

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1818 Session of
2005

INTRODUCED BY STABACK, GOODMAN, BEBKO-JONES, BELFANTI,
BENNINGHOFF, CALTAGIRONE, CAPPELLI, DeWEESE, FABRIZIO,
GEORGE, ARGALL, GRUCELA, HARHAI, HARRIS, HENNESSEY, HESS,
JOSEPHS, KOTIK, MUNDY, O'NEILL, PHILLIPS, PISTELLA, ROONEY,
SAINATO, SHANER, TIGUE, WALKO, WANSACZ, WILT, YOUNGBLOOD AND
YUDICHAK, JUNE 30, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 30, 2005

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 officers 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, who are injured or
22 contract certain diseases in the performance of their duty;
23 and providing that absence during such injury shall not
24 reduce any usual sick leave period," extending benefits to
25 corrections employees; prohibiting compelling a person to
26 return to light-duty work; and making an editorial change.

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

1 Section 1. The title and section 1 of the act of June 28,
2 1935 (P.L.477, No.193), referred to as the Enforcement Officer
3 Disability Benefits Law, amended December 19, 1996 (P.L.1438,
4 No.183), are amended to read:

5 AN ACT

6 Providing for the payment of the salary, medical and hospital
7 expenses of members of the State Police Force, of the
8 enforcement officers and investigators employed by the
9 Pennsylvania Liquor Control Board, and the parole agents,
10 enforcement officers and investigators of the Pennsylvania
11 Board of Probation and Parole, Capitol Police officers,
12 correction [officers] employes employed by the Department of
13 Corrections whose principal duty is the care, custody and
14 control of inmates, psychiatric security aides employed by
15 the Department of Public Welfare and the Department of
16 Corrections whose principal duty is the care, custody, and
17 control of the criminally insane, drug enforcement agents of
18 the Office of Attorney General whose principal duty is the
19 enforcement of the drug laws of the Commonwealth, special
20 agents of the Office of Attorney General whose principal duty
21 is the enforcement of the criminal laws of the Commonwealth,
22 members of the Delaware River Port Authority Police and of
23 policemen, firemen and park guards by the Commonwealth of
24 Pennsylvania, the Delaware River Port Authority, counties,
25 cities, boroughs, towns and townships, who are injured or
26 contract certain diseases in the performance of their duty;
27 and providing that a person may not be compelled to return to
28 light-duty employment and that absence during such injury
29 shall not reduce any usual sick leave period.

30 Section 1. (a) Be it enacted, &c., That any member of the

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

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

25 (b) In the case of the State Police Force, enforcement
26 officers and investigators employed by the Pennsylvania Liquor
27 Control Board and the parole agents, enforcement officers and
28 investigators of the Pennsylvania Board of Probation and Parole,
29 Capitol Police officers, correction [officers] employes employed
30 by the Department of Corrections, whose principal duty is the

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

1 the Commonwealth, member of the Delaware River Port Authority
2 Police, or policeman or fireman, shall be compensable in
3 accordance with the terms hereof; and unless any such disability
4 shall be compensable under the compensation laws as having been
5 caused by accidental injury, such disability shall be
6 compensable as occupational disease disabilities are presently
7 compensable under the compensation laws of this Commonwealth. It
8 shall be presumed that tuberculosis of the respiratory system
9 contracted or incurred after four consecutive years of service
10 was contracted or incurred as a direct result of employment.

11 (c) In the case of any person receiving benefits pursuant to
12 this act, the statutes of limitations set forth in sections
13 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
14 No.338), known as ["The Pennsylvania Workmen's Compensation
15 Act,"] the "Workers' Compensation Act," shall not begin to run
16 until the expiration of the receipt of benefits pursuant to this
17 act.

18 (d) All payments herein required to be made by the
19 Commonwealth of Pennsylvania on account of any member of the
20 State Police Force shall be made from moneys appropriated to the
21 Pennsylvania State Police, and any payments required to be made
22 on account of any enforcement officer or investigator employed
23 by the Pennsylvania Liquor Control Board shall be from
24 appropriations out of the State Stores Fund, any payments
25 required to be made on account of any parole agent, enforcement
26 officer or investigator employed by the Pennsylvania Board of
27 Probation and Parole shall be from moneys appropriated to the
28 Pennsylvania Board of Probation and Parole, any payments
29 required to be made on account of Capitol Police officers shall
30 be made from moneys appropriated to the Department of General

1 Services, any payments required to be made on account of any
2 correction [officer] employe shall be made from moneys
3 appropriated to the Department of Corrections, any payments
4 required to be made on account of any psychiatric security aides
5 shall be made from moneys appropriated to the Department of
6 Public Welfare or the Department of Corrections where
7 appropriate, and any payments required to be made on account of
8 any drug enforcement agent or special agents shall be made from
9 moneys appropriated to the Office of Attorney General.

10 (e) Any person receiving benefits under this act may not be
11 compelled to return to employment on a modified or light-duty
12 basis.

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