

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1073 Session of 2018

INTRODUCED BY VULAKOVICH, BARTOLOTTA, BREWSTER, COSTA, FONTANA, HUGHES, RAFFERTY, RESCHENTHALER, STEFANO, TARTAGLIONE, WARD AND BLAKE, MARCH 23, 2018

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 2, 2018

AN ACT

1 Amending the act of June 28, 1935 (P.L.477, No.193), entitled
2 "An act providing for the payment of the salary, medical and
3 hospital expenses of certain employes of State and local
4 government who are injured or contract certain diseases in
5 the performance of their duty; and providing that absence
6 during such injury shall not reduce any usual sick leave
7 period," further providing for disability benefits AND FOR <--
8 DEFINITIONS.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Section 1 of the act of June 28, 1935 (P.L.477, <--~~
12 ~~No.193), referred to as the Enforcement Officer Disability~~
13 ~~Benefits Law, is amended to read:~~

14 SECTION 1. SECTIONS 1 AND 2.1 OF THE ACT OF JUNE 28, 1935 <--
15 (P.L.477, NO.193), REFERRED TO AS THE ENFORCEMENT OFFICER
16 DISABILITY BENEFITS LAW, ARE AMENDED TO READ:

17 Section 1. (a) Be it enacted, &c., That:

18 (1) any member of the State Police Force;

19 (2) any enforcement officer or investigator employed by the
20 Pennsylvania Liquor Control Board;

- 1 (3) the parole agents, enforcement officers and  
2 investigators of the Pennsylvania Board of Probation and Parole;
- 3 (4) Capitol Police officers;
- 4 ~~(4.1) campus police officers employed by a State owned~~ <--  
5 ~~university, State aided university, community college or State~~  
6 ~~related college or PARTICIPATING university;~~ <--
- 7 (5) correction employees employed by the Department of  
8 Corrections, whose principal duty is the care, custody and  
9 control of inmates;
- 10 (6) psychiatric security aides employed by the Department of  
11 Human Services and the Department of Corrections, whose  
12 principal duty is the care, custody, and control of the  
13 criminally insane;
- 14 (7) drug enforcement agents of the Office of Attorney  
15 General whose principal duty is the enforcement of the drug laws  
16 of the Commonwealth;
- 17 (8) special agents of the Office of Attorney General whose  
18 principal duty is the enforcement of the criminal laws of the  
19 Commonwealth;
- 20 (9) any member of the Delaware River Port Authority Police;
- 21 (10) any policeman, fireman or park guard of any county,  
22 city, borough, town or township;
- 23 (10.1) firemen employed by the Commonwealth;
- 24 (11) any sheriff or deputy sheriff; or
- 25 (12) any enforcement officer or investigator of the  
26 Pennsylvania Game Commission or the Pennsylvania Fish and Boat  
27 Commission;
- 28 ~~(13) Rangers, Ranger Supervisors, Ranger Operations~~ <--  
29 ~~Specialists and Ranger Trainees~~ DCNR RANGERS, DCNR RANGER <--  
30 SUPERVISORS, DCNR RANGER OPERATIONS SPECIALISTS AND DCNR RANGER

