

ENFORCEMENT OFFICER DISABILITY BENEFITS LAW - TITLE AMENDED,  
ELIGIBILITY OF FIREMEN OF AIRPORT AUTHORITIES, FIREMEN EMPLOYED  
BY COMMONWEALTH AND EMERGENCY MEDICAL SERVICES PERSONNEL OF  
CITIES

Act of Nov. 4, 2016, P.L. 1140, No. 145

Cl. 44

Session of 2016

No. 2016-145

HB 2148

AN ACT

Amending the act of June 28, 1935 (P.L.477, No.193), entitled, as amended, "An act providing for the payment of the salary, medical and hospital expenses of members of the State Police Force, of the enforcement officers and investigators employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole, Capitol Police officers, correction employes employed by the Department of Corrections whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of Public Welfare and the Department of Corrections whose principal duty is the care, custody, and control of the criminally insane, drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth, special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth, members of the Delaware River Port Authority Police and of policemen, firemen and park guards by the Commonwealth of Pennsylvania, the Delaware River Port Authority, counties, cities, boroughs, towns and townships, and sheriffs and deputy sheriffs who are injured or contract certain diseases in the performance of their duty; and providing that absence during such injury shall not reduce any usual sick leave period," amending the title of the act; providing for eligibility of firemen of airport authorities, firemen employed by the Commonwealth and emergency medical services personnel of cities; and making editorial changes.

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

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

AN ACT

Providing for the payment of the salary, medical and hospital expenses of members of the State Police Force, of the enforcement officers and investigators employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole, Capitol Police officers, correction employes employed by the Department of Corrections whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of [Public Welfare] **Human Services** and the Department of Corrections whose principal duty is the care, custody, and control of the criminally insane, drug

enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth, special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth, members of the Delaware River Port Authority Police and of policemen, firemen, **firemen employed by the Commonwealth** and park guards by the Commonwealth of Pennsylvania, the Delaware River Port Authority, counties, cities, boroughs, towns and townships, and sheriffs and deputy sheriffs who are injured or contract certain diseases in the performance of their duty; and providing that absence during such injury shall not reduce any usual sick leave period.

Section 1. (a) Be it enacted, &c., That any member of the State Police Force, any enforcement officer or investigator employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole, Capitol Police officers, correction employes employed by the Department of Corrections, whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of [Public Welfare] **Human Services** and the Department of Corrections, whose principal duty is the care, custody, and control of the criminally insane, drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth, special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth, any member of the Delaware River Port Authority Police, any policeman, fireman or park guard of any county, city, borough, town or township, **firemen employed by the Commonwealth** or any sheriff or deputy sheriff who is injured in the performance of his duties including, in the case of firemen, duty as special fire police, and by reason thereof is temporarily incapacitated from performing his duties, shall be paid by the Commonwealth of Pennsylvania if a member of the State Police Force or an enforcement officer or investigator employed by the Pennsylvania Liquor Control Board or the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole, Capitol Police officers, correction employes employed by the Department of Corrections, whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of [Public Welfare] **Human Services** and the Department of Corrections, whose principal duty is the care, custody, and control of the criminally insane, drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth, special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth, or by the Delaware River Port Authority if a member of the Delaware River Port Authority Police or by the county, township or municipality, by which he is employed, his full rate of salary, as fixed by ordinance or resolution, until the disability arising therefrom has ceased. All medical and hospital bills, incurred in connection with any such injury, shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by such county, **city**, township or municipality. During the time salary for temporary incapacity shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by the county, city, borough, town or township, any workmen's compensation, received or collected by any such employe for such period, shall be turned

over to the Commonwealth of Pennsylvania or to the Delaware River Port Authority or to such county, city, borough, town or township, and paid into the treasury thereof, and if such payment shall not be so made by the employe the amount so due the Commonwealth of Pennsylvania, the Delaware River Port 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 the State Police Force, enforcement officers and investigators employed by the Pennsylvania Liquor Control Board and the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole, Capitol Police officers, correction employes employed by the Department of Corrections, whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of [Public Welfare] **Human Services** and the Department of Corrections whose principal duty is the care, custody, and control of the criminally insane, drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth, special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth, members of the Delaware River Port Authority Police, salaried policemen [and], firemen, **firemen employed by the Commonwealth** and sheriffs and deputy sheriffs 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 of any such member of the State Police Force, enforcement officer, investigator employed by the Pennsylvania Liquor Control Board, guard or enforcement officer employed by the Department of Corrections or parole agent, enforcement officer or investigator of the Pennsylvania Board of Probation and Parole, Capitol Police officers, correction employes employed by the Department of Corrections whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of [Public Welfare] **Human Services** and the Department of Corrections whose principal duty is the care, custody, and control of the criminally insane, drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth, special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth, member of the Delaware River Port Authority Police, policeman [or], fireman, **firemen employed by the Commonwealth** or sheriff or deputy sheriff shall be compensable in accordance with the terms hereof; and unless any such disability shall be compensable under the compensation laws as having been caused by accidental injury, such disability shall be compensable as occupational disease disabilities are presently compensable under the compensation laws of this Commonwealth. It shall be presumed that tuberculosis of the respiratory system contracted or incurred after four consecutive years of service was contracted or incurred as a direct result of employment.

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

begin to run until the expiration of the receipt of benefits pursuant to this act.

(d) All payments herein required to be made by the Commonwealth of Pennsylvania on account of any member of the State Police Force shall be made from moneys appropriated to the Pennsylvania State Police, and any payments required to be made on account of any enforcement officer or investigator employed by the Pennsylvania Liquor Control Board shall be from appropriations out of the State Stores Fund, any payments required to be made on account of any parole agent, enforcement officer or investigator employed by the Pennsylvania Board of Probation and Parole shall be from moneys appropriated to the Pennsylvania Board of Probation and Parole, any payments required to be made on account of Capitol Police officers shall be made from moneys appropriated to the Department of General Services, any payments required to be made on account of any correction employe shall be made from moneys appropriated to the Department of Corrections, any payments required to be made on account of any psychiatric security aides shall be made from moneys appropriated to the Department of [Public Welfare] **Human Services** or the Department of Corrections where appropriate, [and] any payments required to be made on account of any drug enforcement agent or special agents shall be made from moneys appropriated to the Office of Attorney General **and any payments required to be made on account of any fireman employed by the Commonwealth shall be made from moneys appropriated to the employing agency.**

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

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

**Section 2.1. For the purposes of this act, the term "fireman" shall mean and include 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 employed by the Commonwealth.**

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

APPROVED--The 4th day of November, A.D. 2016.

TOM WOLF