



Patricia A. Peshka
Purchasing Agent

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City of Warwick
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The following notice is to appear on the City of Warwick's website Tuesday, January 14, 2019. The website address is <http://www.warwickri.gov/bids>.

**CITY OF WARWICK
BIDS REQUESTED FOR**

Bid2020-001 Police & Fire Disability Administrator

Specifications are available in the Purchasing Division, Warwick City Hall, Monday through Friday, 8:30 AM until 4:30 PM on or after Tuesday, January 15, 2019.

Sealed bids will be received by the Purchasing Division, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island 02886 up until 11:00 AM, Friday, February 1, 2019. The bids will be opened publicly commencing at 11:00 AM on the same day in the Lower Level Conference Room, Warwick City Hall.

Awards will be made on the basis of the lowest evaluated or responsive bid price. Please note that no bids can be accepted via email or fax.

The City of Warwick, in addition to soliciting bids in response to this bid, may consult, consider, and make an award for any and all open bid offers for a comparable unit as sought herein at the following websites:

RI State MPA: <http://www.purchasing.ri.gov/MPA/MPASearch.aspx>

NASPO: <https://www.naspo.org/>

NJPA (National Joint Powers Alliance): <https://www.njpacoop.org/cooperative-purchasing>

MHEC (Massachusetts Higher Education Consortium): <https://www.mhec.net/>

Individuals requesting interpreter services for the hearing impaired must notify the Purchasing Division at 401-738-2013 at least 48 hours in advance of the bid opening date.

Patricia A. Peshka
Purchasing Agent

PLEASE COMPLETE THIS PAGE & SUBMIT WITH YOUR BID

Acknowledgement of Addendum (if applicable)

Addendum Number	Signature of Bidder
_____	_____
_____	_____

COMPANY NAME: _____

COMPANY ADDRESS: _____

COMPANY ADDRESS: _____

BIDDER'S SIGNATURE: _____

BIDDER'S NAME (PRINT): _____

TITLE: _____ TEL. NO.: _____

EMAIL ADDRESS: _____ *

*Please include your email address. Future bids will be emailed, unless otherwise noted.

=====

II. AWARD AND CONTRACT:

The CITY OF WARWICK, acting as duly authorized through its Purchasing Agent/Finance Director/Mayor, accepts the above bid and hereby enters into a contract with the above party to pay the bid price upon completion of the project or receipt of the goods unless another payment schedule is contained in the specifications. All terms of the specifications, both substantive and procedural, are made terms of this contract.

DATE: _____

Bid2020-001

Purchasing Agent

PLEASE COMPLETE THIS PAGE & SUBMIT WITH YOUR BID

CERTIFICATION & WARRANT FORM*

**This form must be completed and submitted with sealed bid.
Failure to do so will result in automatic rejection.**

Any and all bids shall contain a certification and warrant that they comply with all relevant and pertinent statues, laws, ordinances and regulations, in particular, but not limited to Chapter 16- Conflicts of Interest, of the Code of Ordinances of the City of Warwick. Any proven violation of this warranty and representation by a bidder at the time of the bid or during the course of the contract, included, but not limited to negligent acts, either directly or indirectly through agents and/or sub-contractors, shall render the bidder's contract terminated and the bidder shall be required to reimburse the City for any and all costs incurred by the City, including reasonable attorney fees, to prosecute and/or enforce this provision.

Signature

Date

Company Name

Address

Address

***This form cannot be altered in any way**

**CITY OF WARWICK
NOTICE TO BIDDERS**

Bid2020-001 Police & Fire Disability Administrator

If you received this document from our homepage or from a source other than the City of Warwick Purchasing Division, please check with our office prior to submitting your bid to ensure that you have a complete package. The Purchasing Division cannot be responsible to provide addenda if we do not have you on record as a plan holder.

Bids received prior to the time of the opening will be securely kept, unopened. No responsibility will be attached to an officer or person for the premature opening of a bid not properly addressed and identified. No bids will be accepted via facsimile or email.

The opening of bids will be in the order established by the posted agenda and the agenda will continue uninterrupted until completion.

Once an item has been reached and any bids on that item has been opened, no other bids on that item will be accepted and any such bid will be deemed late.

The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap for any position for which the employee or applicant is qualified and that in the event of non-compliance the City may declare the contractor in breach and take any necessary legal recourse including termination or cancellation of the contract.

A bidder filing a bid thereby certifies that no officer, agent, or employee of the City has a pecuniary interest in the bid or has participated in contract negotiations on the part of the City, that the bid is made in good faith without fraud, collusion, or connection of any kind with any other bidder for the same call for bids, and that the bidder is competing solely in his own behalf without connection with, or obligation to, any undisclosed person or firm.

All bids should be submitted with one (1) original and one (1) copy in a sealed envelope, which should read: *YOUR COMPANY NAME* plainly marked on the exterior of the envelope as well as "Bid2020-001 Police & Fire Disability Administrator."

Should you have any questions, please contact Jean Bouchard, Personnel Director, 3275 Post Rd. Annex, Warwick, RI at 401-738-2011.

All bids should be written in ink or typed. If there is a correction with whiteout, the bidder must initial the change.

Negligence on the part of the bidder in preparing the bid confers no rights for the withdrawal of the bid after it is open.

Any deviation from the specifications must be noted in writing and attached as part of the bid proposal. The bidder must indicate the item or part with the deviation and indicate how the bid will deviate from specifications.

The IRS Form W-9 available on www.warwickri.gov should be completed and submitted with the bid if the bidder falls under IRS requirements to file this form.

The successful bidder must provide the City of Warwick with an original **Certificate of Insurance** for Professional Liability in a minimum amount of \$1 million. It is the vendor's responsibility to provide the City of Warwick with an updated certificate of insurance upon expiration of the original certificate.

For a bid to be awarded to a corporation, limited liability company or other legal entity, prior to commencing work under the awarded bid, that corporation, company or legal entity may be required to provide to the Purchasing Agent a **Certificate of Good Standing** from **The Rhode Island Secretary of State** dated no more than thirty (30) days prior to the date upon which the bid approval was made. **Please note that no other State's Certificate of Good Standing will be accepted.**

The successful bidder will provide said **Certificate of Insurance** and **State of Rhode Island's Certificate of Good Standing** (if required) within ten (10) calendar days after notification or the City reserves the right to rescind said award.

Prices to be held firm July 1, 2019 through June 20, 2022. The City of Warwick reserves the right to award this contract as a one (1), two (2) or three (3) year contract, as deemed most favorable to the interest of the City. Term contracts may be extended for one (1) additional term upon mutual agreement unless otherwise stated.

