

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1548 Session of
2008

INTRODUCED BY STACK, LOGAN, FERLO, FONTANA, ORIE, TARTAGLIONE
AND KASUNIC, SEPTEMBER 5, 2008

REFERRED TO LABOR AND INDUSTRY, SEPTEMBER 5, 2008

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 employees 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, drug enforcement agents of
14 the Office of Attorney General whose principal duty is the
15 enforcement of the drug laws of the Commonwealth, special
16 agents of the Office of Attorney General whose principal duty
17 is the enforcement of the criminal laws of the Commonwealth,
18 members of the Delaware River Port Authority Police and of
19 policemen, firemen and park guards by the Commonwealth of
20 Pennsylvania, the Delaware River Port Authority, counties,
21 cities, boroughs, towns and townships, and sheriffs and
22 deputy sheriffs who are injured or contract certain diseases
23 in the performance of their duty; and providing that absence
24 during such injury shall not reduce any usual sick leave
25 period," extending the scope of the act to certain school
26 police officers.

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

29 Section 1. Section 1 of the act of June 28, 1935 (P.L.477,

1 No.193), referred to as the Enforcement Officer Disability
2 Benefits Law, amended March 15, 2006 (P.L.55, No.20) and July 7,
3 2006 (P.L.614, No.95), is amended to read:

4 Section 1. (a) Be it enacted, &c., That any member of the
5 State Police Force, any enforcement officer or investigator
6 employed by the Pennsylvania Liquor Control Board, and the
7 parole agents, enforcement officers and investigators of the
8 Pennsylvania Board of Probation and Parole, Capitol Police
9 officers, correction employees employed by the Department of
10 Corrections, whose principal duty is the care, custody and
11 control of inmates, psychiatric security aides employed by the
12 Department of Public Welfare and the Department of Corrections,
13 whose principal duty is the care, custody, and control of the
14 criminally insane, drug enforcement agents of the Office of
15 Attorney General whose principal duty is the enforcement of the
16 drug laws of the Commonwealth, special agents of the Office of
17 Attorney General whose principal duty is the enforcement of the
18 criminal laws of the Commonwealth, any member of the Delaware
19 River Port Authority Police, any policeman, fireman or park
20 guard of any county, city, borough, town or township, any school
21 police officer employed by a school district pursuant to section
22 778 of the act of March 10, 1949 (P.L.30, No.14), known as the
23 "Public School Code of 1949," or any sheriff or deputy sheriff
24 who is injured in the performance of his duties including, in
25 the case of firemen, duty as special fire police, and by reason
26 thereof is temporarily incapacitated from performing his duties,
27 shall be paid by the Commonwealth of Pennsylvania if a member of
28 the State Police Force or an enforcement officer or investigator
29 employed by the Pennsylvania Liquor Control Board or the parole
30 agents, enforcement officers and investigators of the

1 Pennsylvania Board of Probation and Parole, Capitol Police
2 officers, correction employes employed by the Department of
3 Corrections, whose principal duty is the care, custody and
4 control of inmates, psychiatric security aides employed by the
5 Department of Public Welfare and the Department of Corrections,
6 whose principal duty is the care, custody, and control of the
7 criminally insane, drug enforcement agents of the Office of
8 Attorney General whose principal duty is the enforcement of the
9 drug laws of the Commonwealth, special agents of the Office of
10 Attorney General whose principal duty is the enforcement of the
11 criminal laws of the Commonwealth, or by the Delaware River Port
12 Authority if a member of the Delaware River Port Authority
13 Police or by the county, township, school district or
14 municipality, by which he is employed, his full rate of salary,
15 as fixed by ordinance or resolution, until the disability
16 arising therefrom has ceased. All medical and hospital bills,
17 incurred in connection with any such injury, shall be paid by
18 the Commonwealth of Pennsylvania or by the Delaware River Port
19 Authority or by such county, township, school district 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, school district,
23 city, borough, town or township, any workmen's compensation,
24 received or collected by any such employe for such period, shall
25 be turned over to the Commonwealth of Pennsylvania or to the
26 Delaware River Port Authority or to such county, city, school
27 district, borough, town or township, and paid into the treasury
28 thereof, and if such payment shall not be so made by the employe
29 the amount so due the Commonwealth of Pennsylvania, the Delaware
30 River Port Authority or the county, school district, city,

