

1 **BILL NO. G- 14-03-26**

2 **General Ordinance No. G-_____**

3
4 **AN ORDINANCE AMENDING CHAPTER 36,**
5 **PERSONNEL POLICIES, OF THE CITY OF FORT**
6 **WAYNE, INDIANA CODE OF ORDINANCES**

7 WHEREAS, the City of Fort Wayne ("City") is committed to providing
8 care to any police officer or firefighter who is injured as a result of the
9 performance of the person's duty or who contracts an illness as a result of
10 the performance of the person's duty, as provided in Indiana Code § 36-8-4-
11 5;

12
13 WHEREAS, the City is committed to establishing a fair and consistent
14 method for addressing the appeals process for "hurt on duty" injury or illness
15 claims by members of the Fort Wayne Professional Firefighters Union, Local
16 124; the Fraternal Order of Police Lodge 14; and Fort Wayne Patrolmen's
17 Benevolent Association (each, a "Union");

18
19 **NOW THEREFORE, BE IT ORDAINED BY THE COMMON**
20 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

21
22 **SECTION 1.** That Chapter 36 of the City of Fort Wayne, Indiana,
23 Code of Ordinances is hereby amended to add a new Section 36.04: "Hurt
24 on Duty" Appeals Process

25
26 **§ 36.04 "Hurt on Duty" Appeals Process**
27
28
29
30

1 (a) A police officer or firefighter whose request for payment of care under
2 Indiana Code § 36-8-4-5 is denied by the City (the "Appellant") may appeal
3 any such denial to the "Hurt on Duty" Compensability Committee
4 ("Committee") which is hereby created and established to consist of the
5 following representatives:
6

- 7 • Risk Manager for the City or designee, to be appointed by the City;
- 8 • Police Chief or Fire Chief, as applicable, or designee, to be appointed
9 by the City;
- 10 • Pension Board attorney, to be appointed by the Union representing
11 the Appellant;
- 12 • Pension Trustee, to be appointed by the Union representing the
13 Appellant;
- 14 • Physician, selected by applicable specialty by the other members of
15 the committee from a panel of physicians established by the City and
16 Union representing the Appellant.

17 (b) The Appellant must submit an appeal to the City's Risk Manager, in
18 writing, within thirty (30) days of the date the notice of the denial is sent.

19 (c) Within sixty (60) days of the establishment of the Committee, the
20 Committee shall establish written rules of order for conducting business. A
21 majority of the Committee members constitutes a quorum, and a majority
22 vote of all voting Committee members is necessary to transact business.
23 The Committee shall select from among their number a president, vice
24 president, and secretary. The Committee shall keep a permanent record of
25 its proceedings.
26
27
28
29
30

1 (d) If either entity is dissatisfied with the Committee's determination of
2 compensability, the case may be referred to arbitration under Indiana Code §
3 34-57-2. The arbitrator shall be selected as provided in the arbitration section
4 of the applicable Union's bargaining agreement with the City. Any referral to
5 arbitration must be initiated within thirty (30) days of the date of the
6 Committee's determination. Otherwise, the matter will be deemed closed.
7
8

9 **SECTION 2.** That this Ordinance shall be in full force and effect on
10 and after its passage and any and all necessary approval by the Mayor but
11 may not be amended or repealed without the consent of each Union.
12

13 _____
14 Council Member

15
16 APPROVED AS TO FORM AND LEGALITY

17
18 _____
19 Carol Helton, City Attorney
20
21
22
23
24
25
26
27
28
29
30