

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1009 Session of 1989

INTRODUCED BY DOMBROWSKI, FEE, CESSAR, RIEGER, MAIALE, MICOZZIE, DeLUCA, CIVERA, BATTISTO, PISTELLA AND HOWLETT, APRIL 5, 1989

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 30, 1989

AN ACT

1 Amending the act of June 28, 1935 (P.L.477, No.193), entitled,
2 as amended, "An act providing for the payment of the salary,
3 medical and hospital expenses of members of the State Police
4 Force, of the enforcement officers and investigators employed
5 by the Pennsylvania Liquor Control Board, and the parole
6 agents, enforcement officers and investigators of the
7 Pennsylvania Board of Probation and Parole, Capitol Police
8 officers, correction officers employed by the Department of
9 Corrections whose principal duty is the care, custody and
10 control of inmates, psychiatric security aides employed by
11 the Department of Public Welfare and the Department of
12 Corrections whose principal duty is the care, custody, and
13 control of the criminally insane, and drug enforcement agents
14 of the Office of Attorney General whose principal duty is the
15 enforcement of the drug laws of the Commonwealth, members of
16 the Delaware River Port Authority Police and of policemen,
17 firemen and park guards by the Commonwealth of Pennsylvania,
18 the Delaware River Port Authority, counties, cities,
19 boroughs, towns and townships, who are injured or contract
20 certain diseases in the performance of their duty; and
21 providing that absence during such injury shall not reduce
22 any usual sick leave period," providing for a presumption <—
23 relating to heart impairment, sickness or disease FURTHER <—
24 PROVIDING FOR COVERAGE.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. The SECTION 1 OF THE act of June 28, 1935 <—
28 (P.L.477, No.193), referred to as the Enforcement Officer

1 Disability Benefits Law, AMENDED DECEMBER 19, 1986 (P.L.1733, <—  
2 NO.208), is amended by adding a section to read: <—

3 ~~Section 2.1. Whenever any member of the State Police Force, <—  
4 policeman or fireman, within ninety days immediately prior to  
5 his employment, receives a physical examination which does not  
6 disclose any heart impairment, sickness or disease, there shall  
7 be created a rebuttable presumption that any subsequent heart  
8 impairment, sickness or disease suffered during the person's  
9 employment is service related.~~

10 SECTION 1. (A) BE IT ENACTED, &C., THAT ANY MEMBER OF THE <—  
11 STATE POLICE FORCE, ANY ENFORCEMENT OFFICER OR INVESTIGATOR  
12 EMPLOYED BY THE PENNSYLVANIA LIQUOR CONTROL BOARD, AND THE  
13 PAROLE AGENTS, ENFORCEMENT OFFICERS AND INVESTIGATORS OF THE  
14 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, CAPITOL POLICE  
15 OFFICERS, CORRECTION OFFICERS EMPLOYED BY THE DEPARTMENT OF  
16 CORRECTIONS, WHOSE PRINCIPAL DUTY IS THE CARE, CUSTODY AND  
17 CONTROL OF INMATES, PSYCHIATRIC SECURITY AIDES EMPLOYED BY THE  
18 DEPARTMENT OF PUBLIC WELFARE AND THE DEPARTMENT OF CORRECTIONS,  
19 WHOSE PRINCIPAL DUTY IS THE CARE, CUSTODY, AND CONTROL OF THE  
20 CRIMINALLY INSANE, AND DRUG ENFORCEMENT AGENTS AND CRIMINAL  
21 INVESTIGATORS OF THE OFFICE OF ATTORNEY GENERAL [WHOSE PRINCIPAL  
22 DUTY IS THE ENFORCEMENT OF THE DRUG LAWS OF THE COMMONWEALTH],  
23 ANY MEMBER OF THE DELAWARE RIVER PORT AUTHORITY POLICE, ANY  
24 COUNTY CORRECTIONS OFFICER OR ANY POLICEMAN, DETECTIVE, FIREMAN  
25 OR PARK GUARD OF ANY COUNTY, CITY, BOROUGH, TOWN OR TOWNSHIP,  
26 WHO IS INJURED IN THE PERFORMANCE OF HIS DUTIES INCLUDING, IN  
27 THE CASE OF FIREMEN, DUTY AS SPECIAL FIRE POLICE, AND BY REASON  
28 THEREOF IS TEMPORARILY INCAPACITATED FROM PERFORMING HIS DUTIES,  
29 SHALL BE PAID BY THE COMMONWEALTH OF PENNSYLVANIA IF A MEMBER OF  
30 THE STATE POLICE FORCE OR AN ENFORCEMENT OFFICER OR INVESTIGATOR

