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

Section 1. Section 8133 of Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

SEC. 5701. SCOPE OF CHAPTER.

5702. ENFORCEMENT OFFICER DISABILITY BENEFITS.

$ 5701. SCOPE OF CHAPTER.
THIS CHAPTER RELATES TO ENFORCEMENT OFFICER DISABILITY BENEFITS RELATING TO COVID-19.

§ 5702. ENFORCEMENT OFFICER DISABILITY BENEFITS.

(A) GENERAL RULE.—A PERSON COVERED UNDER SECTION 1(A) OF THE ACT OF JUNE 28, 1935 (P.L.477, NO.193), REFERRED TO AS THE ENFORCEMENT OFFICER DISABILITY BENEFITS LAW, WHO CONTRACTS OR IS DIAGNOSED WITH CORONAVIRUS DISEASE 2019 (COVID-19), AS IDENTIFIED IN THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), OR IS SUBJECT TO QUARANTINE RESULTING FROM EXPOSURE TO COVID-19, AND BY REASON THEREOF IS TEMPORARILY INCAPACITATED FROM PERFORMING HIS DUTIES, SHALL BE COMPENSATED IN ACCORDANCE WITH SECTION 1(A) OF THE ENFORCEMENT OFFICER DISABILITY BENEFITS LAW.

(B) LIMITATION.—A BENEFIT RECEIVED UNDER SUBSECTION (A) SHALL BE LIMITED TO 60 DAYS FOR EACH INCIDENT.

CHAPTER 58

COVID-19 BENEFITS FOR MEMBERS OF PENNSYLVANIA NATIONAL GUARD

SEC.

5801. SCOPE OF CHAPTER.

5802. BENEFIT.

§ 5801. SCOPE OF CHAPTER.

THIS CHAPTER RELATES TO COVID-19 BENEFITS FOR MEMBERS OF THE PENNSYLVANIA NATIONAL GUARD.

§ 5802. BENEFIT.

(A) BENEFIT.—NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER OF THE PENNSYLVANIA NATIONAL GUARD SHALL RECEIVE FROM THE DEPARTMENT A BENEFIT COMPUTED UNDER SUBSECTION (B)(2) IF THE MEMBER:
(1) IS ORDERED TO STATE ACTIVE DUTY FOR EMERGENCY OR
SPECIAL STATE DUTY BY THE ADJUTANT GENERAL OR BY THE
GOVERNOR; AND
(2) SUSTAINS AN INJURY WHILE PARTICIPATING IN DUTY UNDER
PARAGRAPH (1) FROM THE PERIOD OF NOTIFICATION TO REPORT FOR
DUTY UNTIL OFFICIALLY RELEASED.

(B) CLAIM SUBMISSION, CALCULATION AND FUNDING.—

(1) A MEMBER OF THE PENNSYLVANIA NATIONAL GUARD WHO
SUSTAINS AN INJURY AND IS NOT COMPENSATED FOR THE INJURY BY
THE FEDERAL GOVERNMENT, MUST SUBMIT A CLAIM TO RECEIVE THE
BENEFIT AS PRESCRIBED BY THE ADJUTANT GENERAL.

(2) FOR PURPOSES OF COMPUTING THE AVERAGE WEEKLY WAGE OF
A MEMBER OF THE PENNSYLVANIA NATIONAL GUARD OR DEPENDENT
THEREOF, WEEKLY WAGES SHALL BE CALCULATED USING THE DAILY
BASE PAY TABLE UNDER 37 U.S.C (RELATING TO PAY AND ALLOWANCES
OF THE UNIFORMED SERVICES) TO DETERMINE THE PENNSYLVANIA
NATIONAL GUARD MEMBER'S DAILY WAGE AT THE TIME OF THE INJURY.
THE AVERAGE WEEKLY WAGE SHALL EQUAL THE MEMBER'S DAILY BASE
PAY MULTIPLIED BY FIVE.

