

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1242 Session of 2015

INTRODUCED BY READSHAW, D. COSTA, MILLARD, BARBIN, MURT, FARINA, HELM, KINSEY, HARKINS, THOMAS, BROWNLIE, KOTIK, A. HARRIS, MAHONEY, COHEN, O'BRIEN, McNEILL, DEAN, CARROLL, KAVULICH AND GILLEN, MAY 28, 2015

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, MAY 28, 2015

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 civilian firefighters and
26 police officers stationed at military installations or
27 facilities in this Commonwealth; and making an editorial
28 change.

29 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The title and section 1 of the act of June 28,
3 1935 (P.L.477, No.193), referred to as the Enforcement Officer
4 Disability Benefits Law, amended March 15, 2006 (P.L.55, No.20)
5 and July 7, 2006 (P.L.614, No.95), are amended to read:

6 AN ACT

7 Providing for the payment of the salary, medical and hospital
8 expenses of members of the State Police Force, of the
9 enforcement officers and investigators employed by the
10 Pennsylvania Liquor Control Board, and the parole agents,
11 enforcement officers and investigators of the Pennsylvania
12 Board of Probation and Parole, Capitol Police officers,
13 correction employees employed by the Department of Corrections
14 whose principal duty is the care, custody and control of
15 inmates, psychiatric security aides employed by the
16 Department of [Public Welfare] Human Services and the
17 Department of Corrections whose principal duty is the care,
18 custody, and control of the criminally insane, drug
19 enforcement agents of the Office of Attorney General whose
20 principal duty is the enforcement of the drug laws of the
21 Commonwealth, special agents of the Office of Attorney
22 General whose principal duty is the enforcement of the
23 criminal laws of the Commonwealth, members of the Delaware
24 River Port Authority Police [and], of policemen, firemen and
25 park guards and of civilian firefighters and police officers
26 stationed at military installations or facilities in this
27 Commonwealth by the Commonwealth of Pennsylvania, the
28 Delaware River Port Authority, counties, cities, boroughs,
29 towns and townships, and sheriffs and deputy sheriffs who are
30 injured or contract certain diseases in the performance of

1 their duty; and providing that absence during such injury
2 shall not reduce any usual sick leave period.

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

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

1 county, city, borough, town or township shall be deducted from
2 any salary then or thereafter becoming due and owing.

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

1 officer or investigator of the Pennsylvania Board of Probation
2 and Parole, Capitol Police officers, correction employes
3 employed by the Department of Corrections whose principal duty
4 is the care, custody and control of inmates, psychiatric
5 security aides employed by the Department of [Public Welfare]
6 Human Services and the Department of Corrections whose principal
7 duty is the care, custody, and control of the criminally insane,
8 drug enforcement agents of the Office of Attorney General whose
9 principal duty is the enforcement of the drug laws of the
10 Commonwealth, special agents of the Office of Attorney General
11 whose principal duty is the enforcement of the criminal laws of
12 the Commonwealth, member of the Delaware River Port Authority
13 Police, policeman or fireman, [or] sheriff or deputy sheriff, or
14 civilian firefighters or police officers stationed at a military
15 installation or facility in this Commonwealth 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) 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, and any payments required to be made
5 on account of any enforcement officer or investigator employed
6 by the Pennsylvania Liquor Control Board shall be from
7 appropriations out of the State Stores Fund, any payments
8 required to be made on account of any parole agent, enforcement
9 officer or investigator employed by the Pennsylvania Board of
10 Probation and Parole shall be from moneys appropriated to the
11 Pennsylvania Board of Probation and Parole, any payments
12 required to be made on account of Capitol Police officers shall
13 be made from moneys appropriated to the Department of General
14 Services, any payments required to be made on account of any
15 correction employe shall be made from moneys appropriated to the
16 Department of Corrections, any payments required to be made on
17 account of any psychiatric security aides shall be made from
18 moneys appropriated to the Department of Public Welfare or the
19 Department of Corrections where appropriate, and any payments
20 required to be made on account of any drug enforcement agent or
21 special agents shall be made from moneys appropriated to the
22 Office of Attorney General.

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