

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 439 Session of 2019

INTRODUCED BY REGAN, BAKER, BARTOLOTTA, BLAKE, BREWSTER, COSTA, DINNIMAN, FONTANA, KILLION, MENSCH, STEFANO, TARTAGLIONE, K. WARD AND YUDICHAK, MARCH 13, 2019

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, MARCH 13, 2019

AN ACT

1 Amending the act of June 28, 1935 (P.L.477, No.193), entitled
 2 "An act providing for the payment of the salary, medical and
 3 hospital expenses of certain employes of State and local
 4 government who are injured or contract certain diseases in
 5 the performance of their duty; and providing that absence
 6 during such injury shall not reduce any usual sick leave
 7 period," further providing for disability benefits and for
 8 definitions.

9 The General Assembly of the Commonwealth of Pennsylvania
 10 hereby enacts as follows:

11 Section 1. Sections 1 and 2.1 of the act of June 28, 1935
 12 (P.L.477, No.193), referred to as the Enforcement Officer
 13 Disability Benefits Law, are amended to read:

14 Section 1. (a) Be it enacted, &c., That:

15 (1) any member of the State Police Force;

16 (2) any enforcement officer or investigator employed by the
 17 Pennsylvania Liquor Control Board;

18 (3) the parole agents, enforcement officers and
 19 investigators of the Pennsylvania Board of Probation and Parole;

20 (4) Capitol Police officers;

1 (4.1) campus police officers employed by a participating
2 university;

3 (5) correction employes employed by the Department of
4 Corrections, whose principal duty is the care, custody and
5 control of inmates;

6 (5.1) commissioned police officers employed by the
7 Department of Corrections, Bureau of Investigations and
8 Intelligence;

9 (6) psychiatric security aides employed by the Department of
10 Human Services and the Department of Corrections, whose
11 principal duty is the care, custody, and control of the
12 criminally insane;

13 (7) drug enforcement agents of the Office of Attorney
14 General whose principal duty is the enforcement of the drug laws
15 of the Commonwealth;

16 (8) special agents of the Office of Attorney General whose
17 principal duty is the enforcement of the criminal laws of the
18 Commonwealth;

19 (9) any member of the Delaware River Port Authority Police;

20 (10) any policeman, fireman or park guard of any county,
21 city, borough, town or township;

22 (10.1) firemen employed by the Commonwealth;

23 (11) any sheriff or deputy sheriff; [or]

24 (12) any enforcement officer or investigator of the
25 Pennsylvania Game Commission or the Pennsylvania Fish and Boat
26 Commission;

27 (13) DCNR Rangers, DCNR Ranger Supervisors, DCNR Ranger
28 Operations Specialists and DCNR Ranger Trainees employed by the
29 Department of Conservation and Natural Resources;

30 (14) members of the Fort Indiantown Gap Police;

1 (15) investigative staff of the Office of Inspector General;
2 (16) members of the Allegheny County Port Authority Police;
3 (17) members of the Allegheny County Housing Authority
4 Police; or
5 (18) corrections officers or jail guards employed by a
6 participating county and whose principal duty is the care,
7 custody and control of inmates;
8 who is injured in the performance of his duties including, in
9 the case of firemen, duty as special fire police, and by reason
10 thereof is temporarily incapacitated from performing his duties,
11 shall be paid by the Commonwealth of Pennsylvania if an employe
12 identified under paragraph (1), (2), (3), (4), (4.1), (5),
13 (5.1), (6), (7), (8) [or], (12), (13), (14) or (15) or by the
14 Delaware River Port Authority if a member of the Delaware River
15 Port Authority Police or by the participating university if a
16 campus police officer or by the Allegheny County Port Authority
17 if a member of the Allegheny County Port Authority Police or by
18 the Allegheny County Housing Authority if a member of the
19 Allegheny County Housing Authority Police or by the county,
20 city, township or municipality, by which he is employed, his
21 full rate of salary, as fixed by ordinance or resolution, until
22 the disability arising therefrom has ceased. All medical and
23 hospital bills, incurred in connection with any such injury,
24 shall be paid by the Commonwealth of Pennsylvania or by the
25 Delaware River Port Authority or by the participating university
26 or by the Allegheny County Port Authority or by the Allegheny
27 County Housing Authority or by such county, township or
28 municipality. During the time salary for temporary incapacity
29 shall be paid by the Commonwealth of Pennsylvania or by the
30 Delaware River Port Authority or by the participating university