1 EMPLOYED BY THE PENNSYLVANIA LIQUOR CONTROL BOARD OR THE PAROLE  
2 AGENTS, ENFORCEMENT OFFICERS AND INVESTIGATORS OF THE  
3 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, CAPITOL POLICE  
4 OFFICERS, CORRECTION OFFICERS EMPLOYED BY THE DEPARTMENT OF  
5 CORRECTIONS, WHOSE PRINCIPAL DUTY IS THE CARE, CUSTODY AND  
6 CONTROL OF INMATES, PSYCHIATRIC SECURITY AIDES EMPLOYED BY THE  
7 DEPARTMENT OF PUBLIC WELFARE AND THE DEPARTMENT OF CORRECTIONS,  
8 WHOSE PRINCIPAL DUTY IS THE CARE, CUSTODY, AND CONTROL OF THE  
9 CRIMINALLY INSANE, AND DRUG ENFORCEMENT AGENTS AND CRIMINAL  
10 INVESTIGATORS OF THE OFFICE OF ATTORNEY GENERAL [WHOSE PRINCIPAL  
11 DUTY IS THE ENFORCEMENT OF THE DRUG LAWS OF THE COMMONWEALTH],  
12 OR BY THE DELAWARE RIVER PORT AUTHORITY IF A MEMBER OF THE  
13 DELAWARE RIVER PORT AUTHORITY POLICE OR BY THE COUNTY, TOWNSHIP  
14 OR MUNICIPALITY, BY WHICH HE IS EMPLOYED, HIS FULL RATE OF  
15 SALARY, AS FIXED BY ORDINANCE OR RESOLUTION, UNTIL THE  
16 DISABILITY ARISING THEREFROM HAS CEASED. ALL MEDICAL AND  
17 HOSPITAL BILLS, INCURRED IN CONNECTION WITH ANY SUCH INJURY,  
18 SHALL BE PAID BY THE COMMONWEALTH OF PENNSYLVANIA OR BY THE  
19 DELAWARE RIVER PORT AUTHORITY OR BY SUCH COUNTY, TOWNSHIP OR  
20 MUNICIPALITY. DURING THE TIME SALARY FOR TEMPORARY INCAPACITY  
21 SHALL BE PAID BY THE COMMONWEALTH OF PENNSYLVANIA OR BY THE  
22 DELAWARE RIVER PORT AUTHORITY OR BY THE COUNTY, CITY, BOROUGH,  
23 TOWN OR TOWNSHIP, ANY WORKMEN'S COMPENSATION, RECEIVED OR  
24 COLLECTED BY ANY SUCH EMPLOYEE FOR SUCH PERIOD, SHALL BE TURNED  
25 OVER TO THE COMMONWEALTH OF PENNSYLVANIA OR TO THE DELAWARE  
26 RIVER PORT AUTHORITY OR TO SUCH COUNTY, CITY, BOROUGH, TOWN OR  
27 TOWNSHIP, AND PAID INTO THE TREASURY THEREOF, AND IF SUCH  
28 PAYMENT SHALL NOT BE SO MADE BY THE EMPLOYEE THE AMOUNT SO DUE  
29 THE COMMONWEALTH OF PENNSYLVANIA, THE DELAWARE RIVER PORT  
30 AUTHORITY OR THE COUNTY, CITY, BOROUGH, TOWN OR TOWNSHIP SHALL

