

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2148 Session of 2015

INTRODUCED BY FARRY, O'BRIEN, WHITE, BARRAR, TAYLOR, ROZZI, D. COSTA, DRISCOLL, WATSON, SCHLOSSBERG, BOYLE, BULLOCK, GODSHALL, DIGIROLAMO, BIZZARRO, KINSEY, MAHONEY, LAWRENCE, KORTZ, NEILSON, A. HARRIS, MATZIE, DAVIS, DONATUCCI, SCHWEYER, MARSHALL, W. KELLER, DEAN, GIBBONS, GAINNEY AND D. MILLER, JUNE 9, 2016

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 30, 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.

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

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

7 AN ACT

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

1 ~~within a city fire department, forest patrolmen and forest~~  
2 ~~technicians,~~ the Delaware River Port Authority, counties,  
3 cities, boroughs, towns and townships, and sheriffs and  
4 deputy sheriffs who are injured or contract certain diseases  
5 in the performance of their duty; and providing that absence  
6 during such injury shall not reduce any usual sick leave  
7 period.

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

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

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

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

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

1 ~~patrolmen and forest technicians, FIREMEN EMPLOYED BY THE~~  
 2 COMMONWEALTH or sheriff or deputy sheriff shall be compensable  
 3 in accordance with the terms hereof; and unless any such  
 4 disability shall be compensable under the compensation laws as  
 5 having been caused by accidental injury, such disability shall  
 6 be compensable as occupational disease disabilities are  
 7 presently compensable under the compensation laws of this  
 8 Commonwealth. It shall be presumed that tuberculosis of the  
 9 respiratory system contracted or incurred after four consecutive  
 10 years of service was contracted or incurred as a direct result  
 11 of employment.

12 (c) In the case of any person receiving benefits pursuant to  
 13 this act, the statutes of limitations set forth in sections  
 14 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,  
 15 No.338), known as the "Workers' Compensation Act," shall not  
 16 begin to run until the expiration of the receipt of benefits  
 17 pursuant to this 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 employe shall be made from moneys appropriated to the  
3 Department of Corrections, any payments required to be made on  
4 account of any psychiatric security aides shall be made from  
5 moneys appropriated to the Department of Public Welfare or the  
6 Department of Corrections where appropriate, and any payments  
7 required to be made on account of any drug enforcement agent or  
8 special agents shall be made from moneys appropriated to the  
9 Office of Attorney General and any payments required to be made  
10 on account of any firemen FIREMAN employed by the Commonwealth <--  
11 shall be made from moneys appropriated to the Office of the <--  
12 State Fire Commissioner BY THE GENERAL ASSEMBLY. <--

13 Section 2. No absence from duty of any such policeman,  
14 sheriff, deputy sheriff [or], fireman, fire department emergency <--  
15 medical services personnel, forest patrolmen, forest  
16 technicians, State fire and safety marshals, State fire academy  
17 instructors or State assistant fire marshals OR FIREMEN EMPLOYED <--  
18 BY THE COMMONWEALTH by reason of any such injury shall in any  
19 manner be included in any period of sick leave, allowed such  
20 policeman, sheriff, deputy sheriff [or], fireman, fire <--  
21 department emergency medical services personnel, forest  
22 patrolmen, forest technicians, State fire and safety marshals,  
23 State fire academy instructors or State assistant fire marshals,  
24 OR FIREMEN EMPLOYED BY THE COMMONWEALTH by law or by regulation <--  
25 of the police, sheriff's [or], fire department, airport  
26 authority or city by which he is employed.

27 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

28 SECTION 2.1. FOR THE PURPOSES OF THIS ACT, THE TERM  
29 "FIREMAN" SHALL MEAN AND INCLUDE THE FOLLOWING:

30 (1) PAID FIREMEN NOT EMPLOYED BY THE COMMONWEALTH.



1       (2) EMERGENCY MEDICAL SERVICES PERSONNEL EMPLOYED WITHIN A  
2 CITY FIRE DEPARTMENT.

3       (3) FIREMEN OF AIRPORT AUTHORITIES, INCLUDING FIRE  
4 SUPPRESSION INSTRUCTORS.

5       (4) FIRE AND SAFETY MARSHALS WHO ARE FIREMEN EMPLOYED BY THE  
6 COMMONWEALTH.

7       (5) FIRE ACADEMY INSTRUCTORS EMPLOYED AT THE STATE FIRE  
8 ACADEMY.

9       (6) ASSISTANT FIRE MARSHALS EMPLOYED BY THE COMMONWEALTH.

10       (7) FOREST PATROLMEN AND FOREST TECHNICIANS EMPLOYED BY THE  
11 COMMONWEALTH.

12       Section 2 3. This act shall take effect in 60 days.

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