

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2148 Session of  
2015

INTRODUCED BY FARRY, O'BRIEN, WHITE, BARRAR, TAYLOR, ROZZI,  
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SCHWEYER, MARSHALL, W. KELLER, DEAN AND GIBBONS, JUNE 9, 2016

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, JUNE 9, 2016

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 employes 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, and sheriffs and  
22 deputy sheriffs who are injured or contract certain diseases  
23 in the performance of their duty; and providing that absence  
24 during such injury shall not reduce any usual sick leave  
25 period," amending the title of the act; and providing for  
26 eligibility of firemen of airport authorities, firemen  
27 employed by the Commonwealth and emergency medical services  
28 personnel of cities.

29 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The title and sections 1 and 2 of the act of June  
3 28, 1935 (P.L.477, No.193), referred to as the Enforcement  
4 Officer Disability Benefits Law, amended July 7, 2006 (P.L.614,  
5 No.95), are amended to read:

6 AN ACT

7 Providing for the payment of the salary, medical and hospital  
8 expenses of members of the State Police Force, of the  
9 enforcement officers and investigators employed by the  
10 Pennsylvania Liquor Control Board, and the parole agents,  
11 enforcement officers and investigators of the Pennsylvania  
12 Board of Probation and Parole, Capitol Police officers,  
13 correction employes employed by the Department of Corrections  
14 whose principal duty is the care, custody and control of  
15 inmates, psychiatric security aides employed by the  
16 Department of Public Welfare and the Department of  
17 Corrections whose principal duty is the care, custody, and  
18 control of the criminally insane, drug enforcement agents of  
19 the Office of Attorney General whose principal duty is the  
20 enforcement of the drug laws of the Commonwealth, special  
21 agents of the Office of Attorney General whose principal duty  
22 is the enforcement of the criminal laws of the Commonwealth,  
23 members of the Delaware River Port Authority Police and of  
24 policemen, firemen and park guards by the Commonwealth of  
25 Pennsylvania, firemen of airport authorities, including fire  
26 suppression instructors, firemen who are fire and safety  
27 marshals, fire academy instructors and assistant fire  
28 marshals, employed by the Commonwealth, emergency medical  
29 services personnel employed within a city fire department,  
30 forest patrolmen and forest technicians, the Delaware River

1 Port Authority, counties, cities, boroughs, towns and  
2 townships, and sheriffs and deputy sheriffs who are injured  
3 or contract certain diseases in the performance of their  
4 duty; and providing that absence during such injury shall not  
5 reduce any usual sick leave period.

6 Section 1. (a) Be it enacted, &c., That any member of the  
7 State Police Force, any enforcement officer or investigator  
8 employed by the Pennsylvania Liquor Control Board, and the  
9 parole agents, enforcement officers and investigators of the  
10 Pennsylvania Board of Probation and Parole, Capitol Police  
11 officers, correction employes employed by the Department of  
12 Corrections, whose principal duty is the care, custody and  
13 control of inmates, psychiatric security aides employed by the  
14 Department of Public Welfare and the Department of Corrections,  
15 whose principal duty is the care, custody, and control of the  
16 criminally insane, drug enforcement agents of the Office of  
17 Attorney General whose principal duty is the enforcement of the  
18 drug laws of the Commonwealth, special agents of the Office of  
19 Attorney General whose principal duty is the enforcement of the  
20 criminal laws of the Commonwealth, any member of the Delaware  
21 River Port Authority Police, any policeman, fireman or park  
22 guard of any county, city, borough, town or township, firemen of  
23 airport authorities, including fire suppression instructors,  
24 firemen who are fire and safety marshals, fire academy  
25 instructors and assistant fire marshals, employed by the  
26 Commonwealth, emergency medical services personnel employed  
27 within a city fire department, forest patrolmen and forest  
28 technicians, or any sheriff or deputy sheriff who is injured in  
29 the performance of his duties including, in the case of firemen,  
30 duty as special fire police, and by reason thereof is

1 temporarily incapacitated from performing his duties, shall be  
2 paid by the Commonwealth of Pennsylvania if a member of the  
3 State Police Force or an enforcement officer or investigator  
4 employed by the Pennsylvania Liquor Control Board or the parole  
5 agents, enforcement officers and investigators of the  
6 Pennsylvania Board of Probation and Parole, Capitol Police  
7 officers, correction employes employed by the Department of  
8 Corrections, whose principal duty is the care, custody and  
9 control of inmates, psychiatric security aides employed by the  
10 Department of Public Welfare and the Department of Corrections,  
11 whose principal duty is the care, custody, and control of the  
12 criminally insane, drug enforcement agents of the Office of  
13 Attorney General whose principal duty is the enforcement of the  
14 drug laws of the Commonwealth, special agents of the Office of  
15 Attorney General whose principal duty is the enforcement of the  
16 criminal laws of the Commonwealth, or by the Delaware River Port  
17 Authority if a member of the Delaware River Port Authority  
18 Police or by the county, township or municipality, by which he  
19 is employed, or firemen of airport authorities, including fire  
20 suppression instructors, firemen who are fire and safety  
21 marshals, fire academy instructors and assistant fire marshals,  
22 employed by the Commonwealth, emergency medical services  
23 personnel employed within a city fire department, forest  
24 patrolmen and forest technicians, his full rate of salary, as  
25 fixed by ordinance or resolution, until the disability arising  
26 therefrom has ceased. All medical and hospital bills, incurred  
27 in connection with any such injury, shall be paid by the  
28 Commonwealth of Pennsylvania or by the Delaware River Port  
29 Authority or by such county, city, township or municipality.  
30 During the time salary for temporary incapacity shall be paid by

