

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 503 Session of
2021

INTRODUCED BY REGAN, ARGALL, BAKER, BARTOLOTTA, BROWNE, MARTIN,
MASTRIANO, MENSCH, SCAVELLO, STEFANO, TARTAGLIONE, YUDICHAK,
BROOKS, COMITTA, BREWSTER, YAW, J. WARD, MUTH, PITTMAN AND
AUMENT, APRIL 8, 2021

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 12, 2022

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 and for
8 definitions.

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

11 Section 1. Sections 1 and 2.1 of the act of June 28, 1935
12 (P.L.477, No.193), referred to as the Enforcement Officer
13 Disability Benefits Law, are amended to read:

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

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

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

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

1 (3.1) probation officers employed by a participating county;

2 (4) Capitol Police officers;

3 (4.1) campus police officers employed by a participating
4 university;

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

8 (5.1) commissioned police officers employed by the
9 Department of Corrections, Bureau of Investigations and
10 Intelligence;

11 (6) psychiatric security aides employed by the Department of
12 Human Services and the Department of Corrections, whose
13 principal duty is the care, custody, and control of the
14 criminally insane;

15 (7) drug enforcement agents of the Office of Attorney
16 General whose principal duty is the enforcement of the drug laws
17 of the Commonwealth;

18 (8) special agents of the Office of Attorney General whose
19 principal duty is the enforcement of the criminal laws of the
20 Commonwealth;

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

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

24 (10.1) firemen employed by the Commonwealth;

25 (11) any sheriff or deputy sheriff; [or]

26 (12) any enforcement officer or investigator of the
27 Pennsylvania Game Commission or the Pennsylvania Fish and Boat
28 Commission;

29 (13) DCNR Rangers, DCNR Ranger Supervisors, DCNR Ranger
30 Operations Specialists, DCNR Ranger Trainees and State Park

1 Officers employed by the Department of Conservation and Natural
2 Resources;
3 (14) members of the Fort Indiantown Gap Police;
4 ~~(15) investigative staff of the Office of Inspector General;~~ <--
5 ~~(15) WELFARE FRAUD INVESTIGATORS, WELFARE FRAUD INVESTIGATOR~~ <--
6 SUPERVISORS, CLAIMS INVESTIGATION AGENTS AND CLAIMS
7 INVESTIGATION AGENT SUPERVISORS EMPLOYED BY THE OFFICE OF STATE
8 INSPECTOR GENERAL;
9 ~~(16) members of the Allegheny County Port Authority Police~~ <--
10 and transit police officers employed by a participating transit
11 or port authority;
12 (17) members of the Allegheny County Housing Authority
13 Police and housing police officers employed by a participating
14 housing authority; or
15 (18) corrections officers or jail guards employed by a
16 participating county and whose principal duty is the care,
17 custody and control of inmates;
18 who is injured in the performance of his duties including, in
19 the case of firemen, duty as special fire police, and by reason
20 thereof is temporarily incapacitated from performing his duties,
21 shall be paid by the Commonwealth of Pennsylvania if an employe
22 identified under paragraph (1), (2), (3), (4), (4.1), (5),
23 (5.1), (6), (7), (8) [or], (12), (13), (14) or (15) or by the
24 Delaware River Port Authority if a member of the Delaware River
25 Port Authority Police or by the participating university if a
26 campus police officer or by the Allegheny County Port Authority <--
27 ~~if a member of the Allegheny County Port Authority Police or by~~
28 a participating transit or port authority if a transit police
29 officer or by the Allegheny County Housing Authority if a member
30 of the Allegheny County Housing Authority Police or by a

