

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

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, APRIL 17, 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.

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

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

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

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

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

17 (3) the parole agents, enforcement officers and
18 investigators of the Pennsylvania Board of Probation and Parole;

19 (4) Capitol Police officers;

1 (4.1) campus police officers employed by a State-owned
2 university, State-aided university, community college or State-
3 related college or university;

4 (5) correction employes employed by the Department of
5 Corrections, whose principal duty is the care, custody and
6 control of inmates;

7 (6) psychiatric security aides employed by the Department of
8 Human Services and the Department of Corrections, whose
9 principal duty is the care, custody, and control of the
10 criminally insane;

11 (7) drug enforcement agents of the Office of Attorney
12 General whose principal duty is the enforcement of the drug laws
13 of the Commonwealth;

14 (8) special agents of the Office of Attorney General whose
15 principal duty is the enforcement of the criminal laws of the
16 Commonwealth;

17 (9) any member of the Delaware River Port Authority Police;

18 (10) any policeman, fireman or park guard of any county,
19 city, borough, town or township;

20 (10.1) firemen employed by the Commonwealth;

21 (11) any sheriff or deputy sheriff; or

22 (12) any enforcement officer or investigator of the
23 Pennsylvania Game Commission or the Pennsylvania Fish and Boat
24 Commission;

25 (13) ~~park rangers~~ RANGERS, RANGER SUPERVISORS, RANGER
26 OPERATIONS SPECIALISTS AND RANGER TRAINEES employed by the
27 Department of Conservation and Natural Resources;

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28 (14) members of the Fort Indiantown Gap Police;

29 (15) special investigators of the Office of Inspector
30 General;

1 (16) members of the Allegheny County Port Authority Police;
2 and
3 (17) members of the Allegheny County Housing Authority
4 Police;

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

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

19 (b) In the case of:

20 (1) the State Police Force;

21 (2) enforcement officers and investigators employed by the
22 Pennsylvania Liquor Control Board;

23 (3) the parole agents, enforcement officers and
24 investigators of the Pennsylvania Board of Probation and Parole;

25 (4) Capitol Police officers;

26 (4.1) campus police officers employed by a State-owned
27 university, State-aided university, community college or State-
28 related college or university;

29 (5) correction employes employed by the Department of
30 Corrections, whose principal duty is the care, custody and

1 control of inmates;

2 (6) psychiatric security aides employed by the Department of
3 Human Services and the Department of Corrections whose principal
4 duty is the care, custody, and control of the criminally insane;

5 (7) drug enforcement agents of the Office of Attorney
6 General whose principal duty is the enforcement of the drug laws
7 of the Commonwealth;

8 (8) special agents of the Office of Attorney General whose
9 principal duty is the enforcement of the criminal laws of the
10 Commonwealth;

11 (9) members of the Delaware River Port Authority Police;

12 (10) salaried policemen and firemen;

13 (10.1) firemen employed by the Commonwealth;

14 (11) sheriffs and deputy sheriffs; and

15 (12) enforcement officers and investigators of the
16 Pennsylvania Game Commission and the Pennsylvania Fish and Boat
17 Commission;

18 (13) ~~park rangers~~ RANGERS, RANGER SUPERVISORS, RANGER <--
19 OPERATIONS SPECIALISTS AND RANGER TRAINEES employed by the
20 Department of Conservation and Natural Resources;

21 (14) members of the Fort Indiantown Gap Police;

22 (15) special investigators of the Office of Inspector
23 General;

24 (16) members of the Allegheny County Port Authority Police;
25 and

26 (17) members of the Allegheny County Housing Authority
27 Police;

28 who have served for four consecutive years or longer, diseases
29 of the heart and tuberculosis of the respiratory system,
30 contracted or incurred by any of them after four years of

1 continuous service as such, and caused by extreme overexertion
2 in times of stress or danger or by exposure to heat, smoke,
3 fumes or gases, arising directly out of the employment shall be
4 compensable in accordance with the terms hereof; and unless any
5 such disability shall be compensable under the compensation laws
6 as having been caused by accidental injury, such disability
7 shall be compensable as occupational disease disabilities are
8 presently compensable under the compensation laws of this
9 Commonwealth. It shall be presumed that tuberculosis of the
10 respiratory system contracted or incurred after four consecutive
11 years of service was contracted or incurred as a direct result
12 of employment.

