

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 243 Session of
2005

INTRODUCED BY PILEGGI, THOMPSON, ERICKSON, GREENLEAF, RHOADES,
RAFFERTY, MUSTO, GORDNER, WOZNIAK, COSTA, KITCHEN, BOSCOLA,
PUNT, KASUNIC, STOUT, MADIGAN, LAVALLE, STACK, WAUGH,
LEMOND, TARTAGLIONE, ORIE AND WONDERLING, FEBRUARY 11, 2005

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 11, 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 the payment of
25 the salary, medical and hospital expenses to sheriffs and
26 deputy sheriffs under certain circumstances.

27 The General Assembly of the Commonwealth of Pennsylvania

28 hereby enacts as follows:

29 Section 1. The title and section 1 of the act of June 28,

1 1935 (P.L.477, No.193), referred to as the Enforcement Officer
2 Disability Benefits Law, amended December 19, 1996 (P.L.1438,
3 No.183), are amended to read:

4 AN ACT

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

29 Section 1. (a) Be it enacted, &c., That any member of the
30 State Police Force, any enforcement officer or investigator

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

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

24 (b) In the case of the State Police Force, enforcement
25 officers and investigators employed by the Pennsylvania Liquor
26 Control Board and the parole agents, enforcement officers and
27 investigators of the Pennsylvania Board of Probation and Parole,
28 Capitol Police officers, correction officers employed by the
29 Department of Corrections, whose principal duty is the care,
30 custody and control of inmates, psychiatric security aides

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

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

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

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

9 Section 2. Section 2 of the act is amended to read:

10 Section 2. No absence from duty of any such policeman,
11 sheriff, deputy sheriff or fireman by reason of any such injury
12 shall in any manner be included in any period of sick leave,
13 allowed such policeman, sheriff, deputy sheriff or fireman by
14 law or by regulation of the police, sheriff's or fire department
15 by which he is employed.

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