1 participating housing authority if a housing police officer or
2 by the county, township or municipality, by which he is
3 employed, his full rate of salary, as fixed by ordinance or
4 resolution, until the disability arising therefrom has ceased.
5 All medical and hospital bills, incurred in connection with any
6 such injury, shall be paid by the Commonwealth of Pennsylvania
7 or by the Delaware River Port Authority or by the participating
8 university or by the Allegheny County Port Authority or by the <--
9 participating transit or port authority or by the Allegheny
10 County Housing Authority or by the participating housing
11 authority or by such county, city, township or municipality.
12 During the time salary for temporary incapacity shall be paid by
13 the Commonwealth of Pennsylvania or by the Delaware River Port
14 Authority or by the participating university or by the Allegheny <--
15 County Port Authority or by the participating transit or port
16 authority or by the Allegheny County Housing Authority or by the
17 participating housing authority or by the county, city, borough,
18 town or township, any workmen's compensation, received or
19 collected by any such employe for such period, shall be turned
20 over to the Commonwealth of Pennsylvania or to the Delaware
21 River Port Authority or to the participating university or to
22 the Allegheny County Port Authority or to the participating <--
23 transit or port authority or to the Allegheny County Housing
24 Authority or to the participating housing authority or to such
25 county, city, borough, town or township, and paid into the
26 treasury thereof, and if such payment shall not be so made by
27 the employe the amount so due the Commonwealth of Pennsylvania,
28 the Delaware River Port Authority or the participating
29 university or the Allegheny County Port Authority or the <--
30 participating transit or port authority or the Allegheny County

Housing Authority or the participating housing authority or the county, city, borough, town or township shall be deducted from any salary then or thereafter becoming due and owing.

(b) In the case of:

(1) the State Police Force;

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

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

(3.1) probation officers employed by a participating county;

(4) Capitol Police officers;

(4.1) campus police officers employed by a participating university;

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

(5.1) commissioned police officers employed by the Department of Corrections, Bureau of Investigations and Intelligence;

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

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

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

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

(10) salaried policemen and firemen;

(10.1) firemen employed by the Commonwealth;
(11) sheriffs and deputy sheriffs; [and]
(12) enforcement officers and investigators of the
Pennsylvania Game Commission and the Pennsylvania Fish and Boat
Commission;

(13) DCNR Rangers, DCNR Ranger Supervisors, DCNR Ranger
Operations Specialists, DCNR Ranger Trainees and State Park
Officers employed by the Department of Conservation and Natural
Resources;

(14) members of the Fort Indiantown Gap Police;

~~(15) investigative staff of the Office of Inspector General;~~ <--

~~(15) WELFARE FRAUD INVESTIGATORS, WELFARE FRAUD INVESTIGATOR
SUPERVISORS, CLAIMS INVESTIGATION AGENTS AND CLAIMS
INVESTIGATION AGENT SUPERVISORS EMPLOYED BY THE OFFICE OF STATE
INSPECTOR GENERAL;~~ <--

~~(16) members of the Allegheny County Port Authority Police~~ <--
~~and transit police officers employed by a participating transit
or port authority;~~

(17) members of the Allegheny County Housing Authority
Police and housing police officers employed by a participating
housing authority; and

(18) corrections officers or jail guards employed by a
participating county and whose principal duty is the care,
custody and control of inmates;

who have served for four consecutive years or longer, diseases
of the heart and tuberculosis of the respiratory system,
contracted or incurred by any of them after four years of
continuous service as such, and caused by extreme overexertion
in times of stress or danger or by exposure to heat, smoke,
fumes or gases, arising directly out of the employment shall be

1 compensable in accordance with the terms hereof; and unless any
2 such disability shall be compensable under the compensation laws
3 as having been caused by accidental injury, such disability
4 shall be compensable as occupational disease disabilities are
5 presently compensable under the compensation laws of this
6 Commonwealth. It shall be presumed that tuberculosis of the
7 respiratory system contracted or incurred after four consecutive
8 years of service was contracted or incurred as a direct result
9 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 "Workers' Compensation Act," shall not
14 begin to run until the expiration of the receipt of benefits
15 pursuant to this act.

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

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

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

29 (4) Any payments required to be made on account of Capitol
30 Police officers shall be made from moneys appropriated to the

1 Department of General Services.

2 (5) Any payments required to be made on account of any
3 correction employe or any commissioned police officer employed
4 by the Department of Corrections, Bureau of Investigations and
5 Intelligence, shall be made from moneys appropriated to the
6 Department of Corrections.

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

11 (6.1) Any payments required to be made on account of any
12 campus police officers employed by a participating university
13 shall be made from moneys appropriated to the participating
14 university.

15 (6.2) Any payments required to be made on account of any
16 DCNR Rangers, DCNR Ranger Supervisors, DCNR Ranger Operations
17 Specialists, DCNR Ranger Trainees and State Park Officers
18 employed by the Department of Conservation and Natural Resources
19 shall be made from moneys appropriated to the Department of
20 Conservation and Natural Resources.

