

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1105
SENATE BILL 1414

AN ACT TO AUTHORIZE SUPPLEMENTAL COMPENSATION FOR
CUMBERLAND COUNTY LAW ENFORCEMENT OFFICERS INJURED IN
LINE OF DUTY.

The General Assembly of North Carolina enacts:

Section 1. This act shall apply only to the duly elected and qualified sheriff of the county and to all deputies appointed by the sheriff, who are full-time employees of the county in which they are duly appointed, qualified and employed, and the word "officer", as used in this act, shall mean such sheriff and deputies.

Sec. 2. Whenever it is determined that any officer is injured as the result of a criminal assault committed upon him in the performance of official duty and that such injury resulted in the total, permanent disability of such officer, as herein defined, the county is authorized to pay such officer such sum which, together with all other compensation he shall receive under the Workmen's Compensation Act, disability benefits or other compensation provided by the county, will equal his regular monthly salary at the time of injury subject to any increase or decrease in salary being paid by the county for the same duty from year to year.

Sec. 3. In addition to the salary compensation, the county is authorized to pay all medical expenses incurred by any officer determined to be eligible for benefits under this act, the payment of which is not otherwise provided for under the Workmen's Compensation Act, or insurance coverages participated in by the county. Such medical expenses shall be limited to those required for proper treatment of the injuries sustained by the officer and shall include drugs, hospital care, rehabilitation treatment and equipment, physicians bills, and medical examinations. The county is not liable for any expenses paid by a third party who contributed to the injury of the officer in the event recovery is made by the officer for the same.

Sec. 4 Total disability as used in this act shall be construed to include any case wherein subsequent to February 1, 1971, the officer has suffered the loss of both arms, or both legs or both eyes, or is rendered totally deaf; or has a disability rating of seventy-five percent (75%) or more due to loss of main bodily functions.

Sec. 5. Written application for benefits under this act shall be made by the injured officer to the County Board of Commissioners accompanied by a certification as to the nature and extent of disability by a licensed physician. The Board of Commissioners may make a determination of eligibility and direct payment of benefits or may in its discretion refer the case to a commission for determination.

Sec. 6. In its discretion the Board of County Commissioners may, by resolution, appoint a Law Enforcement Disability Commission of three members to make a determination of entitlement to compensation under the act, or eligibility for continuance of the same. At least one member of the Commission shall be a licensed physician. Such Commission shall serve for the term prescribed in the resolution creating the Commission. The Commission shall have the right to issue subpoenas for all witnesses and medical records which it deems necessary to determine entitlement to compensation under this act. The county will furnish the Commission necessary personnel and equipment for taking and recording testimony and the maintenance of records of all its proceedings. In any proceeding of the Commission wherein evidence and testimony is received, the officer whose case is being considered will be given the opportunity to be present and be represented by a licensed attorney. The Commission will review any case referred to it by the County Board of Commissioners to determine eligibility for continuation of compensation. The Commission shall have full authority to promulgate all rules and regulations necessary to properly perform its function and to afford due process of law to each officer in the consideration of all hearings conducted. Upon conclusion of its deliberation the Commission shall file a written report of its findings and determination with the County Board of Commissioners, a copy of which shall be furnished the officer concerned. The determination of the Commission shall be final, subject only to judicial review.

Sec. 7. Any officer seeking benefits under this act shall waive client and physician relationship and execute a written authorization for all medical records and statements of the attending physicians to be available to the county or the Disability Commission including all testimony, if any, to be given by any physician before the Commission. The officer shall also waive and release any other medical information of record at a hospital or other facility. The officer shall further be required to report to any doctor or other qualified medical examiner designated by the county or Commission, and failure to so report and submit to treatment or examination and to further cooperate shall preclude or terminate benefits under this act, upon a finding by the county or Commission that such failure to report and be examined as directed is without just cause or excuse on the part of the officer.

Sec. 8. In the event the officer is offered work at a lesser salary by the county, even though he is injured as hereinbefore set out, then the salary paid by the county shall be deducted from benefits allowed by the Commission, so long as the officer works. Upon his being unable to work or voluntarily resigns said employment, all benefits awarded by the Commission shall immediately be paid to the officer, unless terminated by the Commission as hereinbefore set out. Payments of medical expenses before or after the award shall not be deducted from the salary of the officer.

Sec. 9. All the provisions of this act shall be supplemental to and shall not in any way repeal, amend or rescind the Workmen's Compensation Act of the State of North Carolina.

Sec. 10. This act shall apply only to Cumberland County.

Sec. 11. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 12. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1974.