In accordance with the City of Warwick Resolution #R-11-7, this proposal requires that vendors automatically extend the contract for two (2) months after the contract expires at the price contained in the expiring contract.

The contractor must carry sufficient liability insurance and agree to indemnify the city against all claims of any nature, which might arise as a result of his operations or conduct of work.

The City is exempt from the payment of the Rhode Island Sales Tax under the 1956 General Laws of the State of Rhode Island, 44-18-30, Paragraph I, as amended.

The Purchasing Agent reserves the right to reject any and all bids, to waive any minor deviations or informalities in the bids received, and to accept the bid deemed most favorable to the interest of the City.

The successful bidder must comply with all Rhode Island Laws applicable the public works projects, including, but not limited to provisions of Chapter 13 of Title 37 of the

Rhode Island General Laws, pertaining to prevailing wage rates, and all other applicable local, state and federal laws.

The City reserves the right to terminate the contract or any part of the contract in the best interests of the City, upon 30-day notice to the contractor. The City will incur no liability

for materials or services not yet ordered if it terminates in the best interests of the City. If the City terminates in the interests of the City after an order for materials or services have been placed, the contractor will be entitled to compensation upon submission of invoices and proper proof of claim, in that proportion which its services and products were satisfactorily rendered or provided, as well as expenses necessarily incurred in the performance of work up to time of termination.

No extra charges for delivery, handling or other services will be honored. All claims for damage in transit will be the responsibility of the successful bidder. Deliveries must be made during normal working hours unless otherwise agreed upon.

All costs directly or indirectly related to the preparation of a response to this solicitation, or any presentation or communication to supplement and/or clarify any response to this solicitation which may be required or requested by the City of Warwick will be the sole responsibility of and will be borne by the respondent.

If the respondent is awarded a contract in accordance with this solicitation and the respondents bid or response and if the respondent fails or refuses to satisfy fully all of the respondents obligations thereunder, the City of Warwick will be entitled to recover from the respondent any losses, damages or costs incurred by the City as a result of such failure or refusal.

The City reserves the right to award in part or full and to increase or decrease quantities in the best interest of the City.

Any quantity reference in the bid specifications are estimates only, and do not represent a commitment on the part of the City of Warwick to any level of billing activity. It is understood and agreed that the agreement will cover the actual quantities ordered during the contract period.

The City reserves the right to rescind award for non-compliance to bid specifications.

The successful bidder must adhere to all City, State and Federal Laws, where applicable.

CITY OF WARWICK

Request For Proposals Police & Fire Disability Administrator

1. Scope: It is the intent of this specification for the City of Warwick, R.I. to obtain a service agreement to provide assistance in handling the City of Warwick's Police & Fire Disability Program for uniformed and sworn members of the City's police and fire departments.
2. Effective Date: July 1, 2019 at 12:01 a.m. standard time at the address of the Employer.
3. Termination Date: June 30, 2022
4. Service Agreement: The City of Warwick is obligated under RIGL §45-19.1 *et seq.*, to provide uniformed police and fire employees who are injured on duty with certain benefits including, but not limited to, full pay and medical expenses incurred as a result of an on-the-job injury. The City will continue to pay active employees who are unable to work due to an on-the-job injury through its payroll system, or, for those employees placed on a disability pension due to an injury suffered in the line of duty, through its pension system. The successful bidder agrees to assist the City of Warwick in the management and administration of its Police & Fire Disability Program in accordance with the laws of the State of Rhode Island, the Ordinances of the City of Warwick, the City's Rules and Regulations Regarding Disability Pensions, and as follows:
 - a) Claims Management
 - i) Assume responsibility for all open files.
 - ii) Maintain all necessary files.
 - iii) Handle all medical claims management.
 - iv) Review and investigate cases to determine compensability.
 - v) Advise of unusual claim development.
 - vi) Attend quarterly meetings with Warwick representatives to review prior three-month claims experience.
 - vii) Professionally prepare files for legal defense.
 - viii) Implement the necessary management information programs.
 - ix) Assist in recognition of subrogation.
 - x) Initiate and coordinate all claims.
 - xi) Set up three independent medical examinations for police and fire disability pension applicants.
 - xii) Set up three independent medical examinations for retirees who are identified by desk review or otherwise as candidates for being returned to active duty.
 - xiii) Review the opinions of the three independent physicians above and render an opinion in writing to the City as to whether the awarding of the disability pension, or returning to active duty, is appropriate under the City's Rules & Regulations Regarding Disability Pensions.
 - xiv) Assist the City in performing a desk review of currently disabled police and fire retirees to determine if they would be eligible under the City's Rules & Regulations Regarding Disability Pensions to be rehabilitated and/or examined for the purpose of returning them to active duty.

- xv) Assist the City in identifying rehabilitation situations and setting up rehabilitation efforts for active police and fire employees injured on the job.
 - xvi) Assist the City's attorney for police and fire disabilities in litigation efforts before the City's Board of Public Safety or courts of law. Also, from time to time, the successful bidder may be required to present testimony to the City's Board of Public Safety, Labor Arbitration Panels or other legal forums.
 - xvii) Assist the City in identifying loss control and loss prevention opportunities.
 - xviii) Coordinate with the City's third party administrator for the payment of medical bills (currently Blue Cross/Blue Shield of R.I.) to determine the appropriateness of payments for medical expenses for on the job injuries.
- b) Management Information - the successful bidder to provide:
 - i) Special reports by: nature of injury, part of body, accident cause, occupation and department.
 - ii) Provide additional information as may be required by the City of Warwick from time to time.
 - c) Expenses - The successful bidder shall pay its own expenses incurred in assisting Warwick under the service agreement, including its out-of-pocket disbursements, travel expenses, cost of surveys and all salaries of its employees.
 - d) Maintenance of records - The successful bidder shall obtain from the previous administrator and then maintain and preserve all records with respect to losses, claims, valuation rates, premiums, insurance in force, and other information and dates pertaining to the administration and supervision of the coverage and expenses outlined in the service agreement. On termination, all such records, or exact copies thereof shall be turned over intact to the City of Warwick.
 - e) Assignability - The service agreement shall not be assignable without the prior written consent of the other party.
5. Attorney: The City of Warwick will retain its own attorney to defend the City's interest in litigation arising out of Police & Fire Disability claims. The fees paid for the legal defense of claims will be by the City of Warwick and are not part of this contract.
 6. The City of Warwick reserves the right to terminate the Police & Fire Disability Service Agreement any time for any reason. Said termination shall be effective ten (10) days after written notice is to the party or parties who have been awarded the bid. Upon termination the City shall be liable for that portion of the contract price or prices that had been earned at the time of termination.
 7. Based upon past history, it is estimated that there will be approximately 10 or 12 cases per year be managed for injuries or illnesses for police and approximately 30 cases per year for fire. Additionally, there is expected to be about 1 or 2 cases for disability pensions per year for police officers and about 2 to 3 cases for firefighters. There are currently 167 uniformed police officers and 170 firefighters employed by the City of Warwick.
 8. Alternate Proposals: Alternate proposals will be considered where it is shown to be beneficial to the City.