1 TRAINEES employed by the Department of Conservation and Natural  
2 Resources;  
3 (14) members of the Fort Indiantown Gap Police;  
4 (15) ~~special investigators~~ INVESTIGATIVE STAFF of the Office <--  
5 of Inspector General;  
6 (16) members of the Allegheny County Port Authority Police;  
7 and  
8 (17) members of the Allegheny County Housing Authority  
9 Police;  
10 who is injured in the performance of his duties including, in  
11 the case of firemen, duty as special fire police, and by reason  
12 thereof is temporarily incapacitated from performing his duties,  
13 shall be paid by the Commonwealth of Pennsylvania if an employe  
14 identified under paragraph (1), (2), (3), (4), (4.1), (5), (6),  
15 (7), (8) [or], (12), (13), (14) or (15) or by the Delaware River  
16 Port Authority if a member of the Delaware River Port Authority  
17 Police or by the State owned university, State aided university, <--  
18 community college or State related college or PARTICIPATING <--  
19 university if a campus police officer or by the Allegheny County  
20 Port Authority if a member of the Allegheny County Port  
21 Authority Police or by the Allegheny County Housing Authority if  
22 a member of the Allegheny County Housing Authority Police or by  
23 the county, city, township or municipality, by which he is  
24 employed, his full rate of salary, as fixed by ordinance or  
25 resolution, until the disability arising therefrom has ceased.  
26 All medical and hospital bills, incurred in connection with any  
27 such injury, shall be paid by the Commonwealth of Pennsylvania  
28 or by the Delaware River Port Authority or by the State owned <--  
29 university, State aided university, community college or State  
30 related college or PARTICIPATING university or by the Allegheny <--

1 County Port Authority or by the Allegheny County Housing  
2 Authority or by such county, township or municipality. During  
3 the time salary for temporary incapacity shall be paid by the  
4 Commonwealth of Pennsylvania or by the Delaware River Port  
5 Authority or by the State-owned university, State-aided <--  
6 university, community college or State-related college or  
7 PARTICIPATING university or by the Allegheny County Port <--  
8 Authority or by the Allegheny County Housing Authority or by the  
9 county, city, borough, town or township, any workmen's  
10 compensation, received or collected by any such employe for such  
11 period, shall be turned over to the Commonwealth of Pennsylvania  
12 or to the Delaware River Port Authority or by the State-owned <--  
13 university, State-aided university, community college or State-  
14 related college or PARTICIPATING university or the Allegheny <--  
15 County Port Authority or the Allegheny County Housing Authority  
16 or to such county, city, borough, town or township, and paid  
17 into the treasury thereof, and if such payment shall not be so  
18 made by the employe the amount so due the Commonwealth of  
19 Pennsylvania, the Delaware River Port Authority or by the State- <--  
20 owned university, State-aided university, community college or  
21 State-related college or PARTICIPATING university or the <--  
22 Allegheny County Port Authority or the Allegheny County Housing  
23 Authority or the county, city, borough, town or township shall  
24 be deducted from any salary then or thereafter becoming due and  
25 owing.

26 (b) In the case of:

27 (1) the State Police Force;

28 (2) enforcement officers and investigators employed by the  
29 Pennsylvania Liquor Control Board;

30 (3) the parole agents, enforcement officers and

1 investigators of the Pennsylvania Board of Probation and Parole;  
2 (4) Capitol Police officers;  
3 ~~(4.1) campus police officers employed by a State owned~~ <--  
4 ~~university, State aided university, community college or State~~  
5 ~~related college or PARTICIPATING university;~~ <--  
6 (5) correction employees employed by the Department of  
7 Corrections, whose principal duty is the care, custody and  
8 control of inmates;  
9 (6) psychiatric security aides employed by the Department of  
10 Human Services and the Department of Corrections whose principal  
11 duty is the care, custody, and control of the criminally insane;  
12 (7) drug enforcement agents of the Office of Attorney  
13 General whose principal duty is the enforcement of the drug laws  
14 of the Commonwealth;  
15 (8) special agents of the Office of Attorney General whose  
16 principal duty is the enforcement of the criminal laws of the  
17 Commonwealth;  
18 (9) members of the Delaware River Port Authority Police;  
19 (10) salaried policemen and firemen;  
20 (10.1) firemen employed by the Commonwealth;  
21 (11) sheriffs and deputy sheriffs; [and] <--  
22 (12) enforcement officers and investigators of the  
23 Pennsylvania Game Commission and the Pennsylvania Fish and Boat  
24 Commission;  
25 ~~(13) Rangers, Ranger Supervisors, Ranger Operations~~ <--  
26 ~~Specialists and Ranger Trainees~~ DCNR RANGERS, DCNR RANGER <--  
27 SUPERVISORS, DCNR RANGER OPERATIONS SPECIALISTS AND DCNR RANGER  
28 TRAINEES employed by the Department of Conservation and Natural  
29 Resources;  
30 (14) members of the Fort Indiantown Gap Police;

