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§ 39-6-27.2 - After accident counseling.

SECTION 39-6-27.2

§ 39-6-27.2 After accident counseling.— (a) Every railroad corporation and railway company shall provide or make available to every member of an operating crew involved in an accident on its railway or right of way which results in loss of life or serious bodily injury, counseling services or other critical incident stress debriefing services within forty-eight (48) hours; provided, that the engineer, or other operating crew member involved in the accident shall be relieved from duty with compensation and applicable benefits at the site of the accident for a minimum of three (3) days; provided, further, that the leave may be without compensation and benefit if the railroad corporation makes the affirmative showing that the accident was due to negligence of an engineer or other operating crew member; provided, however, that any person who is otherwise eligible for these benefits and who has been found to have not acted negligently shall not be precluded from participation due to the negligence of a fellow crew member.

(b) Any engineer returning to duty following such leave shall, if he or she so requests, be assigned an assistant engineer or other qualified person who shall accompany him or her for such time as may be necessary to guarantee the public safety, or until an appropriate medical practitioner has determined that the engineer does not suffer from post-traumatic stress disorder.

(c) The administrator of the public utilities commission shall promulgate rules and regulations necessary for the implementation and enforcement of the provisions of this section.

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