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

16 (b) In the case of:

17 (1) the State Police Force;

18 (2) enforcement officers and investigators employed by the
19 Pennsylvania Liquor Control Board;

20 (3) the parole agents, enforcement officers and
21 investigators of the Pennsylvania Board of Probation and Parole;

22 (4) Capitol Police officers;

23 (4.1) campus police officers employed by a participating
24 university;

25 (5) correction employes employed by the Department of
26 Corrections, whose principal duty is the care, custody and
27 control of inmates;

28 (5.1) commissioned police officers employed by the
29 Department of Corrections, Bureau of Investigations and
30 Intelligence;

1 (6) psychiatric security aides employed by the Department of
2 Human Services and the Department of Corrections whose principal
3 duty is the care, custody, and control of the criminally insane;

4 (7) drug enforcement agents of the Office of Attorney
5 General whose principal duty is the enforcement of the drug laws
6 of the Commonwealth;

7 (8) special agents of the Office of Attorney General whose
8 principal duty is the enforcement of the criminal laws of the
9 Commonwealth;

10 (9) members of the Delaware River Port Authority Police;

11 (10) salaried policemen and firemen;

12 (10.1) firemen employed by the Commonwealth;

13 (11) sheriffs and deputy sheriffs; [and]

14 (12) enforcement officers and investigators of the
15 Pennsylvania Game Commission and the Pennsylvania Fish and Boat
16 Commission;

17 (13) DCNR Rangers, DCNR Ranger Supervisors, DCNR Ranger
18 Operations Specialists and DCNR Ranger Trainees employed by the
19 Department of Conservation and Natural Resources;

20 (14) members of the Fort Indiantown Gap Police;

21 (15) investigative staff of the Office of Inspector General;

22 (16) members of the Allegheny County Port Authority Police;

23 (17) members of the Allegheny County Housing Authority
24 Police; and

25 (18) corrections officers or jail guards employed by a
26 participating county and whose principal duty is the care,
27 custody and control of inmates;

28 who have served for four consecutive years or longer, diseases
29 of the heart and tuberculosis of the respiratory system,
30 contracted or incurred by any of them after four years of

1 continuous service as such, and caused by extreme overexertion
2 in times of stress or danger or by exposure to heat, smoke,
3 fumes or gases, arising directly out of the employment shall be
4 compensable in accordance with the terms hereof; and unless any
5 such disability shall be compensable under the compensation laws
6 as having been caused by accidental injury, such disability
7 shall be compensable as occupational disease disabilities are
8 presently compensable under the compensation laws of this
9 Commonwealth. It shall be presumed that tuberculosis of the
10 respiratory system contracted or incurred after four consecutive
11 years of service was contracted or incurred as a direct result
12 of employment.

13 (c) In the case of any person receiving benefits pursuant to
14 this act, the statutes of limitations set forth in sections
15 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
16 No.338), known as the "Workers' Compensation Act," shall not
17 begin to run until the expiration of the receipt of benefits
18 pursuant to this act.

19 (d) (1) All payments herein required to be made by the
20 Commonwealth of Pennsylvania on account of any member of the
21 State Police Force shall be made from moneys appropriated to the
22 Pennsylvania State Police.

23 (2) Any payments required to be made on account of any
24 enforcement officer or investigator employed by the Pennsylvania
25 Liquor Control Board shall be made from appropriations out of
26 the State Stores Fund.

27 (3) Any payments required to be made on account of any
28 parole agent, enforcement officer or investigator employed by
29 the Pennsylvania Board of Probation and Parole shall be made
30 from moneys appropriated to the Pennsylvania Board of Probation

1 and Parole.

