

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 23 Session of 2023

INTRODUCED BY STRUZZI, CIRESI, DEASY AND KINSEY, MARCH 7, 2023

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 7, 2023

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 for campus
 8 police officers and for definitions.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 1(a), (b) and (d) of the act of June 28,
 12 1935 (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 Pennsylvania 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 Parole Board [**of Probation and**
 20 **Parole**];

21 (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 (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, by the

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

23 (b) In the case of:

24 (1) the members of the Pennsylvania State Police [Force];

25 (2) enforcement officers and investigators employed by the
26 Pennsylvania Liquor Control Board;

27 (3) the parole agents, enforcement officers and
28 investigators of the Pennsylvania Parole Board [of Probation and
29 Parole];

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

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

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

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

16 (10) salaried policemen and firemen;

17 (10.1) firemen employed by the Commonwealth;

18 (11) sheriffs and deputy sheriffs; and

19 (12) enforcement officers and investigators of the
20 Pennsylvania Game Commission and the Pennsylvania Fish and Boat
21 Commission;

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

24 contracted or incurred by any of them after four years of

25 continuous service as such, and caused by extreme overexertion

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

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

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

29 such disability shall be compensable under the compensation laws

30 as having been caused by accidental injury, such disability

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

7 * * *

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

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

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

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

24 (4.1) Any payments required to be made on account of any
25 campus police officers employed by a participating university
26 shall be made from moneys appropriated to the participating
27 university.

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

1 (6) Any payments required to be made on account of any
2 psychiatric security aides shall be made from moneys
3 appropriated to the Department of Human Services or the
4 Department of Corrections where appropriate.

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

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

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

24 Section 2. The act is amended by adding a section to read:

25 Section 1.1. For the purposes of this act, any institution
26 of higher education may elect to participate in this act by
27 posting a notice on the institution's publicly accessible
28 Internet website. An election to participate in this act shall
29 be irrevocable after participation commences.

30 Section 3. Section 2.1 of the act is amended to read:

1 Section 2.1. For the purposes of this act, the [term
2 "fireman" shall mean and include the following:] following words
3 and phrases shall have the meanings given to them in this
4 section unless the context clearly indicates otherwise:

5 "Fireman." Any of the following:

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

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

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

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

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

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

16 (7) [Forest patrolmen and forest technicians] Forest fire
17 wardens or wildland firefighters employed by the Commonwealth.

18 "Institution of higher education." Any of the following:

19 (1) A State-owned university.

20 (2) A community college.

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

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

23 "Participating university." An institution of higher
24 education that elects to participate in this act.

25 Section 4. This act shall take effect in 60 days.