

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

2 **General Ordinance No. G- G-6-14**

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:**

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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

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26 **§ 36.04 "Hurt on Duty" Appeals Process**
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(a) A police officer or firefighter whose request for payment of care under Indiana Code § 36-8-4-5 is denied by the City (the "Appellant") may appeal any such denial to the "Hurt on Duty" Compensability Committee ("Committee") which is hereby created and established to consist of the following representatives:

- Risk Manager for the City or designee, to be appointed by the City;
- Police Chief or Fire Chief, as applicable, or designee, to be appointed by the City;
- Pension Board attorney, to be appointed by the Union representing the Appellant;
- Pension Trustee, to be appointed by the Union representing the Appellant;
- Physician, selected by applicable specialty by the other members of the committee from a panel of physicians established by the City and Union representing the Appellant.

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

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

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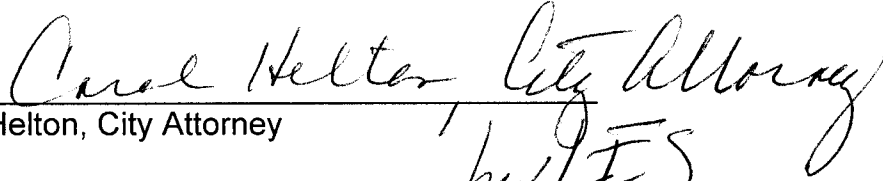
(d) If either entity is dissatisfied with the Committee's determination of compensability, the case may be referred to arbitration under Indiana Code § 34-57-2. The arbitrator shall be selected as provided in the arbitration section of the applicable Union's bargaining agreement with the City. Any referral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

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

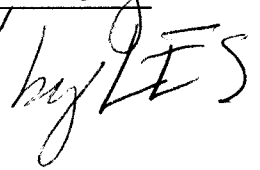


Council Member

APPROVED AS TO FORM AND LEGALITY



Carol Helton, City Attorney



Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Tom Didier
Read the second time by title and referred to the Regulations Committee
Committee. Read the third time in full and on motion by Councilman
Didier, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAFF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 4-8-14 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE
(RESOLUTION) NO. 6-6-14 on the 8th day of
April, 2014

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK

Robert A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day
of April, 2014, at the hour of 4:00 o'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 9th day of APRIL
2014, at the hour of 5:00 o'clock P.M. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-14-03-26

REPORT OF COMMITTEE ON REGULATIONS

APRIL 8, 2014

*Tom Didier, Chair
Mitch Harper, Co-Chair
All Council Members*

AN ORDINANCE amending Chapter 36, Personnel Policies, of the City of Fort Wayne, Indiana Code of Ordinances. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>Thomas Didier</i>			
<i>Tom J. ...</i>			
<i>Jeff ...</i>			
<i>Paul ...</i>			
<i>Bob ...</i>			
<i>Michael ...</i>			
<i>John ...</i>			
<i>...</i>			
<i>M ...</i>			

**SANDRA E. KENNEDY
CITY CLERK**