

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 889 Session of 2015

INTRODUCED BY BAKER, SCAVELLO, BLAKE, TEPLITZ, WILEY, BREWSTER, FONTANA, RAFFERTY, STEFANO, YUDICHAK, MENSCH, TARTAGLIONE, WARD, KITCHEN, HUTCHINSON, ALLOWAY AND BARTOLOTTA, JUNE 16, 2015

REFERRED TO LABOR AND INDUSTRY, JUNE 16, 2015

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," extending benefits to certain employees of the
 26 Pennsylvania Game Commission and the Pennsylvania Fish and
 27 Boat Commission; and making editorial changes.

28 The General Assembly of the Commonwealth of Pennsylvania

29 hereby enacts as follows:

1 Section 1. The title and section 1 of the act of June 28,
2 1935 (P.L.477, No.193), referred to as the Enforcement Officer
3 Disability Benefits Law, amended March 15, 2006 (P.L.55, No.20)
4 and July 7, 2006 (P.L.614, No.95), are amended to read:

5 AN ACT

6 Providing for the payment of the salary, medical and hospital
7 expenses of [members of the State Police Force, of the
8 enforcement officers and investigators employed by the
9 Pennsylvania Liquor Control Board, and the parole agents,
10 enforcement officers and investigators of the Pennsylvania
11 Board of Probation and Parole, Capitol Police officers,
12 correction employes employed by the Department of Corrections
13 whose principal duty is the care, custody and control of
14 inmates, psychiatric security aides employed by the
15 Department of Public Welfare and the Department of
16 Corrections whose principal duty is the care, custody, and
17 control of the criminally insane, drug enforcement agents of
18 the Office of Attorney General whose principal duty is the
19 enforcement of the drug laws of the Commonwealth, special
20 agents of the Office of Attorney General whose principal duty
21 is the enforcement of the criminal laws of the Commonwealth,
22 members of the Delaware River Port Authority Police and of
23 policemen, firemen and park guards by the Commonwealth of
24 Pennsylvania, the Delaware River Port Authority, counties,
25 cities, boroughs, towns and townships, and sheriffs and
26 deputy sheriffs] certain employes of State and local
27 government who are injured or contract certain diseases in
28 the performance of their duty; and providing that absence
29 during such injury shall not reduce any usual sick leave
30 period.

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

2 (1) any member of the State Police Force[,];

3 (2) any enforcement officer or investigator employed by the
4 Pennsylvania Liquor Control Board[, and];

5 (3) the parole agents, enforcement officers and
6 investigators of the Pennsylvania Board of Probation and
7 Parole[,];

8 (4) Capitol Police officers[,];

9 (5) correction employes employed by the Department of
10 Corrections, whose principal duty is the care, custody and
11 control of inmates[,];

12 (6) psychiatric security aides employed by the Department of
13 Public Welfare and the Department of Corrections, whose
14 principal duty is the care, custody, and control of the
15 criminally insane[,];

16 (7) drug enforcement agents of the Office of Attorney
17 General whose principal duty is the enforcement of the drug laws
18 of the Commonwealth[,];

19 (8) special agents of the Office of Attorney General whose
20 principal duty is the enforcement of the criminal laws of the
21 Commonwealth[,];

22 (9) any member of the Delaware River Port Authority
23 Police[,];

24 (10) any policeman, fireman or park guard of any county,
25 city, borough, town or township[, or];

26 (11) any sheriff or deputy sheriff; or

27 (12) any enforcement officer or investigator of the
28 Pennsylvania Game Commission or the Pennsylvania Fish and Boat
29 Commission

30 who is injured in the performance of his duties including, in

1 the case of firemen, duty as special fire police, and by reason
2 thereof is temporarily incapacitated from performing his duties,
3 shall be paid by the Commonwealth of Pennsylvania if [a member
4 of the State Police Force or an enforcement officer or
5 investigator employed by the Pennsylvania Liquor Control Board
6 or the parole agents, enforcement officers and investigators of
7 the 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 the
11 Department of Public Welfare and the Department of Corrections,
12 whose principal duty is the care, custody, and control of the
13 criminally insane, drug enforcement agents of the Office of
14 Attorney General whose principal duty is the enforcement of the
15 drug laws of the Commonwealth, special agents of the Office of
16 Attorney General whose principal duty is the enforcement of the
17 criminal laws of the Commonwealth,] an employe identified under
18 paragraph (1), (2), (3), (4), (5), (6), (7), (8) or (12) or by
19 the Delaware River Port Authority if a member of the Delaware
20 River Port Authority Police or by the county, township or
21 municipality, by which he is employed, his full rate of salary,
22 as fixed by ordinance or resolution, until the disability
23 arising therefrom has ceased. All medical and hospital bills,
24 incurred in connection with any such injury, shall be paid by
25 the Commonwealth of Pennsylvania or by the Delaware River Port
26 Authority or by such county, township or municipality. During
27 the time salary for temporary incapacity shall be paid by the
28 Commonwealth of Pennsylvania or by the Delaware River Port
29 Authority or by the county, city, borough, town or township, any
30 workmen's compensation, received or collected by any such

1 employe for such period, shall be turned over to the
2 Commonwealth of Pennsylvania or to the Delaware River Port
3 Authority or to such county, city, borough, town or township,
4 and paid into the treasury thereof, and if such payment shall
5 not be so made by the employe the amount so due the Commonwealth
6 of Pennsylvania, the Delaware River Port Authority or the
7 county, city, borough, town or township shall be deducted from
8 any salary then or thereafter becoming due and owing.

