

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2148 Session of 2015

INTRODUCED BY FARRY, O'BRIEN, WHITE, BARRAR, TAYLOR, ROZZI, D. COSTA, DRISCOLL, WATSON, SCHLOSSBERG, BOYLE, BULLOCK, GODSHALL, DIGIROLAMO, BIZZARRO, KINSEY, MAHONEY, LAWRENCE, KORTZ, NEILSON, A. HARRIS, MATZIE, DAVIS, DONATUCCI, SCHWEYER, MARSHALL, W. KELLER, DEAN, GIBBONS, GAINEY, D. MILLER AND BARBIN, JUNE 9, 2016

SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, OCTOBER 18, 2016

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 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
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," amending the title of the act; ~~and~~ providing for <--
26 eligibility of firemen of airport authorities, firemen
27 employed by the Commonwealth and emergency medical services
28 personnel of cities; AND MAKING EDITORIAL CHANGES. <--

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

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

7 AN ACT

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

1 providing that absence during such injury shall not reduce  
2 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, firemen employed by the Commonwealth or any sheriff or  
21 deputy sheriff who is injured in the performance of his duties  
22 including, in the case of firemen, duty as special fire police,  
23 and by reason thereof is temporarily incapacitated from  
24 performing his duties, shall be paid by the Commonwealth of  
25 Pennsylvania if a member of the State Police Force or an  
26 enforcement officer or investigator employed by the Pennsylvania  
27 Liquor Control Board or the parole agents, enforcement officers  
28 and investigators of the Pennsylvania Board of Probation and  
29 Parole, Capitol Police officers, correction employes employed by  
30 the Department of Corrections, whose principal duty is the care,

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

30 (b) In the case of the State Police Force, enforcement

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

1 Welfare] HUMAN SERVICES and the Department of Corrections whose <--  
2 principal duty is the care, custody, and control of the  
3 criminally insane, drug enforcement agents of the Office of  
4 Attorney General whose principal duty is the enforcement of the  
5 drug laws of the Commonwealth, special agents of the Office of  
6 Attorney General whose principal duty is the enforcement of the  
7 criminal laws of the Commonwealth, member of the Delaware River  
8 Port Authority Police, policeman [or], fireman, firemen employed  
9 by the Commonwealth or sheriff or deputy sheriff shall be  
10 compensable in accordance with the terms hereof; and unless any  
11 such disability shall be compensable under the compensation laws  
12 as having been caused by accidental injury, such disability  
13 shall be compensable as occupational disease disabilities are  
14 presently compensable under the compensation laws of this  
15 Commonwealth. It shall be presumed that tuberculosis of the  
16 respiratory system contracted or incurred after four consecutive  
17 years of service was contracted or incurred as a direct result  
18 of employment.

19 (c) In the case of any person receiving benefits pursuant to  
20 this act, the statutes of limitations set forth in sections  
21 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,  
22 No.338), known as the "Workers' Compensation Act," shall not  
23 begin to run until the expiration of the receipt of benefits  
24 pursuant to this act.

25 (d) All payments herein required to be made by the  
26 Commonwealth of Pennsylvania on account of any member of the  
27 State Police Force shall be made from moneys appropriated to the  
28 Pennsylvania State Police, and any payments required to be made  
29 on account of any enforcement officer or investigator employed  
30 by the Pennsylvania Liquor Control Board shall be from

1 appropriations out of the State Stores Fund, any payments  
2 required to be made on account of any parole agent, enforcement  
3 officer or investigator employed by the Pennsylvania Board of  
4 Probation and Parole shall be from moneys appropriated to the  
5 Pennsylvania Board of Probation and Parole, any payments  
6 required to be made on account of Capitol Police officers shall  
7 be made from moneys appropriated to the Department of General  
8 Services, any payments required to be made on account of any  
9 correction employe shall be made from moneys appropriated to the  
10 Department of Corrections, any payments required to be made on  
11 account of any psychiatric security aides shall be made from  
12 moneys appropriated to the Department of ~~Public Welfare~~ HUMAN <--  
13 SERVICES or the Department of Corrections where appropriate, and  
14 any payments required to be made on account of any drug  
15 enforcement agent or special agents shall be made from moneys  
16 appropriated to the Office of Attorney General and any payments  
17 required to be made on account of any fireman employed by the  
18 Commonwealth shall be made from moneys appropriated by the <--  
19 General Assembly TO THE EMPLOYING AGENCY. <--

20 Section 2. No absence from duty of any such policeman,  
21 sheriff, deputy sheriff [or], fireman or firemen employed by the  
22 Commonwealth by reason of any such injury shall in any manner be  
23 included in any period of sick leave, allowed such policeman,  
24 sheriff, deputy sheriff [or], fireman or firemen employed by the  
25 Commonwealth by law or by regulation of the police, sheriff's  
26 [or], fire department, airport authority or city by which he is  
27 employed.

28 Section 2. The act is amended by adding a section to read:

29 Section 2.1. For the purposes of this act, the term  
30 "fireman" shall mean and include the following:

1     (1) Paid firemen not employed by the Commonwealth.

2     (2) Emergency medical services personnel employed within a  
3 city fire department.

4     (3) Firemen of airport authorities, including fire  
5 suppression instructors.

6     (4) Fire and safety marshals who are firemen employed by the  
7 Commonwealth.

8     (5) Fire academy instructors employed at the State Fire  
9 Academy.

10    (6) Assistant fire marshals employed by the Commonwealth.

11    (7) Forest patrolmen and forest technicians employed by the  
12 Commonwealth.

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