

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 889 Session of 2017

INTRODUCED BY DINNIMAN, RAFFERTY AND COSTA, SEPTEMBER 26, 2017

REFERRED TO LABOR AND INDUSTRY, SEPTEMBER 26, 2017

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 certain employes of State  
 4 and local government who are injured or contract certain  
 5 diseases in the performance of their duty; and providing that  
 6 absence during such injury shall not reduce any usual sick  
 7 leave period," further providing for disability benefits.

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

10 Section 1. Section 1 of the act of June 28, 1935 (P.L.477,  
 11 No.193), referred to as the Enforcement Officer Disability  
 12 Benefits Law, amended October 26, 2016 (P.L.908, No.113) and  
 13 November 4, 2016 (P.L.1140, No.145), is 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;

21 (4.1) campus police officers employed by a State-owned

1 university, community college or State-related college or  
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 (6) psychiatric security aides employed by the Department of  
7 Human Services and the Department of Corrections, whose  
8 principal duty is the care, custody, and control of the  
9 criminally insane;

10 (7) drug enforcement agents of the Office of Attorney  
11 General whose principal duty is the enforcement of the drug laws  
12 of the Commonwealth;

13 (8) special agents of the Office of Attorney General whose  
14 principal duty is the enforcement of the criminal laws of the  
15 Commonwealth;

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

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

19 (10.1) firemen employed by the Commonwealth;

20 (11) any sheriff or deputy sheriff; or

21 (12) any enforcement officer or investigator of the  
22 Pennsylvania Game Commission or the Pennsylvania Fish and Boat  
23 Commission;

24 who is injured in the performance of his duties including, in  
25 the case of firemen, duty as special fire police, and by reason  
26 thereof is temporarily incapacitated from performing his duties,  
27 shall be paid by the Commonwealth of Pennsylvania if an employe  
28 identified under paragraph (1), (2), (3), (4), (4.1), (5), (6),  
29 (7), (8) or (12) or by the Delaware River Port Authority if a  
30 member of the Delaware River Port Authority Police or by the

1 county, city, township or municipality, by which he is employed,  
2 his full rate of salary, as fixed by ordinance or resolution,  
3 until the disability arising therefrom has ceased. All medical  
4 and hospital bills, incurred in connection with any such injury,  
5 shall be paid by the Commonwealth of Pennsylvania or by the  
6 Delaware River Port Authority or by such county, township or  
7 municipality. During the time salary for temporary incapacity  
8 shall be paid by the Commonwealth of Pennsylvania or by the  
9 Delaware River Port Authority or by the county, city, borough,  
10 town or township, any workmen's compensation, received or  
11 collected by any such employe for such period, shall be turned  
12 over to the Commonwealth of Pennsylvania or to the Delaware  
13 River Port Authority or to such county, city, borough, town or  
14 township, and paid into the treasury thereof, and if such  
15 payment shall not be so made by the employe the amount so due  
16 the Commonwealth of Pennsylvania, the Delaware River Port  
17 Authority or the county, city, borough, town or township shall  
18 be deducted from any salary then or thereafter becoming due and  
19 owing.

20 (b) In the case of:

21 (1) the State Police Force;

22 (2) enforcement officers and investigators employed by the  
23 Pennsylvania Liquor Control Board;

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

26 (4) Capitol Police officers;

27 (4.1) campus police officers employed by a State-owned  
28 university, community college or State-related college or  
29 university;

30 (5) correction employes employed by the Department of

1 Corrections, whose principal duty is the care, custody and  
2 control of inmates;

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

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

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

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

13 (10) salaried policemen and firemen;

14 (10.1) firemen employed by the Commonwealth;

15 (11) sheriffs and deputy sheriffs; and

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

19 who have served for four consecutive years or longer, diseases  
20 of the heart and tuberculosis of the respiratory system,

21 contracted or incurred by any of them after four years of  
22 continuous service as such, and caused by extreme overexertion

23 in times of stress or danger or by exposure to heat, smoke,

24 fumes or gases, arising directly out of the employment shall be

25 compensable in accordance with the terms hereof; and unless any

26 such disability shall be compensable under the compensation laws

27 as having been caused by accidental injury, such disability

28 shall be compensable as occupational disease disabilities are

29 presently compensable under the compensation laws of this

30 Commonwealth. It shall be presumed that tuberculosis of the

1 respiratory system contracted or incurred after four consecutive  
2 years of service was contracted or incurred as a direct result  
3 of employment.

4 (c) In the case of any person receiving benefits pursuant to  
5 this act, the statutes of limitations set forth in sections  
6 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,  
7 No.338), known as the "Workers' Compensation Act," shall not  
8 begin to run until the expiration of the receipt of benefits  
9 pursuant to this act.

10 (d) (1) All payments herein required to be made by the  
11 Commonwealth of Pennsylvania on account of any member of the  
12 State Police Force shall be made from moneys appropriated to the  
13 Pennsylvania State Police.

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

18 (3) Any payments required to be made on account of any  
19 parole agent, enforcement officer or investigator employed by  
20 the Pennsylvania Board of Probation and Parole shall be made  
21 from moneys appropriated to the Pennsylvania Board of Probation  
22 and Parole.

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

26 (5) 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.

29 (6) Any payments required to be made on account of any  
30 psychiatric security aides shall be made from moneys

1 appropriated to the Department of Human Services or the  
2 Department of Corrections where appropriate.

3 (6.1) Any payments required to be made on account of any  
4 campus police officers employed by a State-owned university,  
5 community college or State-related college or university shall  
6 be made from moneys provided by the State-owned university,  
7 community college or State-related college or university.

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

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

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

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