9. Basis For Selection

- a) The contract will be awarded to the qualified, responsible firm best satisfying the overall requirements of this request for proposal and to be most advantageous to the City of Warwick taking into account the evaluation factors as follows:
 - i) Demonstrated experience and capabilities of the firm - 20%.
 - ii) The firm's organizational makeup and resources available for this project - 20%.
 - iii) Overall cost of the proposal - 60%
- b) The City reserves the right to accept proposals for all or part of the request, or for one, two or three years as it sees fit. The City also reserves the right to reject all proposals as it sees fit.
- c) The City of Warwick may award a contract based upon initial proposal received, without discussion of such offer. Accordingly, respondents are advised to submit proposals on the most favorable terms from a price and technical aspect.

10. Further Information

- a) Attached to this Request for Proposals is the Board of Public Safety Rules and Regulations Regarding Disability Pensions. References in that document on pages 6, 7, 9, 10, 13, 19, 21, & 22 to Police & Fire Disability Administrator (or merely Administrator) refers to the duties and obligations of the Administrator under this Request for Proposals.

PLEASE COMPLETE THIS PAGE & SUBMIT WITH YOUR BID

CITY OF WARWICK

BID AND CONTRACT FORM

TITLE OF SPECIFICATION: Bid2020-001 Police & Fire Disability Administrator

I. BID:

WHEREAS, the CITY OF WARWICK has duly asked for bids for performance of services and/or supply of goods in accordance with the above-indicated specifications.

The person or entity does irrevocably offer to perform the services and/or furnish the goods in accordance with the specifications, which are hereby incorporated by reference in exchange for the bid price below;

This offer will remain open and irrevocable until the CITY OF WARWICK has accepted this bid or another bid on the specifications or abandoned the project.

The bidder agrees that acceptance by the CITY OF WARWICK will transform the bid into a contract. This bid and contract will be secured by Bonds, if required by the specifications.

	July 1, 2019 - June 30, 2020	July 1, 2020 - June 30, 2021	July 1, 2021 - June 30, 2022
Total Contract Cost	\$	\$	\$

CITY OF WARWICK
BOARD OF PUBLIC SAFETY

Rules & Regulations Regarding Disability Pensions

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Section 1: Definitions

Board - The Board of Public Safety of the City of Warwick

Member - An employee or retiree of the police or fire department of the City of Warwick who is also a member of the respective pension plan.

Service Disability - An injury or illness sustained or resulting from a hazard undergone while in the performance of the member's duties at some definite time (if possible) without serious or willful misconduct on the member's part.

Non-service Disability - An injury or illness not suffered in the line of duty by a member.

Service Disability Pension: Pension entitlement for a member with a service connected injury or illness as provided in applicable Collective Bargaining Agreements and City Ordinances.

Non-Service Disability Pension: Pension entitlement for a member with a non-service connected injury or illness as provided in applicable Collective Bargaining Agreements and City Ordinances.

Unless a different meaning is plainly required by the context, words and phrases used in these standard rules for disability retirement shall have their ordinary meaning.

Section 2: Purpose of Standard Rules

The purpose of the standard rules is to establish uniform and ascertainable standards and procedures to be applied by the Board of Public Safety in non-service and service disability pension proceedings. It shall be the policy of the board to make every reasonable effort to assist members to exercise all rights and obtain all benefits authorized by the respective pension ordinances of the City governing non-service and service disability retirements while protecting the retirement system and the public against claims and payments for disability retirements not authorized by law.

Section 3: Due Process, Supplementary Rules; Approval of the Board

The board shall adhere to the concept of due process in all proceedings for disability retirements for member/applicants and member retirees. The board may, consistent with applicable laws and due process and consistent with applicable

collective bargaining agreements, promulgate any supplementary rules or change any rules for disability retirements that it deems necessary. Such supplementary rules shall take effect only when approved by a majority vote of the board, the City Council and Mayor as required.

Section 4: Standard For Decision

- (1) No retirement for service or non-service disability shall be allowed unless the board finds that:
 - (a) The member is mentally or physically incapacitated and is substantially incapable of performing:
 - (i) the essential functions of the member's particular job (with or without reasonable accommodation) and/or
 - (ii) any other job for which the member is qualified within the Department (with or without reasonable accommodation) (subject to applicable laws and collective bargaining agreements);
 - (b) The incapacity is likely to be permanent;
 - (c) For service disability, the incapacity is the result of the personal injury or illness sustained or resulting from a hazard undergone while in the performance of the member's duties at some definite place and some definite time (if possible) without serious and willful misconduct on the member's part.

- (2) In making a finding regarding the likelihood of permanence, as required by Section 4(1)(b), the board shall consider, but not be limited to, the following factors:
 - (a) Whether the nature of the condition or injury is such that it can reasonably be expected to improve over a reasonable period of time;
 - (b) Whether the nature of the condition or injury is such that it can be expected to improve if the member were willing to receive reasonable medical treatment or rehabilitation therapy.

- (3) In making the finding regarding whether an injury or illness was sustained in the line of duty as required by Section 4(1)(c) the board shall determine:
 - (a) Whether any conclusive presumptions set forth in the applicable statutes or collective bargaining agreements apply;
 - (b) Whether any non-conclusive presumptions contained in applicable statutes or Collective Bargaining Agreements apply, and whether any contrary evidence sufficient to overcome the applicable presumptions is present;

- (c) Whether other causal factors related to the member's physical or mental condition may have contributed to the disability claimed;
- (d) For any disabilities to which no conclusive presumption applies, whether any event other than the accident or hazard upon which the disability retirement is claimed may have contributed to the disability claimed.
- (e) For disabilities for job related stress¹, the applicant must demonstrate that:
 - (1) The condition which is alleged to be the cause of the incapacity is a result of emotional strain and tension greater than the day-to-day emotional strain and tension which all employees of the Police and/or Fire Department experience in the work place;
 - (2) the condition is directly and exclusively the result of the workplace; and
 - (3) the condition is the result of some objectively dramatic stressful event, not merely the result of an event or condition which the employee considers subjectively to be stressful.

