

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 998 Session of 2017

INTRODUCED BY GROVE, MILLARD, B. MILLER, MOUL, ZIMMERMAN, WARD, COX, RYAN AND GILLEN, MARCH 28, 2017

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 14, 2017

AN ACT

1 Amending the act of December 8, 1959 (P.L.1718, No.632),
2 entitled, ~~as amended,~~ "An act providing for the payment of <--
3 the salary, medical and hospital expenses of employes of
4 State penal and correctional institutions, State mental
5 hospitals, Youth Development Centers, County Boards of
6 Assistance, and under certain conditions other employes of
7 the Department of Public Welfare, who are injured in the
8 performance of their duties; and providing benefit to their
9 widows and dependents in certain cases," FURTHER providing <--
10 for a limitation on salary payments to employees.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 1 of the act of December 8, 1959
14 (P.L.1718, No.632), entitled, ~~as amended,~~ "An act providing for <--
15 the payment of the salary, medical and hospital expenses of
16 employes of State penal and correctional institutions, State
17 mental hospitals, Youth Development Centers, County Boards of
18 Assistance, and under certain conditions other employes of the
19 Department of Public Welfare, who are injured in the performance
20 of their duties; and providing benefit to their widows and
21 dependents in certain cases," is amended to read:

1 Section 1. [Any] PRIOR TO JULY 1, 2017, ANY employe of a <--
2 State penal or correctional institution under the [Bureau of <--
3 Correction of the Department of Justice] ~~Department of~~ <--
4 Corrections and any employe of a State mental hospital or Youth
5 Development Center under the Department of [Public Welfare]
6 Human Services, who is injured during the course of [his] <--
7 employment by an act of any inmate or any person confined in
8 such institution or by any person who has been committed to such
9 institution by any court of the Commonwealth of Pennsylvania or
10 by any provision of the ["Mental Health Act"] ACT OF JULY 9, <--
11 1976 (P.L.817, NO.143), KNOWN AS THE MENTAL HEALTH PROCEDURES
12 ACT, and any employe of County Boards of Assistance injured by
13 act of an applicant for or recipient of public assistance and
14 any employe of the Department of [Public Welfare] Human Services
15 who has been assigned to or who has volunteered to join the fire
16 fighting force of any institution of the Department of [Public
17 Welfare] Human Services injured while carrying out fire fighting
18 duties, shall be paid, by the Commonwealth of Pennsylvania,
19 [his] THE EMPLOYE'S full salary[,] ~~for no more than three years~~ <--
20 ~~from the date of the injury, or~~ until the disability arising
21 therefrom no longer prevents [his] THE EMPLOYE'S return as an <--
22 employe of such department, board or institution at a salary
23 equal to that earned by [him] THE EMPLOYE at the time of [his] <--
24 injury, ~~whichever is sooner.~~ <--

25 BEGINNING JULY 1, 2017, ANY EMPLOYE OF A STATE PENAL OR <--
26 CORRECTIONAL INSTITUTION UNDER THE DEPARTMENT OF CORRECTIONS AND
27 ANY EMPLOYE OF A STATE MENTAL HOSPITAL OR YOUTH DEVELOPMENT
28 CENTER UNDER THE DEPARTMENT OF HUMAN SERVICES, WHO IS INJURED
29 DURING THE COURSE OF HIS EMPLOYMENT BY AN ACT OF ANY INMATE OR
30 ANY PERSON CONFINED IN SUCH INSTITUTION OR BY ANY PERSON WHO HAS

1 BEEN COMMITTED TO SUCH INSTITUTION BY ANY COURT OF THE
2 COMMONWEALTH OF PENNSYLVANIA OR BY ANY PROVISION OF THE "MENTAL
3 HEALTH ACT" AND ANY EMPLOYE OF COUNTY BOARDS OF ASSISTANCE
4 INJURED BY ACT OF AN APPLICANT FOR OR RECIPIENT OF PUBLIC
5 ASSISTANCE AND ANY EMPLOYE OF THE DEPARTMENT OF HUMAN SERVICES
6 WHO HAS BEEN ASSIGNED TO OR WHO HAS VOLUNTEERED TO JOIN THE FIRE
7 FIGHTING FORCE OF ANY INSTITUTION OF THE DEPARTMENT OF HUMAN
8 SERVICES INJURED WHILE CARRYING OUT FIRE FIGHTING DUTIES, SHALL
9 BE PAID, BY THE COMMONWEALTH OF PENNSYLVANIA, HIS FULL SALARY
10 FOR NO MORE THAN THREE YEARS FROM THE DATE OF THE INJURY, OR
11 UNTIL THE DISABILITY ARISING THEREFROM NO LONGER PREVENTS HIS
12 RETURN AS AN EMPLOYE OF SUCH DEPARTMENT, BOARD OR INSTITUTION AT
13 A SALARY EQUAL TO THAT EARNED BY HIM AT THE TIME OF HIS INJURY,
14 WHICHEVER IS SOONER.

15 All medical and hospital expenses incurred in connection with
16 any such injury shall be paid by the Commonwealth of
17 Pennsylvania FOR NO MORE THAN THREE YEARS FROM THE DATE OF THE <--
18 INJURY, OR until the disability arising from such injury no
19 longer prevents [his] THE EMPLOYE'S return as an employe of such <--
20 department, board or institution at a salary equal to that
21 earned by [him] THE EMPLOYE at the time of [his] injury, <--
22 WHICHEVER IS SOONER.

23 During the time salary for such disability shall be paid by
24 the Commonwealth of Pennsylvania any workmen's compensation
25 received or collected for such period shall be turned over to
26 the Commonwealth and paid into the General Fund, and if such
27 payment shall not be so made, the amount so due the Commonwealth
28 shall be deducted from any salary then or thereafter becoming
29 due and owing.

30 The [widow] SURVIVING SPOUSE and minor dependents of any <--

1 employe who dies within one year as a result of such injuries
2 shall be paid benefits equal to fifty per cent of the full
3 salary of the deceased employe.

4 When a [widow] SURVIVING SPOUSE and minor dependents not in <--
5 [her] THE SURVIVING SPOUSE'S custody are entitled to payments, <--
6 one-half of such payments shall be paid to the [widow] SURVIVING <--
7 SPOUSE and one-half to the dependents. In every case the amount
8 payable to minor dependents shall be divided equally among them
9 and be paid to the persons or institutions having custody of
10 them.

11 In the case of a [widow] SURVIVING SPOUSE or a [widow] <--
12 SURVIVING SPOUSE with minor dependents in [her] THE SURVIVING <--
13 SPOUSE'S custody, such benefits shall terminate when such
14 [widow] SURVIVING SPOUSE remarries. In the case of minor <--
15 dependents, except when in the custody of a remarried [widow] <--
16 SURVIVING SPOUSE, such benefits shall terminate when all of the
17 minor dependents become eighteen years of age. Neither a [widow] <--
18 SURVIVING SPOUSE nor minor dependents shall receive any benefits
19 under this act while receiving benefits under the [Federal] <--
20 Social Security [Law] ACT (49 STAT. 620, 42 U.S.C. § 301 ET <--
21 SEQ.). The benefits provided by this act shall be reduced by the
22 amount of any workmen's compensation benefits received or
23 collected by any such [widow] SURVIVING SPOUSE or minor <--
24 dependents because of the same injury. Payments for the benefit
25 of minor dependents shall be made to the person having legal
26 custody of them.

27 Section 2. This act shall take effect immediately.