1 borough, town or township shall be deducted from any salary then
2 or thereafter becoming due and 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 employees 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, drug enforcement agents of the
13 Office of Attorney General whose principal duty is the
14 enforcement of the drug laws of the Commonwealth, special agents
15 of the Office of Attorney General whose principal duty is the
16 enforcement of the criminal laws of the Commonwealth, members of
17 the Delaware River Port Authority Police, salaried policemen and
18 firemen, and sheriffs and deputy sheriffs who have served for
19 four consecutive years or longer, diseases of the heart and
20 tuberculosis of the respiratory system, contracted or incurred
21 by any of them after four years of continuous service as such,
22 and caused by extreme overexertion in times of stress or danger
23 or by exposure to heat, smoke, fumes or gases, arising directly
24 out of the employment of any such member of the State Police
25 Force, enforcement officer, investigator employed by the
26 Pennsylvania Liquor Control Board, guard or enforcement officer
27 employed by the Department of Corrections or parole agent,
28 enforcement officer or investigator of the Pennsylvania Board of
29 Probation and Parole, Capitol Police officers, correction
30 employees employed by the Department of Corrections whose

1 principal duty is the care, custody and control of inmates,
2 psychiatric security aides employed by the Department of Public
3 Welfare and the Department of Corrections whose principal duty
4 is the care, custody, and control of the criminally insane, drug
5 enforcement agents of the Office of Attorney General whose
6 principal duty is the enforcement of the drug laws of the
7 Commonwealth, special agents of the Office of Attorney General
8 whose principal duty is the enforcement of the criminal laws of
9 the Commonwealth, member of the Delaware River Port Authority
10 Police, policeman or fireman, or sheriff or deputy sheriff shall
11 be compensable in accordance with the terms hereof; and unless
12 any such disability shall be compensable under the compensation
13 laws as having been caused by accidental injury, such disability
14 shall be compensable as occupational disease disabilities are
15 presently compensable under the compensation laws of this
16 Commonwealth. It shall be presumed that tuberculosis of the
17 respiratory system contracted or incurred after four consecutive
18 years of service was contracted or incurred as a direct result
19 of employment. For purposes of this subsection, the term
20 "policemen" shall include a school police officer.

21 (c) In the case of any person receiving benefits pursuant to
22 this act, the statutes of limitations set forth in sections
23 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
24 No.338), known as the "Workers' Compensation Act," shall not
25 begin to run until the expiration of the receipt of benefits
26 pursuant to this act.

27 (d) All payments herein required to be made by the
28 Commonwealth of Pennsylvania on account of any member of the
29 State Police Force shall be made from moneys appropriated to the
30 Pennsylvania State Police, and any payments required to be made

1 on account of any enforcement officer or investigator employed
2 by the Pennsylvania Liquor Control Board shall be from
3 appropriations out of the State Stores Fund, any payments
4 required to be made on account of any parole agent, enforcement
5 officer or investigator employed by the Pennsylvania Board of
6 Probation and Parole shall be from moneys appropriated to the
7 Pennsylvania Board of Probation and Parole, any payments
8 required to be made on account of Capitol Police officers shall
9 be made from moneys appropriated to the Department of General
10 Services, any payments required to be made on account of any
11 correction employe shall be made from moneys appropriated to the
12 Department of Corrections, any payments required to be made on
13 account of any psychiatric security aides shall be made from
14 moneys appropriated to the Department of Public Welfare or the
15 Department of Corrections where appropriate, and any payments
16 required to be made on account of any drug enforcement agent or
17 special agents shall be made from moneys appropriated to the
18 Office of Attorney General.

19 Section 2. Section 2 of the act, amended July 7, 2006
20 (P.L.614, No.95), is amended to read:

21 Section 2. No absence from duty of any such policeman,
22 sheriff, deputy sheriff or fireman by reason of any such injury
23 shall in any manner be included in any period of sick leave,
24 allowed such policeman, sheriff, deputy sheriff or fireman by
25 law or by regulation of the police, sheriff's or fire department
26 by which he is employed. For purposes of this subsection, the
27 term "policeman" shall include a school police officer.

28 Section 3. This act shall take effect immediately.