Section 5: Proceedings, Parties, Representation, Record

(1) Proceedings

Disability proceedings include proceedings:

- (a) For non-service and service disability retirement;
- (b) For rehabilitation of members retired for disability;
- (c) For restoration to active service of members retired for disability;
- (d) For modifications of the retirement allowance for members retired for disability.

(2) Parties

Parties to a proceeding for disability retirement include the member whose retirement is being considered, the member's Chief of Department or the Chief's designated representative, a representative designated by the Mayor and any person authorized by the board to participate in the proceedings.

(3) Representation

A member may appear in his or her own behalf or may be represented by an attorney and/or by the member's designated union representative.

¹ This standard for job related stress was adopted by the Board in May of 1999

(4) Record

All evidence, whether documentary, testimonial, or in other form, offered by a party, shall be included in the record of the proceeding. The records of the proceedings shall be kept by the secretary to the board or the board's designee, and shall be available for inspection by the member or the member's designee.

Section 6: Proceedings For Non-Service or Service Disability Retirement, Applications, Voluntary Retirement, Involuntary Retirement, Additional Information

Proceedings for non-service or service disability retirement may be commenced by filing an application with the board. In the case of a voluntary retirement, this application shall be filed by the member through the member's Chief of Department, or in the case of an involuntary retirement, directly by the Chief of the Department to the board.

(1) Voluntary Retirement

Any member who believes that he or she is totally and permanently incapacitated for further duty may file an application for a non-service or service disability retirement with the Chief of their Department. Every member/applicant shall also file the following documents:

- (a) A statement on Form DR1 indicating the member's intent to retire;
- (b) A letter and report on Form DR2 from a medical doctor certifying that the member is totally and permanently disabled from performing the member's particular job and such report also stating the specific reasons why the physician is making such certification;
- (c) A written statement on Form DR7 acknowledging the applicant's obligation for the release of information from the federal Internal Revenue Service and the Rhode Island Division of Taxation relative to the annual gross earned income of the member/retiree;
- (d) If the application is for a service disability a sworn detailed statement by the applicant on DR3 of the circumstance or the event or hazard undergone, and the place and time of such event or hazard, to the extent possible, from which the personal injury or illness was sustained, upon which the disability retirement allowance is claimed;
- (e) A sworn statement by the member on Form DR4 of the duties and/or essential job functions he or she believes that he or she is unable to perform with or without reasonable accommodation;
- (f) A sworn statement on Form DR5 of the member's employment history.

- (g) A statement on Form DR10 requesting that a complete copy of the member's personnel jacket and all information and files pertaining to on-the-job injury and/or sick leave of the member during his or her employment be forwarded to the Chief.
- (h) Authorization and/or releases on Form DR6FA or Form DR6PA for medical or insurance records relating to the member and the injury or illness which the member is claiming as a basis for the disability retirement, or on which the member may rely at any future date to sustain a finding of disability as follows:
 - 1. Records of the member's personal physicians and of the physician submitting the letter referred to in Section 6(1)(b);
 - 2. Records of all physicians or medical institutions examining or treating the member for the disease or injury upon which the application is based;
 - 3. Records of all physical examinations performed within the past five (5) year period prior to the application; or, if none are available for that period, the most recent such records;
 - 4. The member's workers' compensation records;
 - 5. The member's hospitalization records for the last five (5) years;
 - 6. The accident or claim reports for the last (5) years of any insurer in connection with the personal injury sustained or the hazard undergone upon which the application is based;
- (i) Authorizations and releases permitting each physician and medical institution described in Section 6(1)(h)2 to further explain and discuss the records, treatment performed, statements or prognosis made;
- (j) Form DR8 completed by the member/applicant's Chief of Department describing the member's duties.

(2) Involuntary Retirement

The Police Chief or the Fire Chief may submit an application to the board for retirement for any member of their respective units for such member who the Chief believes is unable to perform his or her duties due to a service or non-service related illness or injury and who does not appear to have a reasonable expectation of returning to full duty. For Chiefs of Departments, the Board may begin involuntary retirement proceedings on its own motion. The Chief of the Department will also submit to the board any medical information, on-the-job injury reports, Form DR8 or other information pertaining to the member's condition or injury.

Section 7: Medical Examinations, Medical Consultant, Medical Panel

- (1) The board may retain a medical consultant to advise it in the deliberations and consideration of disability retirement applications or other issues. This consultant shall be a licensed medical physician and shall advise the board in medical matters, interpretations of medical reports and perform other duties as required by the board. The medical consultant may not be an examining physician or the member's own treating physician for the purposes of this Section.
- (2) The board may also retain a medical panel consisting of three licensed medical physicians to perform functions outlined in these rules and to advise and assist the board in making its determination. The three physicians on the medical panel shall be from such areas of specialty as the board shall determine. The members of this panel shall serve terms as designated by the board and shall be paid an annual fee or on a per case basis or in any manner as shall also be determined by the board, the Mayor and City Council. The member's own medical physician may not be one of the examining physicians for purposes of this Section.
- (3) Except as provided under Section 8, upon receiving an application for disability retirement, the board shall instruct the City's Police and Fire Disability Administrator to schedule medical examinations of the member by three (3) physicians.
- (4) The three examining physicians selected shall be independent and shall not be associated with one another in the same medical practice and may not include the member's treating or family physician. These physicians shall be selected for the purpose of examining the member whose retirement is under consideration and shall, so far as practicable, be skilled in the particular branch of medicine or surgery involved in the case.
- (5) The board shall authorize the City's Police and Fire Disability Administrator to obtain and send to each of the three examining physicians selected under Section 7(4) the following:
 - (a) The essential job functions of the member's particular job.
 - (b) The statement of the member's physician.
 - (c) The member's statement of employment.
 - (d) For service disability claims, the member's statement of personal injury or hazard undergone.

- (e) All medical records and information pertaining to the illness or injury.
- (6) X-Rays, EKG tracings and other records that cannot readily be photocopied will be brought to each medical examination by the member/applicant when required.

Section 8: Investigation of Facts, Denial of Certain Applications

- (1) The board shall obtain any pertinent information known to exist without regard to the five (5) year time periods stated in Section 6(1)(g)(3),(5) and (6) relating to an application for non-service or service disability retirement and shall conduct such investigation as may be necessary to determine the facts.
- (2) At any stage of a proceeding for a non-service or service disability retirement application the board may terminate the proceeding and deny the application if it determines that the member cannot be retired as a matter of law.
- (3) All member/applicants must cooperate fully with any investigation of facts surrounding an application for a disability pension. Failure to cooperate fully will be considered a violation of Department rules and will be construed as insubordination.

