

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2013-34

CLERK
COMMITTEE ON MAYOR'S MEASURES
REFERRED TO SPECIAL
FIRST READING
IN CITY COUNCIL

No. 368

**AN ORDINANCE RELATING TO ARTICLE IV,
CHAPTER 17, SECTION 17-189(5) OF THE CODE
OF ORDINANCES**

EFFECTIVE ~~XXXXXXXX~~ August 5, 2013

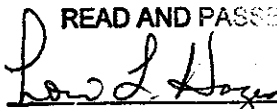
Be it ordained by the City of Providence:

- SECTION 1. Notwithstanding the language of Section 17-189(5) of the Code of Ordinances which provides that the application to accomplish such [accidental disability] retirement must be filed within eighteen (18) months of the date of the accident," the Retirement Board of the City of Providence, may consider and act upon the accidental disability retirement application of Yvette Jones, even though more than eighteen (18) months have passed since the date of the accident which is the averred proximate cause of the above-named applicant for a disability retirement allowance.
- SECTION 2. Said application shall be subject to and considered in accordance with all other applicable ordinances, regulations, standards and practices relating to accidental disability retirement applications.
- SECTION 3. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL

JUL 18 2013



FIRST READING
READ AND PASSED


CLERK
ACTING

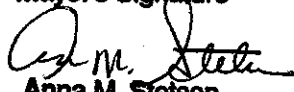
IN CITY
COUNCIL

JUL 25 2013

FINAL READING
READ AND PASSED


PRESIDENT

CLERK

Effective without the
Mayor's Signature


Anna M. Steison
City Clerk

MEMORANDUM

To: Chairman John Igliozi and Finance Committee Members

By: Adrienne G. Southgate, Deputy City Solicitor

On: March 18, 2011

Re: Disability Waivers

The Providence Code of Ordinances, Section 17-189(6), provides for Accidental Disability Retirement. It requires that the application to accomplish such retirement must be filed within eighteen (18) months of the date of the accident. Therefore, the Retirement Office will decline to process any application filed more than eighteen months from the date of the accident.

Ordinances have been proposed that would permit the Retirement Board to consider an accidental disability retirement application regardless of the date of filing after the date of the accident.

It is the opinion of the Law Department that that Section 17-189(6) of the Providence Code of Ordinances was written to set forth a mechanism through which an injured employee could apply for accidental disability retirement. The requirements of this Ordinance must be strictly obeyed and should not be waived under normal circumstances.

However, there are occasions when waiver of the eighteen (18) month requirement may be appropriate. One such instance could occur when an injured employee attempts to return to full duty and it is later determined that the employee is unable to perform the functions of his/her job. If the eighteen month period has already elapsed, the Retirement Board will not consider such application. In that situation, fairness suggests that a waiver may be justified.

There are also situations in which it is to the City's financial benefit to waive the eighteen month period. For example, there have been injured employees who are out of work receiving IOD benefits. Injured-On-Duty benefits include 100% of salary, tax free, as well as while accrual of contractual benefits such as sick and vacation time, longevity, and retirement credits. The Injured-On-Duty statute mandates that the City maintain all contractual benefits and continue to compensate these individuals as long as they are disabled and employed by the City. Additionally, the City must fill the injured employee's position, which usually requires bringing back another individual on overtime due to minimum manning requirements under the police and fire Collective Bargaining Agreements. Any IOD employee who files for Accidental Disability Retirement, even beyond eighteen (18) months, should be granted a waiver.

If you have any questions, I would be happy to address them.