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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 437**      Session of  
2005

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INTRODUCED BY ORIE, WOZNIAK, STACK, RAFFERTY, KITCHEN, LAVALLE,  
COSTA, KASUNIC, TARTAGLIONE, MUSTO, GREENLEAF, LOGAN AND  
BOSCOLA, MARCH 22, 2005

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REFERRED TO LABOR AND INDUSTRY, MARCH 22, 2005

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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, 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, who are injured or  
22 contract certain diseases in the performance of their duty;  
23 and providing that absence during such injury shall not  
24 reduce any usual sick leave period," extending benefits to  
25 corrections employees; prohibiting compelling a person to  
26 return to light-duty work; and making an editorial change.

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

29 Section 1. The title and section 1 of the act of June 28,

1 1935 (P.L.477, No.193), referred to as the Enforcement Officer  
2 Disability Benefits Law, amended December 19, 1996 (P.L.1438,  
3 No.183), are amended to read:

4 AN ACT

5 Providing for the payment of the salary, medical and hospital  
6 expenses of members of the State Police Force, of the  
7 enforcement officers and investigators employed by the  
8 Pennsylvania Liquor Control Board, and the parole agents,  
9 enforcement officers and investigators of the Pennsylvania  
10 Board of Probation and Parole, Capitol Police officers,  
11 correction [officers] employes employed by the Department of  
12 Corrections whose principal duty is the care, custody and  
13 control of inmates, psychiatric security aides employed by  
14 the Department of Public Welfare and the Department of  
15 Corrections whose principal duty is the care, custody, and  
16 control of the criminally insane, drug enforcement agents of  
17 the Office of Attorney General whose principal duty is the  
18 enforcement of the drug laws of the Commonwealth, special  
19 agents of the Office of Attorney General whose principal duty  
20 is the enforcement of the criminal laws of the Commonwealth,  
21 members of the Delaware River Port Authority Police and of  
22 policemen, firemen and park guards by the Commonwealth of  
23 Pennsylvania, the Delaware River Port Authority, counties,  
24 cities, boroughs, towns and townships, who are injured or  
25 contract certain diseases in the performance of their duty;  
26 and providing that a person may not be compelled to return to  
27 light-duty employment and that absence during such injury  
28 shall not reduce any usual sick leave period.

29 Section 1. (a) Be it enacted, &c., That any member of the  
30 State Police Force, any enforcement officer or investigator

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

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

24 (b) In the case of the State Police Force, enforcement  
25 officers and investigators employed by the Pennsylvania Liquor  
26 Control Board and the parole agents, enforcement officers and  
27 investigators of the Pennsylvania Board of Probation and Parole,  
28 Capitol Police officers, correction [officers] employes employed  
29 by the Department of Corrections, whose principal duty is the  
30 care, custody and control of inmates, psychiatric security aides

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

1 Police, or policeman or fireman, shall be compensable in  
2 accordance with the terms hereof; and unless any such disability  
3 shall be compensable under the compensation laws as having been  
4 caused by accidental injury, such disability shall be  
5 compensable as occupational disease disabilities are presently  
6 compensable under the compensation laws of this Commonwealth. It  
7 shall be presumed that tuberculosis of the respiratory system  
8 contracted or incurred after four consecutive years of service  
9 was contracted or incurred as a direct result of employment.

10 (c) In the case of any person receiving benefits pursuant to  
11 this act, the statutes of limitations set forth in sections  
12 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,  
13 No.338), known as ["The Pennsylvania Workmen's Compensation  
14 Act,"] the "Workers' Compensation Act," shall not begin to run  
15 until the expiration of the receipt of benefits pursuant to this  
16 act.

17 (d) All payments herein required to be made by the  
18 Commonwealth of Pennsylvania on account of any member of the  
19 State Police Force shall be made from moneys appropriated to the  
20 Pennsylvania State Police, and any payments required to be made  
21 on account of any enforcement officer or investigator employed  
22 by the Pennsylvania Liquor Control Board shall be from  
23 appropriations out of the State Stores Fund, any payments  
24 required to be made on account of any parole agent, enforcement  
25 officer or investigator employed by the Pennsylvania Board of  
26 Probation and Parole shall be from moneys appropriated to the  
27 Pennsylvania Board of Probation and Parole, any payments  
28 required to be made on account of Capitol Police officers shall  
29 be made from moneys appropriated to the Department of General  
30 Services, any payments required to be made on account of any

1 correction [officer] employe shall be made from moneys  
2 appropriated to the Department of Corrections, any payments  
3 required to be made on account of any psychiatric security aides  
4 shall be made from moneys appropriated to the Department of  
5 Public Welfare or the Department of Corrections where  
6 appropriate, and any payments required to be made on account of  
7 any drug enforcement agent or special agents shall be made from  
8 moneys appropriated to the Office of Attorney General.

9 (e) Any person receiving benefits under this act may not be  
10 compelled to return to employment on a modified or light-duty  
11 basis.

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