1 BE DEDUCTED FROM ANY SALARY THEN OR THEREAFTER BECOMING DUE AND  
2 OWING.

3 (B) IN THE CASE OF THE STATE POLICE FORCE, ENFORCEMENT  
4 OFFICERS AND INVESTIGATORS EMPLOYED BY THE PENNSYLVANIA LIQUOR  
5 CONTROL BOARD AND THE PAROLE AGENTS, ENFORCEMENT OFFICERS AND  
6 INVESTIGATORS OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,  
7 CAPITOL POLICE OFFICERS, CORRECTION OFFICERS EMPLOYED BY THE  
8 DEPARTMENT OF CORRECTIONS, WHOSE PRINCIPAL DUTY IS THE CARE,  
9 CUSTODY AND CONTROL OF INMATES, PSYCHIATRIC SECURITY AIDES  
10 EMPLOYED BY THE DEPARTMENT OF PUBLIC WELFARE AND THE DEPARTMENT  
11 OF CORRECTIONS WHOSE PRINCIPAL DUTY IS THE CARE, CUSTODY, AND  
12 CONTROL OF THE CRIMINALLY INSANE, AND DRUG ENFORCEMENT AGENTS  
13 AND CRIMINAL INVESTIGATORS OF THE OFFICE OF ATTORNEY GENERAL  
14 [WHOSE PRINCIPAL DUTY IS THE ENFORCEMENT OF THE DRUG LAWS OF THE  
15 COMMONWEALTH], MEMBERS OF THE DELAWARE RIVER PORT AUTHORITY  
16 POLICE AND SALARIED COUNTY CORRECTIONS OFFICERS, DETECTIVES,  
17 POLICEMEN AND FIREMEN WHO HAVE SERVED FOR FOUR CONSECUTIVE YEARS  
18 OR LONGER, DISEASES OF THE HEART AND TUBERCULOSIS OF THE  
19 RESPIRATORY SYSTEM, CONTRACTED OR INCURRED BY ANY OF THEM AFTER  
20 FOUR YEARS OF CONTINUOUS SERVICE AS SUCH, AND CAUSED BY EXTREME  
21 OVEREXERTION IN TIMES OF STRESS OR DANGER OR BY EXPOSURE TO  
22 HEAT, SMOKE, FUMES OR GASES, ARISING DIRECTLY OUT OF THE  
23 EMPLOYMENT OF ANY SUCH MEMBER OF THE STATE POLICE FORCE,  
24 ENFORCEMENT OFFICER, INVESTIGATOR EMPLOYED BY THE PENNSYLVANIA  
25 LIQUOR CONTROL BOARD, GUARD OR ENFORCEMENT OFFICER EMPLOYED BY  
26 THE DEPARTMENT OF CORRECTIONS OR PAROLE AGENT, ENFORCEMENT  
27 OFFICER OR INVESTIGATOR OF THE PENNSYLVANIA BOARD OF PROBATION  
28 AND PAROLE, CAPITOL POLICE OFFICERS, CORRECTION OFFICERS  
29 EMPLOYED BY THE DEPARTMENT OF CORRECTIONS WHOSE PRINCIPAL DUTY  
30 IS THE CARE, CUSTODY AND CONTROL OF INMATES, PSYCHIATRIC

1 SECURITY AIDES EMPLOYED BY THE DEPARTMENT OF PUBLIC WELFARE AND  
2 THE DEPARTMENT OF CORRECTIONS WHOSE PRINCIPAL DUTY IS THE CARE,  
3 CUSTODY, AND CONTROL OF THE CRIMINALLY INSANE, AND DRUG  
4 ENFORCEMENT AGENTS AND CRIMINAL INVESTIGATORS OF THE OFFICE OF  
5 ATTORNEY GENERAL [WHOSE PRINCIPAL DUTY IS THE ENFORCEMENT OF THE  
6 DRUG LAWS OF THE COMMONWEALTH], MEMBER OF THE DELAWARE RIVER  
7 PORT AUTHORITY POLICE, OR COUNTY CORRECTIONS OFFICER, DETECTIVE,  
8 POLICEMAN OR FIREMAN, SHALL BE COMPENSABLE IN ACCORDANCE WITH  
9 THE TERMS HEREOF; AND UNLESS ANY SUCH DISABILITY SHALL BE  
10 COMPENSABLE UNDER THE COMPENSATION LAWS AS HAVING BEEN CAUSED BY  
11 ACCIDENTAL INJURY, SUCH DISABILITY SHALL BE COMPENSABLE AS  
12 OCCUPATIONAL DISEASE DISABILITIES ARE PRESENTLY COMPENSABLE  
13 UNDER THE COMPENSATION LAWS OF THIS COMMONWEALTH. IT SHALL BE  
14 PRESUMED THAT TUBERCULOSIS OF THE RESPIRATORY SYSTEM CONTRACTED  
15 OR INCURRED AFTER FOUR CONSECUTIVE YEARS OF SERVICE WAS  
16 CONTRACTED OR INCURRED AS A DIRECT RESULT OF EMPLOYMENT.