Section 9: Examination By Physicians

(1) Notice

In proceedings for disability retirements the board shall give notice, or cause notice to be given, at least ten (10) days in advance, of any medical examination scheduled for the member/applicant. Examinations shall be held at a reasonably convenient time and place for the member/applicant.

(2) Examination

A physical examination and/or psychiatric evaluation shall be conducted of the member/applicant by each of the three examining physicians selected by the City's Police and Fire Disability Administrator.

(3) Medical Tests

The three physicians designated in Section 7(4) may order any “non-invasive” medical test (as commonly regarded in the medical community) which the physician considers necessary to render an opinion of the member/applicant’s medical condition.

(4) Standard For Opinion

All opinions expressed by the examining physicians shall be to a reasonable degree of medical certainty.

(5) Rescheduling of Examination

If a member is unable to attend a scheduled examination, the member shall notify the board, or the board’s designee, and request that the examination be rescheduled. The board, or the board’s designee, will ordinarily grant requests for rescheduling only for extenuating circumstances.

(6) Failure to Appear

- (a) For a voluntary request for disability retirement if a member/applicant fails to appear at a scheduled examination without having been granted a request for rescheduling by the board or its designee, the member/applicant shall reimburse the City for the cost of the examination and/or any cancellation fees charged by the examining physician. A member/applicant who fails to reimburse the City for such charges shall be given an opportunity to appear before the board to show cause why such charges should not be withheld to the extent permitted by law from any future reimbursements from the City to the member, or billed to the member. The board may waive such reimbursement if it finds that there were extenuating circumstances for the member/applicant’s failure to appear.
- (b) For a involuntary retirement, if a member fails to appear at 2 (two) or more scheduled examinations without having been granted a request for rescheduling by the board, or its designee, in addition to the provisions of Section 6(a) above, the member/applicant shall be given an opportunity to appear before the board to show cause why the board should not summarily dismiss (without prejudice) the application for disability retirement and place the member/applicant on a resigned or retired status.

(7) Confidentiality

Since the principal purpose of the examination is to evaluate the physical or mental health of the member, attendance at the examination shall be limited to the member and the examining physician. The member's attorney may, at the member's expense, depose or subpoena the examining physician for the purpose of presenting evidence at the board's hearing of the member's disability retirement request. No document received as a part or as a result of the examination shall be made available to the public except as may be required by other laws and regulations applicable to such records.

(8) Examining Physicians Findings

- (a) The examining physicians shall be requested to report their findings and recommendations to the board through the City's Police and Fire Disability Administrator within sixty (60) days after completing their examinations.
- (b) The Police and Fire Disability Administrator shall, within ten (10) days of receiving the last report from the three examining physicians, make its own recommendations of the examining physicians to the board, or its designee, and to send such reports and recommendations to the board's medical consultant, the board's medical panel and to the member/applicant.
- (c) The board's medical consultant shall review the medical reports and recommendations and shall prepare his or her own report and recommendation to the board within ten (10) days of the receipt of the reports from the Administrator. The report shall be sent to the member applicant upon receipt from the medical consultant, and, in any event, the report shall be made available to the member/applicant at least ten (10) days prior to any hearing by the board on the member's application.
- (d) The three physician's on the board's medical panel shall review the medical reports and recommendations received from the examining physicians and Administrator and shall vote upon the following: 1) whether the application should be accepted or denied; 2) if the application for a service disability pensions whether a): the incapacity is the result of the personal injury sustained or hazard undergone while the member/applicant was on duty; and/or; b) if the presumptions under Section 4(3) apply and if such presumptions were overcome by medical or other evidence. Within ten (10) days of the receipt of the medical reports and recommendations from the Administrator, the medical panel shall also prepare and submit to the Board a report of its findings and the results of the panel's vote on the application. Upon receipt, the report will be mailed to the member/applicant.

- (e) The examining physicians shall certify whether the member is mentally or physically totally disabled from performing the member's particular job, whether the disability is likely to be permanent and if the application is for a service disability retirement whether the disability meets the provisions of §4(1)(c).

Section 10: Notice of Hearing, Further Medical Evidence

- (1) Except as provided for in Section 10(2), or unless good cause exists for a delay, within thirty (30) days of receipt of the physicians' reports and recommendations, the Police and Fire Disability Administrator's recommendation, the recommendations of the medical panel and the recommendation of the board's medical consultant, the board shall schedule a hearing on the disability retirement request. Notification of the hearing shall be given to the member/applicant and his or her designated representative.
- (2) If upon review of the recommendation as stated in Section 10(1), the board determines that additional information or further clarification is needed from the physicians, the Administrator or the medical consultant, the board shall request such information. A copy of the request as well as the results of the request shall be provided to the member/applicant. Once such further information or clarification is received by the board, the time limits in Section 10(1) shall apply.

Section 11: Hearing by the Board

(1) Discovery

Any party and any authorized representative shall, at any time after a hearing has been requested or ordered, and after reasonable notice to the board or its designee, be permitted to examine and copy (at their own cost), during normal business hours, any document in the case file pertaining to the member's file on the record of the hearing.

(2) Conduct of Hearing

Hearings shall be conducted in an informal manner that affords all parties an opportunity to present all information and argument relevant to the proceeding.

- (a) Presiding Officer. The chairperson of the board, any other member of the board acting as chairperson, or any individual designated by the board, shall be the presiding officer and shall assure parties the

right to call and question witnesses and introduce exhibits, and to present argument, relevant to the proceeding. The presiding officer shall assure an orderly presentation of the evidence and argument and that a record is made of the hearing.

- (b) Continuances. The presiding officer may change the date, time or place of the hearing on his own motion or on the request of any party, upon due notice to all other parties, and may continue the hearing to a subsequent date to permit any party to present additional evidence, witnesses or other materials. At any time prior to decision, the presiding officer may reconvene the hearing for any purpose upon ten (10) days written notice to all parties, stating therein the purposes for reconvening, and the date, time and place of the reconvened hearing.
- (c) Oaths; Rulings; Briefs. The presiding officer shall administer the oath or affirmation to witnesses, shall rule upon the admissibility of evidence and upon any requests for rulings, and may order that written briefs be submitted by the parties.
- (d) The Record. All proceedings in connection with the hearing shall be recorded by electronic or stenographic means and such record shall be maintained as part of the hearing record. Transcripts or duplicate tapes of the proceedings shall be supplied to any party, upon request, at that party's expense. (At the discretion of the presiding officer, any party may be permitted to maintain a record so long as this does not interfere with the conduct of the proceedings.) All documents and other evidence received shall also become part of the record.
- (e) Executive Session. Since the principal purpose of a hearing on a disability retirement application is to discuss and evaluate the physical condition or mental health of the member, the hearing shall be held in executive session unless the member requests that the meeting be open as long as this is consistent with applicable "Open Meeting Laws". In such executive session only the board, the secretary and the board's counsel, the parties and their authorized representatives and such other persons as the presiding officer shall deem necessary for the conduct of the hearing shall be permitted to be present. No executive session shall be held until the board has first convened in open session for which notice has been given, a majority of the members of the board have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has stated the purpose for an executive session, and has stated before the executive session if the board will reconvene after the executive session. The records of the hearing in executive session shall not be made available to the public except in accordance with the board's

regulations on privacy and confidentiality and such other laws or regulations as may be applicable to such records.