1 (15) ~~special investigators~~ INVESTIGATIVE STAFF of the Office <--  
2 of Inspector General;

3 (16) members of the Allegheny County Port Authority Police;  
4 and <--

5 (17) members of the Allegheny County Housing Authority  
6 Police; AND <--

7 (18) CORRECTIONS OFFICERS OR JAIL GUARDS EMPLOYED BY A  
8 COUNTY OR MUNICIPALITY AND WHOSE PRINCIPAL DUTY IS THE CARE,  
9 CUSTODY AND CONTROL OF INMATES;

10 who have served for four consecutive years or longer, diseases  
11 of the heart and tuberculosis of the respiratory system,  
12 contracted or incurred by any of them after four years of  
13 continuous service as such, and caused by extreme overexertion  
14 in times of stress or danger or by exposure to heat, smoke,  
15 fumes or gases, arising directly out of the employment shall be  
16 compensable in accordance with the terms hereof; and unless any  
17 such disability shall be compensable under the compensation laws  
18 as having been caused by accidental injury, such disability  
19 shall be compensable as occupational disease disabilities are  
20 presently compensable under the compensation laws of this  
21 Commonwealth. It shall be presumed that tuberculosis of the  
22 respiratory system contracted or incurred after four consecutive  
23 years of service was contracted or incurred as a direct result  
24 of employment.

25 (c) In the case of any person receiving benefits pursuant to  
26 this act, the statutes of limitations set forth in sections  
27 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,  
28 No.338), known as the "Workers' Compensation Act," shall not  
29 begin to run until the expiration of the receipt of benefits  
30 pursuant to this act.

1 (d) (1) All payments herein required to be made by the  
2 Commonwealth of Pennsylvania on account of any member of the  
3 State Police Force shall be made from moneys appropriated to the  
4 Pennsylvania State Police.

5 (2) Any payments required to be made on account of any  
6 enforcement officer or investigator employed by the Pennsylvania  
7 Liquor Control Board shall be made from appropriations out of  
8 the State Stores Fund.

9 (3) Any payments required to be made on account of any  
10 parole agent, enforcement officer or investigator employed by  
11 the Pennsylvania Board of Probation and Parole shall be made  
12 from moneys appropriated to the Pennsylvania Board of Probation  
13 and Parole.

14 (4) Any payments required to be made on account of Capitol  
15 Police officers shall be made from moneys appropriated to the  
16 Department of General Services.

17 (5) Any payments required to be made on account of any  
18 correction employe shall be made from moneys appropriated to the  
19 Department of Corrections.

20 (6) Any payments required to be made on account of any  
21 psychiatric security aides shall be made from moneys  
22 appropriated to the Department of Human Services or the  
23 Department of Corrections where appropriate.

24 (6.1) Any payments required to be made on account of any  
25 campus police officers employed by a State owned university, <--  
26 State aided university, community college or State related  
27 college or PARTICIPATING university shall be made from moneys <--  
28 appropriated to the State owned university, State aided <--  
29 university, community college or State related college or  
30 PARTICIPATING university. <--

1     (6.2) Any payments required to be made on account of any  
2 Rangers, Ranger Supervisors, Ranger Operations Specialists and <--  
3 Ranger Trainees DCNR RANGERS, DCNR RANGER SUPERVISORS, DCNR <--  
4 RANGER OPERATIONS SPECIALISTS AND DCNR RANGER TRAINEES employed  
5 by the Department of Conservation and Natural Resources shall be  
6 made from moneys appropriated to the Department of Conservation  
7 and Natural Resources.