17 (C) IN THE CASE OF ANY PERSON RECEIVING BENEFITS PURSUANT TO  
18 THIS ACT, THE STATUTES OF LIMITATIONS SET FORTH IN SECTIONS  
19 306.1, 315, 413, AND 434 OF THE ACT OF JUNE 2, 1915 (P.L.736,  
20 NO.338), KNOWN AS "THE PENNSYLVANIA WORKMEN'S COMPENSATION ACT,"  
21 SHALL NOT BEGIN TO RUN UNTIL THE EXPIRATION OF THE RECEIPT OF  
22 BENEFITS PURSUANT TO THIS ACT.

23 (D) ALL PAYMENTS HEREIN REQUIRED TO BE MADE BY THE  
24 COMMONWEALTH OF PENNSYLVANIA ON ACCOUNT OF ANY MEMBER OF THE  
25 STATE POLICE FORCE SHALL BE MADE FROM MONEYS APPROPRIATED TO THE  
26 PENNSYLVANIA STATE POLICE, AND ANY PAYMENTS REQUIRED TO BE MADE  
27 ON ACCOUNT OF ANY ENFORCEMENT OFFICER OR INVESTIGATOR EMPLOYED  
28 BY THE PENNSYLVANIA LIQUOR CONTROL BOARD SHALL BE FROM  
29 APPROPRIATIONS OUT OF THE STATE STORES FUND, ANY PAYMENTS  
30 REQUIRED TO BE MADE ON ACCOUNT OF ANY PAROLE AGENT, ENFORCEMENT

1 OFFICER OR INVESTIGATOR EMPLOYED BY THE PENNSYLVANIA BOARD OF  
2 PROBATION AND PAROLE SHALL BE FROM MONEYS APPROPRIATED TO THE  
3 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, ANY PAYMENTS  
4 REQUIRED TO BE MADE ON ACCOUNT OF CAPITOL POLICE OFFICERS SHALL  
5 BE MADE FROM MONEYS APPROPRIATED TO THE DEPARTMENT OF GENERAL  
6 SERVICES, ANY PAYMENTS REQUIRED TO BE MADE ON ACCOUNT OF ANY  
7 CORRECTION OFFICER SHALL BE MADE FROM MONEYS APPROPRIATED TO THE  
8 DEPARTMENT OF CORRECTIONS, ANY PAYMENTS REQUIRED TO BE MADE ON  
9 ACCOUNT OF ANY PSYCHIATRIC SECURITY AIDES SHALL BE MADE FROM  
10 MONEYS APPROPRIATED TO THE DEPARTMENT OF PUBLIC WELFARE OR THE  
11 DEPARTMENT OF CORRECTIONS WHERE APPROPRIATE, AND ANY PAYMENTS  
12 REQUIRED TO BE MADE ON ACCOUNT OF ANY DRUG ENFORCEMENT AGENT OR  
13 CRIMINAL INVESTIGATOR SHALL BE MADE FROM MONEYS APPROPRIATED TO  
14 THE OFFICE OF ATTORNEY GENERAL.

15 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

16 SECTION 2.1. HEART IMPAIRMENT, SICKNESS OR DISEASE SUFFERED  
17 BY AN INDIVIDUAL WHOSE EMPLOYMENT IS COVERED UNDER THIS ACT  
18 SHALL BE COMPENSABLE IN ACCORDANCE WITH THE TERMS OF THIS ACT.

19 Section ~~2~~ 3. This act shall take effect in 60 days.

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