(f) Evidence

1. General. The board need not observe the rules of evidence observed by courts but shall observe the rules of privilege recognized by law. Evidence shall be admitted and given probative effect only if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. Unduly repetitious evidence may be excluded.
2. Testimony; Stipulation. Witnesses may, at the discretion of the presiding officer testify under oath or affirmation and shall be available for questions by all parties. If a witness cannot, as a practical matter, be available in person the witness shall be available by any other reasonable means ordered by the presiding officer including by deposition. Stipulations by the parties as to any fact or as to the testimony that would be given by an absent witness may be offered and received as evidence.
3. Documentary Evidence. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference at the discretion of the presiding officer.
4. Taking Notice of Facts. The board may take notice of any fact which may be judicially noticed by the courts, and any fact within the board's specialized knowledge. Parties shall be notified and afforded an opportunity to contest any facts so noticed.
5. Evidence to be Part of Record. All evidence, including any records, reports and documents of the board, to be considered in making a decision shall be offered and made a part of the record of the proceeding and the record shall at all times be open for inspection by any party or authorized representative during business hours. The board may, with notice to all parties, require any party to submit additional evidence for the record and shall afford parties an opportunity to submit rebuttal evidence.

(g) Subpoenas

1. Issuance. The presiding officer shall, within five days of a written request of a party, issue a subpoena requiring the attendance and testimony of a witness or the production of any evidence including books, records, correspondence or

documents relating to any matter in question at a hearing on a disability application.

2. Request to Vacate. Any person subpoenaed may file a written request requesting the presiding officer to vacate or modify the subpoena.
3. Decision on Request to Vacate or Modify Subpoena. The presiding officer shall notify all parties of the request to vacate or modify the subpoena and afford parties a reasonable time to respond. The presiding officer shall grant the request to vacate or modify the subpoena if the testimony or evidence subpoenaed does not relate with reasonable directness to any matter at issue in the proceeding or if the subpoena is otherwise unreasonable or oppressive.
- (4) Failure to Comply With Subpoena. If a person fails to comply with a properly issued subpoena, the board or the party requesting the issuance of the subpoena may petition the superior court for an order requiring compliance.

Section 12: Decision

In all disability proceedings the decision of the board shall be based exclusively on the evidence presented at the hearing and on the record of the hearing. The board shall consider all evidence presented, recommendations of the medical consultant, medical panel, Disability Administrator or others it deems appropriate. A written decision shall be made as soon as administratively feasible on Form DR9 and copies of the decision shall be sent to all parties concerned with the proceedings. In no event shall the decision of the board be later than one hundred and eighty (180) days after the application for disability retirement is filed unless the board votes to extend such time limit. The decision of the board shall be based upon medical and other evidence and is subject to appeal by the member/applicant as provided for in Section 19 and shall be one of the following:

(1) Decision to Grant Application; Notification to the Retirement Fund's Fiduciary

If, based upon medical and other evidence, the board determines that the member/applicant is totally and permanently disabled from his or her particular job, then the board shall grant the disability retirement requested and shall notify the fiduciary of the retirement fund of the decision and the percentage of pay the applicant is to receive as provided for under the City's pertinent pension ordinances (and collective bargaining agreements). Also the board will inform the fiduciary of the member's rank and

longevity percentage, and other facts as applicable, that the member's retirement allowance should be based upon. If the application is for a service disability pension, and the board decides that the disability is of a total and permanent nature for the member/applicant's particular job and that the disability is such as to be the natural and proximate result of an accident which occurred or a hazard undergone while on the job, then the board shall grant a service disability retirement and shall inform the fiduciary.

(2) Decision to Grant Application but to Deny Causality

If the application is for a service disability pension, and the board determines, based upon medical and other evidence, that the member/applicant is totally and permanently disabled from performing his or her particular job, but that the disability is not the natural and proximate result of an accident or hazard undergone while on the job as set forth in §4(1)(C), then the board shall place the member on a non-service disability retirement. This section shall not apply for those presumptive injuries or illnesses set forth in applicable collective bargaining agreements unless those presumptions were overcome by medical or other evidence. Notification to the fiduciary of such decision shall be as provided for in subparagraph 1 above.

(3) Denial of Application for Disability Pension.

If the disability pension is denied by the board based upon medical or other evidence, and the board determines that the member/applicant is capable of returning to full duty or light duty, the board shall order the member to return to work within five (5) days.

Section 13: Decision to Restore a Member to Active Service or Modify the Retirement Allowance of a Member/Retiree

If, based upon medical re-examinations, desk review, completion of a rehabilitation program or otherwise, the board determines that reasonable cause exists to believe that a member/retiree retired for disability may be fit to return to active service or that a modification of the retirement allowance of such a member/retiree may be appropriate, (and except as provided for under Section 14(4)), and consistent with all other applicable Sections, the board shall adhere to the following procedures:

- (1) Right to a Hearing. Before any member/retiree is restored to active service or his or her retirement allowance is reduced, suspended or otherwise modified, such member/retiree shall be entitled to a

hearing before the board at which the City and the member may present evidence with respect to whether such action should be taken.

- (2) Notification. Notice of a hearing to the parties to restore a member/retiree to active service or to reduce or modify the member/retiree's retirement allowance shall be given by the board at least twenty (20) days prior to such hearing. In the case of a member/retiree, notification shall be by certified mail, return receipt requested, to the member/retiree's last known address on file with the City Treasurer, which shall be considered as being sufficient notification. Requests for rescheduling by the member/retiree, if filed within five (5) days of the notification, shall be considered by the board, but shall normally be granted only for extenuating circumstances. In no case shall the rescheduled hearing be held more than thirty (30) days from the date of the original notification unless approved by the board. If the decision of the board is to restore the member to active service, or to modify the member/retiree's retirement allowance, the board may adjust any future payments to the member/retiree from the date of the decision.
- (3) Hearing. The hearing to restore a retired member to active duty or to modify the member/retiree's retirement allowance shall be conducted as provided for in Section 11.
- (4) Right to Appeal. A member/retiree shall have the right to appeal a decision of the board to restore such member/retiree to active duty or to modify the retirement allowance as provided for under Section 19.