2 (4) Any payments required to be made on account of Capitol
3 Police officers shall be made from moneys appropriated to the
4 Department of General Services.

5 (5) Any payments required to be made on account of any
6 correction employe or any commissioned police officer employed
7 by the Department of Corrections, Bureau of Investigations and
8 Intelligence, shall be made from moneys appropriated to the
9 Department of Corrections.

10 (6) Any payments required to be made on account of any
11 psychiatric security aides shall be made from moneys
12 appropriated to the Department of Human Services or the
13 Department of Corrections where appropriate.

14 (6.1) Any payments required to be made on account of any
15 campus police officers employed by a participating university
16 shall be made from moneys appropriated to the participating
17 university.

18 (6.2) Any payments required to be made on account of any
19 DCNR Rangers, DCNR Ranger Supervisors, DCNR Ranger Operations
20 Specialists and DCNR Ranger Trainees employed by the Department
21 of Conservation and Natural Resources shall be made from moneys
22 appropriated to the Department of Conservation and Natural
23 Resources.

24 (6.3) Any payments required to be made on account of any
25 members of the Fort Indiantown Gap Police Force employed by the
26 Department of Military and Veterans Affairs shall be made from
27 moneys appropriated to the Department of Military and Veterans
28 Affairs.

29 (6.4) Any payments required to be made on account of any
30 investigative staff of the Office of Inspector General shall be

1 made from moneys appropriated to the Office of Inspector
2 General.

3 (6.5) Any payments required to be made on account of any
4 members of the Allegheny County Port Authority Police shall be
5 made from any moneys appropriated to the Allegheny County Port
6 Authority.

7 (6.6) Any payments required to be made on account of any
8 members of the Allegheny County Housing Authority Police shall
9 be made from any moneys appropriated to the Allegheny County
10 Housing Authority.

11 (7) Any payments required to be made on account of any drug
12 enforcement agent or special agents shall be made from moneys
13 appropriated to the Office of Attorney General and any payments
14 required to be made on account of any fireman employed by the
15 Commonwealth shall be made from moneys appropriated to the
16 employing agency.

17 (8) Any payments required to be made on account of any
18 enforcement officers or investigators of the Pennsylvania Game
19 Commission shall be made from moneys appropriated to the
20 Pennsylvania Game Commission or executively authorized from the
21 Game Fund under 34 Pa.C.S. Ch. 5 Subch. B (relating to Game
22 Fund).

23 (9) Any payments required to be made on account of any
24 enforcement officers or investigators of the Pennsylvania Fish
25 and Boat Commission shall be made from moneys appropriated to
26 the Pennsylvania Fish and Boat Commission or executively
27 authorized from the Fish Fund under 30 Pa.C.S. Ch. 5 Subch. B
28 (relating to the Fish Fund) or the Boat Fund under 30 Pa.C.S.
29 Ch. 5 Subch. C (relating to the Boat Fund).

30 Section 2.1. For the purposes of this act, the [term

1 "fireman" shall mean and include the following:] following words
2 and phrases shall have the meanings given to them in this
3 section unless the context clearly indicates otherwise:

4 "Fireman." Any of the following:

5 (1) Paid firemen not employed by the Commonwealth.

6 (2) Emergency medical services personnel employed within a
7 city fire department.

8 (3) Firemen of airport authorities, including fire
9 suppression instructors.

10 (4) Fire and safety marshals who are firemen employed by the
11 Commonwealth.

12 (5) Fire academy instructors employed at the State Fire
13 Academy.

14 (6) Assistant fire marshals employed by the Commonwealth.

15 (7) Forest patrolmen and forest technicians employed by the
16 Commonwealth.

17 "Participating county." A county that elects to participate
18 in this act by submitting a notice to the Department of Labor
19 and Industry, which election shall be irrevocable after
20 participation in this act commences.

21 "Participating university." Any of the following that elects
22 to participate in this act by submitting a notice to the
23 Department of Labor and Industry, which election shall be
24 irrevocable after participation in this act commences:

25 (1) A State-owned university.

26 (2) A community college.

27 (3) A State-related college or university.

28 (4) A State-aided college or university.

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