(3) A BENEFIT RECEIVED UNDER THIS SECTION SHALL BE
LIMITED TO 60 DAYS FOR EACH INCIDENT.

(4) THE GENERAL ASSEMBLY SHALL APPROPRIATE THE MONEY
NECESSARY TO BE DEPOSITED INTO A NONLAPSING RESTRICTED
INTEREST-BEARING ACCOUNT TO PROVIDE FOR THE BENEFIT
ESTABLISHED IN SUBSECTION (A).

(C) NO COMMONWEALTH EMPLOYEE STATUS.—IN NO EVENT SHALL ANY
MEMBER OF THE PENNSYLVANIA NATIONAL GUARD WHILE PERFORMING THE
ACTIVITIES DESCRIBED IN SUBSECTION (A) BE DEEMED AN EMPLOYEE OF
THE COMMONWEALTH FOR ANY PURPOSE OR BENEFIT. NOTHING IN THIS
SECTION SHALL BE CONSTRUED TO ENTITLE A MEMBER OF THE
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PENNSYLVANIA NATIONAL GUARD TO ANY BENEFIT OR EMOLUMENT PROVIDED TO AN EMPLOYEE OF THE COMMONWEALTH.

(D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"DEPARTMENT." THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS OF THE COMMONWEALTH.

"INJURY." CONTRACTS OR IS DIAGNOSED WITH CORONAVIRUS DISEASE 2019, KNOWN AS COVID-19, AS IDENTIFIED IN THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), OR IS SUBJECT TO QUARANTINE RESULTING FROM EXPOSURE TO COVID-19, AND, BY REASON OF THE EXPOSURE, IS TEMPORARILY INCAPACITATED FROM PERFORMING DUTIES.

"PARTICIPATING." THE TERM INCLUDES ACTIVITIES ORDERED BY THE ADJUTANT GENERAL OR BY THE GOVERNOR SUCH AS TRAINING, AN EXERCISE OR RELATED OFFICIAL FUNCTIONS.

"SPECIAL STATE DUTY." STATE MILITARY DUTY BY THE PENNSYLVANIA NATIONAL GUARD UNDER THIS SECTION. THE TERM SHALL NOT INCLUDE STATE ACTIVE DUTY FOR EMERGENCY UNDER THIS SECTION OR DUTY AUTHORIZED AND FUNDED UNDER 10 U.S.C. OR 32 U.S.C.

"STATE ACTIVE DUTY FOR EMERGENCY." STATE MILITARY DUTY BY THE PENNSYLVANIA NATIONAL GUARD UNDER 51 PA.C.S. § 508 (RELATING TO ACTIVE DUTY FOR EMERGENCY) THAT IS NOT ACTIVE DUTY AUTHORIZED AND FUNDED UNDER 10 U.S.C. (RELATING TO ARMED FORCES) OR 32 U.S.C. (RELATING TO NATIONAL GUARD).

SECTION 2. SECTION 8133 OF TITLE 35 IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 8133. Basic life support ambulances.

* * *
(e) Exceptions for certain counties.--The staffing requirements under subsection (b)(2) may be waived or adjusted for counties of the fifth, sixth, seventh and eighth classes at

(C) EXCEPTIONS FOR CERTAIN COUNTIES.--

(1) THE STAFFING REQUIREMENTS UNDER SUBSECTION (B)(2) MAY BE WAIVED OR ADJUSTED AT the department's discretion. The department shall permit an EMS agency to file for a waiver or exception from the staffing requirements under this subsection for extraordinary reasons as determined by the department on a case-by-case basis and in the best interest of the EMS system and patient care.

(2) THIS SUBSECTION SHALL EXPIRE THREE YEARS FROM THE DATE OF ENACTMENT OF THIS SUBSECTION.

Section 2 3. This act shall take effect in 60 days.

SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) THE ADDITION OF 35 PA.C.S. § 8133(C) SHALL TAKE EFFECT IN 60 DAYS.

(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.