Section 14: Annual Statement of Earnings and Reductions in Allowance based on Earnings Information

- (1) With the retirement allowance check mailed nearest to January 1 of each year to any member/retiree retired for a disability pension, the allowance of which is greater than if said member/retiree had retired on a non-service disability pension or a normal retirement, the City Treasurer or the designated fiduciary of the pension fund, shall enclose an Annual Statement of Earnings form, together with Internal Revenue Service Form 4506 or its equivalent. Each member/retiree receiving such forms shall complete and file, on or before May 1 of each year, the Statement of Earnings form, all W-2s, 1099s, form 4506 and any other proof of earnings for the preceding

tax year. For the purposes of this Section, any self-employment earnings by a member/retiree's spouse which is constructively earned by the member/retiree, shall be deemed as having been earned by the member/retiree. For purposes of this provision, constructively earned shall mean income of a corporation, partnership or other business entity controlled by the member/retiree or member/retiree's spouse (or child), which is primarily derived from the services, efforts, labors or endeavors of the member/ retiree.

This notification shall also state that failure to comply with this section may delay or modify the member/retiree's retirement allowance as provided for by Section 14(4) until such filing is made.

- (2) The City Treasurer, or the designated fiduciary of the pension fund, shall review all information received from each member/retiree. If the City Treasurer, or fiduciary, finds that the member/retiree had earnings in excess of what is allowed under City Ordinance before such pension allowance is reduced, the Treasurer or fiduciary shall, within thirty (30) days notify the board.
- (3) If the board finds that a member/retiree retired for disability, had earnings or constructively received earnings from gainful employment or self-employment greater than the amount provided for under City Ordinance before a reduction in the allowance should take place, then the board shall request that the member/retiree refund such excess. Initial notice of the request to the member shall include the calculation on which the request is based and shall state that the member may, within fourteen (14) days, file a statement and/or appear before the board, to show why the request for a refund should be reduced or withdrawn. The board shall consider any timely filed statement, shall determine whether the request for a refund should be reduced or withdrawn and shall notify the member/retiree of its decision, including a final request for refund, if any, within thirty (30) days of the initial notice of request for refund. (In no event should the retiree benefits be reduced below the normal retirement benefits to which he may be entitled under the applicable pension ordinances based on age and years of service.)
- (4) Following final notice of a request for refund, or within fifteen (15) days of the initial request if no statement or appearance before the board by the member/retiree is made requesting that the refund be reduced or withdrawn, the member/retiree's retirement allowance shall be withheld as security until the refund is made. If the refund is made, any payments so withheld shall be paid to the member. If the refund is not made, payment of the retirement allowance shall be resumed only when the amounts

withheld are sufficient to pay the amount of the refund. If the member/retiree and the City Treasurer or fiduciary agree on a re-payment plan, and the board approves, the alternative payment plan shall be used provided that the refund is made within six (6) months.

- (5) On or about the first day of June of each year, the City Treasurer or fiduciary of the pension fund, shall compile a list of member/retiree's retired for disability who have not filed the requisite Annual Statement of Earnings, including all pertinent forms. The board shall notify such member/retirees by certified mail that their retirement allowance may be withheld pending such filing.
- (6) Whenever the City Treasurer or fiduciary determines, but no less frequently than once every three (3) years, the Treasurer or fiduciary shall, upon receipt of the Annual Statement of Earnings and Form 4506 from any member retired for disability, send Form 4506 to the Internal Revenue Service, requesting copies of the following be sent to the City Treasurer: part 1 of member/retiree's income tax return, any W-2 forms, any 1099 forms and Schedule C's relating to the member/retiree and his or her spouse's self-employment income.
- (7) If the Treasurer or fiduciary finds, as a result of information provided by the Internal Revenue Service, that the member/retiree had earnings greater than reported and/or greater than that which is allowed by City Ordinance before the retirement allowance is reduced, the Treasurer or fiduciary shall notify the board. The board will then request a refund from the member/retiree and proceed as provided for under Section 14(3) and (4).

Section 15: Desk Review

- (1) No less often than once in each year during the five (5) year period next succeeding the date of retirement, and at least every three (3) years thereafter, the board shall review the file of each member retired for disability who is under the age of fifty-five (55) or in the case of a member retired after the fifty-fifth birthday, who is under the age of sixty (60). Such review shall be conducted to determine whether:
 - (a) The member/retiree's earnings may subject him or her to a reduction in retirement allowance pursuant to Section 14.;
 - (b) The member may be physically able to return to the same or similar position as he or she was performing before retirement;
 - (c) The member/retiree might benefit from participation in a rehabilitation program pursuant to Section 18.

- (2) In conducting a desk review, the board shall consider at least the following with respect to the member/retiree.
 - (a) present age
 - (b) date of retirement
 - (c) nature of disability
 - (d) date of most recent available medical examination
 - (e) summary of the findings of such examination
 - (f) evidence received pursuant to Section 14 regarding earnings
 - (g) medical file
 - (h) the board's original finding of disability
 - (i) rehabilitation evaluation ordered by the board
 - (j) participation in any rehabilitation program ordered by the board
 - (k) any other relevant information as determined by the board and provided by the member

- (3) If the board determines that a member retired for disability may be able to return to the same or similar position, it shall arrange for re-examination of the member/retiree pursuant to Section 16.

Section 16: Re-Examination

- (1) Until a member/retiree retired for disability reaches age fifty-five (55), or age sixty (60) for member/retirees who retired after age fifty-five (55), the board may require medical re-examinations once in each year during the five (5) year period next succeeding the date of the member/retiree's retirement and once in each three (3) year period thereafter.

- (2) Whenever the board finds, either as a result of a desk review, submission of earnings information, completion of a rehabilitation program, or otherwise, that a member/retiree retired for disability should be re-examined pursuant to this section, it shall order the member/retiree to be re-examined by a single physician. If the board determines as a result of the re-examination by the single physician, and a recommendation of the board's medical consultant and medical panel that probable cause exists to believe that the member is no longer disabled, the board may order two more re-examinations by other physicians. If the Board orders examinations, such exams shall be scheduled within a reasonable distance of the member/retirees residence or, in the Board's discretion, the member may be returned to Rhode Island for examination. In such case the City shall pay for all reasonable expenses incurred (including transportation, lodging and meals). If the board determines, based upon the report of the single

physician, that the member/retiree is still disabled, no further re-exams will be required (at that time.) The board shall notify the City's Police and Fire Disability Administrator and the member/retiree of such a decision within five (5) days. The Disability Administrator shall proceed to schedule the examination(s) in a manner prescribed by Section 7 and shall notify the member/retiree in accordance with Section 9.