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

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

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

27 (3) Any payments required to be made on account of any
28 parole agent, enforcement officer or investigator employed by
29 the Pennsylvania Board of Probation and Parole shall be made
30 from moneys appropriated to the Pennsylvania Board of Probation

1 and Parole.

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

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

8 (6) Any payments required to be made on account of any
9 psychiatric security aides shall be made from moneys
10 appropriated to the Department of Human Services or the
11 Department of Corrections where appropriate.

12 (6.1) Any payments required to be made on account of any
13 campus police officers employed by a State-owned university,
14 State-aided university, community college or State-related
15 college or university shall be made from moneys appropriated to
16 the State-owned university, State-aided university, community
17 college or State-related college or university.

18 (6.2) ANY PAYMENTS REQUIRED TO BE MADE ON ACCOUNT OF ANY <--
19 RANGERS, RANGER SUPERVISORS, RANGER OPERATIONS SPECIALISTS AND
20 RANGER TRAINEES EMPLOYED BY THE DEPARTMENT OF CONSERVATION AND
21 NATURAL RESOURCES SHALL BE MADE FROM MONEYS APPROPRIATED TO THE
22 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

23 (6.3) ANY PAYMENTS REQUIRED TO BE MADE ON ACCOUNT OF ANY
24 MEMBERS OF THE FORT INDIANTOWN GAP POLICE FORCE EMPLOYED BY THE
25 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL BE MADE FROM
26 MONEYS APPROPRIATED TO THE DEPARTMENT OF MILITARY AND VETERANS
27 AFFAIRS.

28 (6.4) ANY PAYMENTS REQUIRED TO BE MADE ON ACCOUNT OF ANY
29 SPECIAL INVESTIGATORS OF THE OFFICE OF INSPECTOR GENERAL SHALL
30 BE MADE FROM MONEYS APPROPRIATED TO THE OFFICE OF INSPECTOR

1 GENERAL.

2 (6.5) ANY PAYMENTS REQUIRED TO BE MADE ON ACCOUNT OF ANY
3 MEMBERS OF THE ALLEGHENY COUNTY PORT AUTHORITY POLICE SHALL BE
4 MADE FROM ANY MONEYS APPROPRIATED TO THE ALLEGHENY COUNTY PORT
5 AUTHORITY.

6 (6.6) ANY PAYMENTS REQUIRED TO BE MADE ON ACCOUNT OF ANY
7 MEMBERS OF THE ALLEGHENY COUNTY HOUSING AUTHORITY POLICE SHALL
8 BE MADE FROM ANY MONEYS APPROPRIATED TO THE ALLEGHENY COUNTY
9 HOUSING AUTHORITY.

10 (7) Any payments required to be made on account of any drug
11 enforcement agent or special agents shall be made from moneys
12 appropriated to the Office of Attorney General and any payments
13 required to be made on account of any fireman employed by the
14 Commonwealth shall be made from moneys appropriated to the
15 employing agency.

16 (8) Any payments required to be made on account of any
17 enforcement officers or investigators of the Pennsylvania Game
18 Commission shall be made from moneys appropriated to the
19 Pennsylvania Game Commission or executively authorized from the
20 Game Fund under 34 Pa.C.S. Ch. 5 Subch. B (relating to Game
21 Fund).

22 (9) Any payments required to be made on account of any
23 enforcement officers or investigators of the Pennsylvania Fish
24 and Boat Commission shall be made from moneys appropriated to
25 the Pennsylvania Fish and Boat Commission or executively
26 authorized from the Fish Fund under 30 Pa.C.S. Ch. 5 Subch. B
27 (relating to the Fish Fund) or the Boat Fund under 30 Pa.C.S.
28 Ch. 5 Subch. C (relating to the Boat Fund).

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