21 (6.3) Any payments required to be made on account of any
22 members of the Fort Indiantown Gap Police Force employed by the
23 Department of Military and Veterans Affairs shall be made from
24 moneys appropriated to the Department of Military and Veterans
25 Affairs.

26 (6.4) Any payments required to be made on account of any
27 investigative staff of the Office of Inspector General WELFARE <--
28 FRAUD INVESTIGATOR, WELFARE FRAUD INVESTIGATOR SUPERVISOR,
29 CLAIMS INVESTIGATION AGENT OR CLAIMS INVESTIGATION AGENT
30 SUPERVISOR EMPLOYED BY THE OFFICE OF STATE INSPECTOR GENERAL

1 shall be made from moneys appropriated to the Office of
2 Inspector General.

3 ~~(6.5) Any payments required to be made on account of any~~ <--
4 ~~members of the Allegheny County Port Authority Police shall be~~
5 ~~made from any moneys appropriated to the Allegheny County Port~~
6 ~~Authority. (RESERVED).~~ <--

7 (6.6) Any payments required to be made on account of any
8 members of a participating transit or port authority shall be
9 made from moneys appropriated to the participating TRANSIT OR <--
10 PORT authority.

11 (6.7) Any payments required to be made on account of any
12 members of the Allegheny County Housing Authority Police shall
13 be made from any moneys appropriated to the Allegheny County
14 Housing Authority.

15 (6.8) Any payments required to be made on account of any
16 members of a participating housing authority shall be made from
17 moneys appropriated to the housing authority.

18 (7) Any payments required to be made on account of any drug
19 enforcement agent or special agents shall be made from moneys
20 appropriated to the Office of Attorney General and any payments
21 required to be made on account of any fireman employed by the
22 Commonwealth shall be made from moneys appropriated to the
23 employing agency.

24 (8) Any payments required to be made on account of any
25 enforcement officers or investigators of the Pennsylvania Game
26 Commission shall be made from moneys appropriated to the
27 Pennsylvania Game Commission or executively authorized from the
28 Game Fund under 34 Pa.C.S. Ch. 5 Subch. B (relating to Game
29 Fund).

30 (9) Any payments required to be made on account of any

enforcement officers or investigators of the Pennsylvania Fish and Boat Commission shall be made from moneys appropriated to the Pennsylvania Fish and Boat Commission or executively authorized from the Fish Fund under 30 Pa.C.S. Ch. 5 Subch. B (relating to the Fish Fund) or the Boat Fund under 30 Pa.C.S. Ch. 5 Subch. C (relating to the Boat Fund).

Section 2.1. For the purposes of this act, the [term "fireman" shall mean and include the following:] following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Fireman." Any of the following:

(1) Paid firemen not employed by the Commonwealth.

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

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

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

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

(6) Assistant fire marshals employed by the Commonwealth.

(7) [Forest patrolmen and forest technicians] Forest fire wardens or wildland firefighters employed by the Commonwealth.

"Participating county." A county that elects or bargains to participate in this act by ~~submitting a notice to the Department of Labor and Industry,~~ POSTING A NOTICE ON THE COUNTY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, which election shall be irrevocable after participation in this act commences.

"Participating housing authority." A housing authority that elects or bargains to participate in this act by ~~submitting a~~ <--

1 ~~notice to the Department of Labor and Industry,~~ POSTING A NOTICE <--
2 ON THE HOUSING AUTHORITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE,
3 which election shall be irrevocable after participating in this
4 act commences.

5 "Participating transit or port authority." A transit or port
6 authority that elects or bargains, IN ITS SOLE AND EXCLUSIVE <--
7 DISCRETION, to participate in this act by ~~submitting a notice to~~ <--
8 ~~the Department of Labor and Industry,~~ POSTING A NOTICE ON THE <--
9 TRANSIT OR PORT AUTHORITY'S PUBLICLY ACCESSIBLE INTERNET
10 WEBSITE, which election shall be irrevocable after participating
11 in this act commences.

12 "Participating university." Any of the following that elects
13 or bargains to participate in this act by ~~submitting a notice to~~ <--
14 ~~the Department of Labor and Industry,~~ POSTING A NOTICE ON THE <--
15 UNIVERSITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, which
16 election shall be irrevocable after participation in this act
17 commences:

- 18 (1) A State-owned university.
19 (2) A community college.
20 (3) A State-related college or university.
21 (4) A State-aided college or university.

22 Section 2. This act shall take effect in ~~60~~ 120 days. <--