9 (b) In the case of:

10 (1) the State Police Force[,];

11 (2) enforcement officers and investigators employed by the
12 Pennsylvania Liquor Control Board [and];

13 (3) the parole agents, enforcement officers and
14 investigators of the Pennsylvania Board of Probation and
15 Parole[,];

16 (4) Capitol Police officers[,];

17 (5) correction employes employed by the Department of
18 Corrections, whose principal duty is the care, custody and
19 control of inmates[,];

20 (6) psychiatric security aides employed by the Department of
21 Public Welfare and the Department of Corrections whose principal
22 duty is the care, custody, and control of the criminally
23 insane[,];

24 (7) drug enforcement agents of the Office of Attorney
25 General whose principal duty is the enforcement of the drug laws
26 of the Commonwealth[,];

27 (8) special agents of the Office of Attorney General whose
28 principal duty is the enforcement of the criminal laws of the
29 Commonwealth[,];

30 (9) members of the Delaware River Port Authority Police[,];

1 (10) salaried policemen and firemen[, and];
2 (11) sheriffs and deputy sheriffs; and
3 (12) enforcement officers and investigators of the
4 Pennsylvania Game Commission and the Pennsylvania Fish and Boat
5 Commission
6 who have served for four consecutive years or longer, diseases
7 of the heart and tuberculosis of the respiratory system,
8 contracted or incurred by any of them after four years of
9 continuous service as such, and caused by extreme overexertion
10 in times of stress or danger or by exposure to heat, smoke,
11 fumes or gases, arising directly out of the employment [of any
12 such member of the State Police Force, enforcement officer,
13 investigator employed by the Pennsylvania Liquor Control Board,
14 guard or enforcement officer employed by the Department of
15 Corrections or parole agent, enforcement officer or investigator
16 of the Pennsylvania Board of Probation and Parole, Capitol
17 Police officers, correction employes employed by the Department
18 of Corrections whose principal duty is the care, custody and
19 control of inmates, psychiatric security aides employed by the
20 Department of Public Welfare and the Department of Corrections
21 whose principal duty is the care, custody, and control of the
22 criminally insane, drug enforcement agents of the Office of
23 Attorney General whose principal duty is the enforcement of the
24 drug laws of the Commonwealth, special agents of the Office of
25 Attorney General whose principal duty is the enforcement of the
26 criminal laws of the Commonwealth, member of the Delaware River
27 Port Authority Police, policeman or fireman, or sheriff or
28 deputy sheriff] shall be compensable in accordance with the
29 terms hereof; and unless any such disability shall be
30 compensable under the compensation laws as having been caused by

1 accidental injury, such disability shall be compensable as
2 occupational disease disabilities are presently compensable
3 under the compensation laws of this Commonwealth. It shall be
4 presumed that tuberculosis of the respiratory system contracted
5 or incurred after four consecutive years of service was
6 contracted or incurred as a direct result of employment.

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

13 (d) (1) All payments herein required to be made by the
14 Commonwealth of Pennsylvania on account of any member of the
15 State Police Force shall be made from moneys appropriated to the
16 Pennsylvania State Police[, and any].

17 (2) Any payments required to be made on account of any
18 enforcement officer or investigator employed by the Pennsylvania
19 Liquor Control Board shall be from appropriations out of the
20 State Stores Fund[, any].

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

26 (4) Any payments required to be made on account of Capitol
27 Police officers shall be made from moneys appropriated to the
28 Department of General Services[, any].

29 (5) Any payments required to be made on account of any
30 correction employe shall be made from moneys appropriated to the

1 Department of Corrections[, any].

2 (6) Any payments required to be made on account of any
3 psychiatric security aides shall be made from moneys
4 appropriated to the Department of Public Welfare or the
5 Department of Corrections where appropriate[, and any].

6 (7) Any payments required to be made on account of any drug
7 enforcement agent or special agents shall be made from moneys
8 appropriated to the Office of Attorney General.

9 (8) Any payments required to be made on account of any
10 enforcement officers or investigators of the Pennsylvania Game
11 Commission shall be made from moneys appropriated to the
12 Pennsylvania Game Commission.

13 (9) Any payments required to be made on account of any
14 enforcement officers or investigators of the Pennsylvania Fish
15 and Boat Commission shall be made from moneys appropriated to
16 the Pennsylvania Fish and Boat Commission.

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