

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 638 Session of 2009

INTRODUCED BY KASUNIC, BROWNE, COSTA, FARNESE, FONTANA, LOGAN, STACK, STOUT, TARTAGLIONE AND WASHINGTON, MARCH 19, 2009

REFERRED TO LABOR AND INDUSTRY, MARCH 19, 2009

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 benefits to county correction officers.

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

28 Section 1. The title and section 1 of the act of June 28,  
 29 1935 (P.L.477, No.193), referred to as the Enforcement Officer

Disability Benefits Law, amended March 15, 2006 (P.L.55, No.20)  
and July 7, 2006 (P.L.614, No.95), are amended to read:

AN ACT

Providing for the payment of the salary, medical and hospital  
expenses of members of the State Police Force, of the  
enforcement officers and investigators employed by the  
Pennsylvania Liquor Control Board, and the parole agents,  
enforcement officers and investigators of the Pennsylvania  
Board of Probation and Parole, Capitol Police officers,  
correction employees employed by the Department of Corrections  
whose principal duty is the care, custody and control of  
inmates, psychiatric security aides employed by the  
Department of Public Welfare and the Department of  
Corrections whose principal duty is the care, custody, and  
control of the criminally insane, drug enforcement agents of  
the Office of Attorney General whose principal duty is the  
enforcement of the drug laws of the Commonwealth, special  
agents of the Office of Attorney General whose principal duty  
is the enforcement of the criminal laws of the Commonwealth,  
members of the Delaware River Port Authority Police, any  
correction officer employed by a county whose principal duty  
is the care, custody and control of inmates of any county  
correctional facility and of policemen, firemen and park  
guards by the Commonwealth of Pennsylvania, the Delaware  
River Port Authority, counties, cities, boroughs, towns and  
townships, and sheriffs and deputy sheriffs who are injured  
or contract certain diseases in the performance of their  
duty; and providing that absence during such injury shall not  
reduce any usual sick leave period.

Section 1. (a) Be it enacted, &c., That any member of the

1 State Police Force, any enforcement officer or investigator  
2 employed by the Pennsylvania Liquor Control Board, and the  
3 parole agents, enforcement officers and investigators of the  
4 Pennsylvania Board of Probation and Parole, Capitol Police  
5 officers, correction employees employed by the Department of  
6 Corrections, whose principal duty is the care, custody and  
7 control of inmates, psychiatric security aides employed by the  
8 Department of Public Welfare and the Department of Corrections,  
9 whose principal duty is the care, custody, and control of the  
10 criminally insane, drug enforcement agents of the Office of  
11 Attorney General whose principal duty is the enforcement of the  
12 drug laws of the Commonwealth, special agents of the Office of  
13 Attorney General whose principal duty is the enforcement of the  
14 criminal laws of the Commonwealth, any member of the Delaware  
15 River Port Authority Police, any correction officer employed by  
16 a county whose principal duty is the care, custody and control  
17 of inmates of any county correctional facility, or any  
18 policeman, fireman or park guard of any county, city, borough,  
19 town or township, or any sheriff or deputy sheriff who is  
20 injured in the performance of his duties including, in the case  
21 of firemen, duty as special fire police, and by reason thereof  
22 is temporarily incapacitated from performing his duties, shall  
23 be paid by the Commonwealth of Pennsylvania if a member of the  
24 State Police Force or an enforcement officer or investigator  
25 employed by the Pennsylvania Liquor Control Board or the parole  
26 agents, enforcement officers and investigators of the  
27 Pennsylvania Board of Probation and Parole, Capitol Police  
28 officers, correction employees employed by the Department of  
29 Corrections, whose principal duty is the care, custody and  
30 control of inmates, psychiatric security aides employed by the

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

28 (b) In the case of the State Police Force, enforcement  
29 officers and investigators employed by the Pennsylvania Liquor  
30 Control Board and the parole agents, enforcement officers and

1 investigators of the Pennsylvania Board of Probation and Parole,  
2 Capitol Police officers, correction employes employed by the  
3 Department of Corrections, whose principal duty is the care,  
4 custody and control of inmates, psychiatric security aides  
5 employed by the Department of Public Welfare and the Department  
6 of Corrections whose principal duty is the care, custody, and  
7 control of the criminally insane, drug enforcement agents of the  
8 Office of Attorney General whose principal duty is the  
9 enforcement of the drug laws of the Commonwealth, special agents  
10 of the Office of Attorney General whose principal duty is the  
11 enforcement of the criminal laws of the Commonwealth, members of  
12 the Delaware River Port Authority Police, correction officers  
13 employed by a county whose principal duty is the care, custody  
14 and control of inmates of any county correctional facility,  
15 salaried policemen and firemen, and sheriffs and deputy sheriffs  
16 who have served for four consecutive years or longer, diseases  
17 of the heart and tuberculosis of the respiratory system,  
18 contracted or incurred by any of them after four years of  
19 continuous service as such, and caused by extreme overexertion  
20 in times of stress or danger or by exposure to heat, smoke,  
21 fumes or gases, arising directly out of the employment of any  
22 such member of the State Police Force, enforcement officer,  
23 investigator employed by the Pennsylvania Liquor Control Board,  
24 guard or enforcement officer employed by the Department of  
25 Corrections or parole agent, enforcement officer or investigator  
26 of the Pennsylvania Board of Probation and Parole, Capitol  
27 Police officers, correction employes employed by the Department  
28 of Corrections whose principal duty is the care, custody and  
29 control of inmates, psychiatric security aides employed by the  
30 Department of Public Welfare and the Department of Corrections

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

18 (c) In the case of any person receiving benefits pursuant to  
19 this act, the statutes of limitations set forth in sections  
20 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,  
21 No.338), known as the "Workers' Compensation Act," shall not  
22 begin to run until the expiration of the receipt of benefits  
23 pursuant to this act.

24 (d) All payments herein required to be made by the  
25 Commonwealth of Pennsylvania on account of any member of the  
26 State Police Force shall be made from moneys appropriated to the  
27 Pennsylvania State Police, and any payments required to be made  
28 on account of any enforcement officer or investigator employed  
29 by the Pennsylvania Liquor Control Board shall be from  
30 appropriations out of the State Stores Fund, any payments

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

16 Section 2. This act shall take effect in 60 days.