

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1008 Session of
2005

INTRODUCED BY KASUNIC, TARTAGLIONE, O'PAKE, COSTA, LAVALLE,
MUSTO, STOUT, WOZNIAK, BOSCOLA, FONTANA, RAFFERTY, RHOADES
AND BROWNE, NOVEMBER 14, 2005

REFERRED TO LABOR AND INDUSTRY, NOVEMBER 14, 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 county correction officers; and making an editorial change.

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

28 Section 1. The title and section 1 of the act of June 28,
29 1935 (P.L.477, No.193), referred to as the Enforcement Officer

1 Disability Benefits Law, amended December 19, 1996 (P.L.1438,
2 No.183), are amended to read:

3 AN ACT

4 Providing for the payment of the salary, medical and hospital
5 expenses of members of the State Police Force, of the
6 enforcement officers and investigators employed by the
7 Pennsylvania Liquor Control Board, and the parole agents,
8 enforcement officers and investigators of the Pennsylvania
9 Board of Probation and Parole, Capitol Police officers,
10 correction officers employed by the Department of Corrections
11 whose principal duty is the care, custody and control of
12 inmates, psychiatric security aides employed by the
13 Department of Public Welfare and the Department of
14 Corrections whose principal duty is the care, custody, and
15 control of the criminally insane, drug enforcement agents of
16 the Office of Attorney General whose principal duty is the
17 enforcement of the drug laws of the Commonwealth, special
18 agents of the Office of Attorney General whose principal duty
19 is the enforcement of the criminal laws of the Commonwealth,
20 members of the Delaware River Port Authority Police, any
21 correction officer employed by a county whose principal duty
22 is the care, custody and control of inmates of any county
23 correctional facility and of policemen, firemen and park
24 guards by the Commonwealth of Pennsylvania, the Delaware
25 River Port Authority, counties, cities, boroughs, towns and
26 townships, who are injured or contract certain diseases in
27 the performance of their duty; and providing that absence
28 during such injury shall not reduce any usual sick leave
29 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 employed by the Department of
6 Corrections, whose principal duty is the care, custody and
7 control of inmates, psychiatric security aides employed by the
8 Department of Public Welfare and the Department of Corrections,
9 whose principal duty is the care, custody, and control of the
10 criminally insane, drug enforcement agents of the Office of
11 Attorney General whose principal duty is the enforcement of the
12 drug laws of the Commonwealth, special agents of the Office of
13 Attorney General whose principal duty is the enforcement of the
14 criminal laws of the Commonwealth, any member of the Delaware
15 River Port Authority Police, any correction officer employed by
16 a county whose principal duty is the care, custody and control
17 of inmates of any county correctional facility or any policeman,
18 fireman or park guard of any county, city, borough, town or
19 township, who is injured in the performance of his duties
20 including, in the case of firemen, duty as special fire police,
21 and by reason thereof is temporarily incapacitated from
22 performing his duties, shall be paid by the Commonwealth of
23 Pennsylvania if a member of the State Police Force or an
24 enforcement officer or investigator employed by the Pennsylvania
25 Liquor Control Board or the parole agents, enforcement officers
26 and investigators of the Pennsylvania Board of Probation and
27 Parole, Capitol Police officers, correction officers employed by
28 the Department of Corrections, whose principal duty is the care,
29 custody and control of inmates, psychiatric security aides
30 employed by the Department of Public Welfare and the Department

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

27 (b) In the case of the State Police Force, enforcement
28 officers and investigators employed by the Pennsylvania Liquor
29 Control Board and the parole agents, enforcement officers and
30 investigators of the Pennsylvania Board of Probation and Parole,

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

1 enforcement agents of the Office of Attorney General whose
2 principal duty is the enforcement of the drug laws of the
3 Commonwealth, special agents of the Office of Attorney General
4 whose principal duty is the enforcement of the criminal laws of
5 the Commonwealth, member of the Delaware River Port Authority
6 Police, correction officer employed by a county, or policeman or
7 fireman, shall be compensable in accordance with the terms
8 hereof; and unless any such disability shall be compensable
9 under the compensation laws as having been caused by accidental
10 injury, such disability shall be compensable as occupational
11 disease disabilities are presently compensable under the
12 compensation laws of this Commonwealth. It shall be presumed
13 that tuberculosis of the respiratory system contracted or
14 incurred after four consecutive years of service was contracted
15 or incurred as a direct result of employment.

16 (c) In the case of any person receiving benefits pursuant to
17 this act, the statutes of limitations set forth in sections
18 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
19 No.338), known as ["The Pennsylvania Workmen's Compensation
20 Act,"] the "Workers' Compensation Act," shall not begin to run
21 until the expiration of the receipt of benefits pursuant to this
22 act.

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

1 officer or investigator employed by the Pennsylvania Board of
2 Probation and Parole shall be from moneys appropriated to the
3 Pennsylvania Board of Probation and Parole, any payments
4 required to be made on account of Capitol Police officers shall
5 be made from moneys appropriated to the Department of General
6 Services, any payments required to be made on account of any
7 State correction officer shall be made from moneys appropriated
8 to the Department of Corrections, any payments required to be
9 made on account of any psychiatric security aides shall be made
10 from moneys appropriated to the Department of Public Welfare or
11 the Department of Corrections where appropriate, and any
12 payments required to be made on account of any drug enforcement
13 agent or special agents shall be made from moneys appropriated
14 to the Office of Attorney General.

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