- (3) The additional two examinations, along with the initial re-examination shall constitute the three (3) physicians required under the City's Ordinances to determine if a member/retiree is fit to return to duty, and Section 9 shall govern the re-examination procedure.
- (4) If a member retired for disability refuses a re-examination as required by the board, the member shall be given an opportunity for a hearing as provided for in Section 13, and if it is determined that there was no just cause for the member/retiree's refusal to attend the medical re-examinations, the member's disability retirement allowance may be discontinued, and if such refusal continues for one (1) year thereafter, all rights in and to the disability pension may be revoked by the board after a hearing before the board.
- (5) If the board has determined, based upon the report of a single physician as provided for under Section 16(2), that no further examinations are required, the board shall notify the member/retiree of the findings of the single physician and the board.

Section 17: Restoration to Active Service

- (1) If as a result of medical or other evidence, and pursuant to the City ordinances and these rules, and after a hearing as provided for under Section 13, the board finds that the mental or physical condition of the member retiree has so changed that the member/retiree is able to return to the same or similar position, the board shall proceed to restore the member to active service as follows:
 - (a) If a vacancy exists in the member's department at the same rank the member had attained immediately prior to retirement, the member shall be restored to such position forthwith. If more than one vacancy exists at the same rank and the member is otherwise entitled to the positions, the member shall be allowed, with the Chief of the Department's approval, to select which position to which he or she is to be restored.

- (b) If no vacancy exists in the member's department at the same rank the member had attained immediately prior to retirement, the member shall be restored as an extra employee at the member's former rank. Such member shall fill the first available opening in such rank as the member's seniority shall allow.
- (2) A member restored to active duty shall have the same rank and pay grade which the member had upon retirement.
- (3) For retired members restored to active service the period of time of the member's retirement shall not be counted for seniority, longevity, pension or other purposes.
- (4) If the member/retiree refuses to return to service or to file such information as the board shall require, the board, pursuant to Sections 13 and 16(4), shall afford the member a hearing to show cause why the member's retirement allowance should not be reduced or otherwise modified.
- (5) If the member/retiree is found to be fully recovered from the initial injury or illness which led to his or her disability retirement, but said member/retiree is suffering from an injury or illness which occurred subsequent to his or her retirement, then such member/retiree may re-apply to the board for a service or a non-service disability pension due to the new injury or illness, and the board shall convene to determine whether to accept the new application or if the pension should be converted to a normal retirement or resignation. In order to be considered for a new service disability pension, the member retiree must have provided the medical information supporting the new application which existed at the time of his/her retirement to the board pursuant to §6(1)(h) if any such evidence existed.

Section 18: Rehabilitation

- (1) The board may require any member/retiree retired for disability who is under age fifty-five (55) or, in the case of a member/retiree who retired after the age of fifty-five (55) and who is under the age of sixty (60), to participate in an evaluation to determine whether the member/retiree might benefit from a medical or vocational rehabilitation program. The criteria used to determine whether a member/retiree should be evaluated shall be the same as those listed in Section 15(2)(a) through (m). Such evaluation may include, but not be limited to, medical examinations, vocational testing, investigations, meetings and consultations with physicians or vocational counselors.

- (2) No member/retiree shall be subject to a modification under this section who is actively participating in a rehabilitation program approved by the board.
- (3) Upon the decision of the board to conduct a rehabilitation evaluation, the board shall arrange to contract with a rehabilitation provider to assist in determining whether the member/retiree would benefit from a rehabilitation program. The board shall provide the member/retiree at least fourteen (14) days notice of the date, time and location of the evaluation. The evaluation shall be held within a reasonable distance of the member/retiree's residence or at the Board's discretion, the member retiree may be returned to Rhode Island for examination. In this case, the City shall pay all reasonable expenses incurred (including transportation, lodging and meals). The board shall authorize the City's Police and Fire Disability Administrator to forward all pertinent employment and medical information to the rehabilitation provider conducting the evaluation.
- (4) The rehabilitation assessment of the member/retiree shall include, but not be limited to, a medical assessment evaluating the member's past and present medical history and a vocational assessment evaluating the member/retiree's past or present work experience, motivation, and possible advantages or obstacles to rehabilitation.
- (5) If a member/retiree fails to appear at a scheduled rehabilitation evaluation, the board, pursuant to Section 13, shall afford the member/retiree a hearing to show cause why the member/retiree's retirement allowance should not be suspended. If a member/retiree refuses to attend a rehabilitation evaluation for more than one (1) year, the board shall provide the member/retiree a hearing to show cause why the Board should not revoke the member/retiree's disability pension.
- (6) Following the evaluation, the rehabilitation provider shall forward to the Administrator who shall forward same to the board, an assessment report which shall state whether the member/retiree is in need of or would benefit from a rehabilitation program and if so, shall recommend a suitable rehabilitation program. The report shall also be sent to the member/retiree.
- (7) Upon the receipt of the assessment report, the board shall arrange for the medical panel and medical consultant to review the report and other pertinent information. If, based upon the recommendations of the medical panel and the medical consultant, the board decides that a member/retiree may benefit from a rehabilitation program as recommended by the rehabilitation provider, the board shall, within fourteen (14) days of the board's approval of the program, notify the member/retiree of the

requirement that he or she must follow the program recommended by the rehabilitation provider. The City shall pay all costs associated with an approved rehabilitation program.

- (8) If based on the assessment report and upon other pertinent information the Board determines that a member/retiree would not benefit from a rehabilitation program, the board shall notify the member/retiree of the results of the assessment.
- (9) If based on the assessment report and upon other pertinent information the Board determines that a member/retiree is not disabled and does not need a rehabilitation program, the board shall institute the re-examination procedures as provided for in Section 16.
- (10) Upon completion of the rehabilitation program the rehabilitation provider shall notify the Administrator who shall notify the board in writing of the results of the rehabilitation. The Board shall forward the report, if any, to the member retiree. If the results indicate that the member/retiree is likely to be able to return to his former position, then the board shall notify the member/retiree and institute the re-examination procedures as provided for in Section 16. If the results of the rehabilitation procedure are that the member/retiree is likely to be unable to return to his or her former position, then the board shall notify the member/retiree of the results.
- (11) No member/retiree will be required to undergo a rehabilitation program more than once every three years.

Section 19: Appeals

Appeals of decisions of the Board may be taken in accordance with RIGL 45-5.1-1.