

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2221 Session of
2015

INTRODUCED BY MURT, BULLOCK, DRISCOLL, GIBBONS, ROZZI AND VEREB,
JUNE 28, 2016

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 28, 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," further providing for disability benefits.

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

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

1 Benefits Law, amended March 15, 2006 (P.L.55, No.20) and July 7,
2 2006 (P.L.614, No.95), is amended to read:

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

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

30 (b) In the case of the State Police Force, enforcement

1 officers and investigators employed by the Pennsylvania Liquor
2 Control Board and the parole agents, enforcement officers and
3 investigators of the Pennsylvania Board of Probation and Parole,
4 Capitol Police officers, any member of the Temple University
5 police, correction employes 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, members of the Delaware River
15 Port Authority Police, salaried policemen and firemen, and
16 sheriffs and deputy sheriffs who have served for four
17 consecutive years or longer, diseases of the heart and
18 tuberculosis of the respiratory system, contracted or incurred
19 by any of them after four years of continuous service as such,
20 and caused by extreme overexertion in times of stress or danger
21 or by exposure to heat, smoke, fumes or gases, arising directly
22 out of the employment of any such member of the State Police
23 Force, enforcement officer, investigator employed by the
24 Pennsylvania Liquor Control Board, guard or enforcement officer
25 employed by the Department of Corrections or parole agent,
26 enforcement officer or investigator of the Pennsylvania Board of
27 Probation and Parole, Capitol Police officers, any member of the
28 Temple University police, correction employes 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, member of
8 the Delaware River Port Authority Police, policeman or fireman,
9 or sheriff or deputy sheriff shall be compensable in accordance
10 with the terms hereof; and unless any such disability shall be
11 compensable under the compensation laws as having been caused by
12 accidental injury, such disability shall be compensable as
13 occupational disease disabilities are presently compensable
14 under the compensation laws of this Commonwealth. It shall be
15 presumed that tuberculosis of the respiratory system contracted
16 or incurred after four consecutive years of service was
17 contracted or incurred as a direct result of employment.

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

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

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

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