually on a tour of

1 duty.

2       SECTION 2. "In the event that a Providence Police Officer  
3 who is a member of the bargaining unit is killed in the line of  
4 duty or dies as a result of hypertension or heart attack, his  
5 heirs shall receive whatever benefits said Providence Police  
6 Officer who is a member of the bargaining unit would have been  
7 entitled to as though he had been a Providence Police Officer  
8 for twenty (20) years. Said benefits shall be paid immediately  
9 without any waiting period."

10       "The above benefits are in addition to any benefits  
11 Providence Police Officers who are members of the bargaining  
12 unit are entitled to under Federal, State and/or Municipal Laws  
13 and shall be applied retroactively to July 1, 1979."

14       SECTION 3. This act shall take effect upon passage.

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EXPLANATION

OF

AN ACT

IN AMENDMENT OF SECTION 9 OF CHAPTER 489 OF THE PUBLIC LAWS OF 1923, AS AMENDED, ENTITLED "AN ACT TO PROVIDE FOR THE RETIREMENT OF THE EMPLOYEES OF THE CITY OF PROVIDENCE"; RELATIVE TO PRESUMPTIONS IN THE EVENT OF THE DECEASE OF PROVIDENCE POLICE OFFICERS WHO ARE MEMBERS OF THE BARGAINING UNIT FROM HEART ATTACK OR HYPERTENSION

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1        This amendment is intended to accomplish two significant  
2 alterations in the retirement laws of the City of Providence.

3        The first is that the act creates a presumption that any  
4 policeman who suffers from hypertension or heart attack does so  
5 as a direct result of his respective occupation.

6        The second purpose of the act is to create a further  
7 municipal benefit to those policemen who de cease as a result of  
8 heart attack or hypertension in that that employee would be  
9 eligible to receive any benefits for which he would have been  
10 entitled had he been a Providence Police Officer for a period  
of Twenty (20) years.

      This amendment incorporates Sections 6 and 7 of Article X  
of the Employment Contract between the City of Providence and  
Providence Lodge Number 3, Fraternal Order of Police covering  
the period of July 1, 1982 through June 30, 1984. Said Employ-  
ment Contract was negotiated by the Mayor of the City of Providence  
and the President of Lodge Number 3, ratified by the members of  
Lodge Number 3 and accepted by the Providence City Council.

A N A C T  
IN AMENDMENT OF SECTION 9 OF CHAPTER 489 OF THE PUBLIC LAWS  
OF 1923, AS AMENDED, ENTITLED "AN ACT TO PROVIDE FOR THE  
RETIREMENT OF THE EMPLOYEES OF THE CITY OF PROVIDENCE";  
RELATIVE TO PRESUMPTIONS IN THE EVENT OF THE DECEASE OF  
PROVIDENCE POLICE OFFICERS WHO ARE MEMBERS OF THE BARGAINING  
UNIT FROM HEART ATTACK OR HYPERTENSION.

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Presented by

CHARLES A. PISATURO, ESQ.  
CITY SOLICITOR



VINCENT A. CIANCI, JR.  
MAYOR

## DEPARTMENT OF LAW

April 4, 1983

The Honorable Carolyn F. Brassil,  
Chairwoman  
Committee on Finance  
c/o City Clerk's Office  
City Hall  
Providence, Rhode Island 02903

Dear Chairwoman Brassil:

This opinion is in response to your request for the same dated March 29, 1983. The issue presented is whether or not the Committee on Finance and/or the City Council must act on a resolution which manifests this municipality's support of a recent General Assembly proposal. That proposal, as initially drafted, would amend the existing Retirement Act, so as to raise a presumption that any police personnel suffering from heart attack or hypertension developed those illnesses in the line of duty. This amendment would facilitate the receipt of a disability pension by police personnel suffering from such illnesses. The inference which this Department has drawn from this proposed enactment is that it is very difficult to prove to the Board that these diseases are job related. It appears that the amendment, as originally sponsored, would diminish the proof required to show this causal connection (that is a police person suffering from heart attack or hypertension would be presumed to have developed those illnesses in the line of duty, unless it is otherwise proven).

The circumstances surrounding this amendment are complicated by language contained in Article X Section 6 of the existing Bargaining Agreement between the Fraternal Order of Police and the City.

That Section states:

"Whenever a member of the bargaining unit suffers a heart attack or is suffering from hypertension, it shall be presumed that either of said conditions were caused as a result of the member's duties as a police officer and he shall be entitled

The Honorable Carolyn F. Brassil,  
Chairwoman  
Committee on Finance  
April 4, 1983

Page Two

to all of the foregoing benefits set forth in this article.

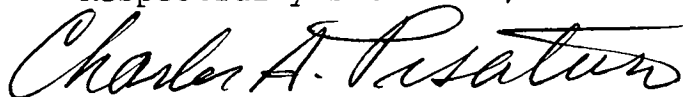
This sections shall apply to any member of the bargaining unit who suffers a heart attack or is suffering from hypertension whether or not said condition occurred while the member was actually on a tour of duty."

Thus it appears by virtue of the above section, that the City may be liable to any such afflicted police person under the contract whether or not this amendment to the Retirement Act is effectuated.

Hence, neither the Committee on Finance nor the City Council is mandated by rule, statute, or ordinance to take any action on the proposed resolution. However, the City may be deemed liable to provide comparable benefits to police persons afflicted with heart attack or hypertension whether or not the Retirement Act is amended. Such payments may be made from funds other than those controlled by the Retirement Board, since they would be owed under the contract and not by virtue of the City's Retirement Plan.

Should you have any further questions please do not hesitate to contact this office.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Charles A. Pisaturo".

Charles A. Pisaturo,  
City Solicitor

CAP/smr