1 the Commonwealth of Pennsylvania or by the Delaware River Port  
2 Authority or by the county, city, borough, town or township, any  
3 workmen's compensation, received or collected by any such  
4 employe for such period, shall be turned over to the  
5 Commonwealth of Pennsylvania or to the Delaware River Port  
6 Authority or to such county, city, borough, town or township,  
7 and paid into the treasury thereof, and if such payment shall  
8 not be so made by the employe the amount so due the Commonwealth  
9 of Pennsylvania, the Delaware River Port Authority or the  
10 county, city, borough, town or township shall be deducted from  
11 any salary then or thereafter becoming due and owing.

12 (b) In the case of the State Police Force, enforcement  
13 officers and investigators employed by the Pennsylvania Liquor  
14 Control Board and the parole agents, enforcement officers and  
15 investigators of the Pennsylvania Board of Probation and Parole,  
16 Capitol Police officers, correction employes employed by the  
17 Department of Corrections, whose principal duty is the care,  
18 custody and control of inmates, psychiatric security aides  
19 employed by the Department of Public Welfare and the Department  
20 of Corrections whose principal duty is the care, custody, and  
21 control of the criminally insane, drug enforcement agents of the  
22 Office of Attorney General whose principal duty is the  
23 enforcement of the drug laws of the Commonwealth, special agents  
24 of the Office of Attorney General whose principal duty is the  
25 enforcement of the criminal laws of the Commonwealth, members of  
26 the Delaware River Port Authority Police, salaried policemen  
27 [and], firemen, fire department emergency medical services  
28 personnel, forest patrolmen, forest technicians, fire and safety  
29 marshals, State fire academy instructors, State assistant fire  
30 marshals, and sheriffs and deputy sheriffs who have served for

1 four consecutive years or longer, diseases of the heart and  
2 tuberculosis of the respiratory system, contracted or incurred  
3 by any of them after four years of continuous service as such,  
4 and caused by extreme overexertion in times of stress or danger  
5 or by exposure to heat, smoke, fumes or gases, arising directly  
6 out of the employment of any such member of the State Police  
7 Force, enforcement officer, investigator employed by the  
8 Pennsylvania Liquor Control Board, guard or enforcement officer  
9 employed by the Department of Corrections or parole agent,  
10 enforcement officer or investigator of the Pennsylvania Board of  
11 Probation and Parole, Capitol Police officers, correction  
12 employes employed by the Department of Corrections whose  
13 principal duty is the care, custody and control of inmates,  
14 psychiatric security aides employed by the Department of Public  
15 Welfare and the Department of Corrections whose principal duty  
16 is the care, custody, and control of the criminally insane, drug  
17 enforcement agents of the Office of Attorney General whose  
18 principal duty is the enforcement of the drug laws of the  
19 Commonwealth, special agents of the Office of Attorney General  
20 whose principal duty is the enforcement of the criminal laws of  
21 the Commonwealth, member of the Delaware River Port Authority  
22 Police, policeman or fireman, or firemen of airport authorities,  
23 including fire suppression instructors, firemen who are fire and  
24 safety marshals, fire academy instructors and assistant fire  
25 marshals, employed by the Commonwealth, emergency medical  
26 services personnel employed within a city fire department,  
27 forest patrolmen and forest technicians, or sheriff or deputy  
28 sheriff shall be compensable in accordance with the terms  
29 hereof; and unless any such disability shall be compensable  
30 under the compensation laws as having been caused by accidental

1 injury, such disability shall be compensable as occupational  
2 disease disabilities are presently compensable under the  
3 compensation laws of this Commonwealth. It shall be presumed  
4 that tuberculosis of the respiratory system contracted or  
5 incurred after four consecutive years of service was contracted  
6 or incurred as a direct result of employment.

7 (c) In the case of any person receiving benefits pursuant to  
8 this act, the statutes of limitations set forth in sections  
9 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,  
10 No.338), known as the "Workers' Compensation Act," shall not  
11 begin to run until the expiration of the receipt of benefits  
12 pursuant to this act.

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

1 Department of Corrections where appropriate, and any payments  
2 required to be made on account of any drug enforcement agent or  
3 special agents shall be made from moneys appropriated to the  
4 Office of Attorney General and any payments required to be made  
5 on account of any firemen employed by the Commonwealth shall be  
6 made from moneys appropriated to the Office of the State Fire  
7 Commissioner.

8 Section 2. No absence from duty of any such policeman,  
9 sheriff, deputy sheriff [or], fireman, fire department emergency  
10 medical services personnel, forest patrolmen, forest  
11 technicians, State fire and safety marshals, State fire academy  
12 instructors or State assistant fire marshals by reason of any  
13 such injury shall in any manner be included in any period of  
14 sick leave, allowed such policeman, sheriff, deputy sheriff  
15 [or], fireman, fire department emergency medical services  
16 personnel, forest patrolmen, forest technicians, State fire and  
17 safety marshals, State fire academy instructors or State  
18 assistant fire marshals, by law or by regulation of the police,  
19 sheriff's [or], fire department, airport authority or city by  
20 which he is employed.

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