8     (6.3) Any payments required to be made on account of any  
9 members of the Fort Indiantown Gap Police Force employed by the  
10 Department of Military and Veterans Affairs shall be made from  
11 moneys appropriated to the Department of Military and Veterans  
12 Affairs.

13     (6.4) Any payments required to be made on account of any  
14 special investigators INVESTIGATIVE STAFF of the Office of <--  
15 Inspector General shall be made from moneys appropriated to the  
16 Office of Inspector General.

17     (6.5) Any payments required to be made on account of any  
18 members of the Allegheny County Port Authority Police shall be  
19 made from any moneys appropriated to the Allegheny County Port  
20 Authority.

21     (6.6) Any payments required to be made on account of any  
22 members of the Allegheny County Housing Authority Police shall  
23 be made from any moneys appropriated to the Allegheny County  
24 Housing Authority.

25     (7) Any payments required to be made on account of any drug  
26 enforcement agent or special agents shall be made from moneys  
27 appropriated to the Office of Attorney General and any payments  
28 required to be made on account of any fireman employed by the  
29 Commonwealth shall be made from moneys appropriated to the  
30 employing agency.

1 (8) Any payments required to be made on account of any  
2 enforcement officers or investigators of the Pennsylvania Game  
3 Commission shall be made from moneys appropriated to the  
4 Pennsylvania Game Commission or executively authorized from the  
5 Game Fund under 34 Pa.C.S. Ch. 5 Subch. B (relating to Game  
6 Fund).

7 (9) Any payments required to be made on account of any  
8 enforcement officers or investigators of the Pennsylvania Fish  
9 and Boat Commission shall be made from moneys appropriated to  
10 the Pennsylvania Fish and Boat Commission or executively  
11 authorized from the Fish Fund under 30 Pa.C.S. Ch. 5 Subch. B  
12 (relating to the Fish Fund) or the Boat Fund under 30 Pa.C.S.  
13 Ch. 5 Subch. C (relating to the Boat Fund).

14 SECTION 2.1. FOR THE PURPOSES OF THIS ACT, THE [TERM <--  
15 "FIREMAN" SHALL MEAN AND INCLUDE THE FOLLOWING:] FOLLOWING WORDS  
16 AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
17 SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

18 "FIREMAN." ANY OF THE FOLLOWING:

- 19 (1) PAID FIREMEN NOT EMPLOYED BY THE COMMONWEALTH.  
20 (2) EMERGENCY MEDICAL SERVICES PERSONNEL EMPLOYED WITHIN A  
21 CITY FIRE DEPARTMENT.  
22 (3) FIREMEN OF AIRPORT AUTHORITIES, INCLUDING FIRE  
23 SUPPRESSION INSTRUCTORS.  
24 (4) FIRE AND SAFETY MARSHALS WHO ARE FIREMEN EMPLOYED BY THE  
25 COMMONWEALTH.  
26 (5) FIRE ACADEMY INSTRUCTORS EMPLOYED AT THE STATE FIRE  
27 ACADEMY.  
28 (6) ASSISTANT FIRE MARSHALS EMPLOYED BY THE COMMONWEALTH.  
29 (7) FOREST PATROLMEN AND FOREST TECHNICIANS EMPLOYED BY THE  
30 COMMONWEALTH.

1       "PARTICIPATING UNIVERSITY." ANY OF THE FOLLOWING THAT ELECTS  
2 TO PARTICIPATE IN THIS ACT BY SUBMITTING A NOTICE TO THE  
3 DEPARTMENT OF LABOR AND INDUSTRY, WHICH ELECTION SHALL BE  
4 IRREVOCABLE AFTER PARTICIPATION IN THIS ACT COMMENCES:

5       (1) A STATE-OWNED UNIVERSITY.

6       (2) A COMMUNITY COLLEGE.

7       (3) A STATE-RELATED COLLEGE OR UNIVERSITY.

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