

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, YUDICHAK, AUMENT AND L. WILLIAMS, MARCH 13, 2019

SENATOR REGAN, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, MARCH 19, 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 (3.1) PROBATION OFFICERS EMPLOYED BY A PARTICIPATING COUNTY; <--

1 (4) Capitol Police officers;  
2 (4.1) campus police officers employed by a participating  
3 university;

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

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

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

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

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

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

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

23 (10.1) firemen employed by the Commonwealth;

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

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

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

1 (14) members of the Fort Indiantown Gap Police;  
2 (15) investigative staff of the Office of Inspector General;  
3 (16) members of the Allegheny County Port Authority Police;  
4 (17) members of the Allegheny County Housing Authority  
5 Police; or

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

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

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

17 (b) In the case of:

18 (1) the State Police Force;

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

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

23 (3.1) PROBATION OFFICERS EMPLOYED BY A PARTICIPATING COUNTY; <--

24 (4) Capitol Police officers;

25 (4.1) campus police officers employed by a participating  
26 university;

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

30 (5.1) commissioned police officers employed by the

1 Department of Corrections, Bureau of Investigations and  
2 Intelligence;

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

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

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

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

25 (17) members of the Allegheny County Housing Authority  
26 Police; and

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

30 who have served for four consecutive years or longer, diseases

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

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

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

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

29 (3) Any payments required to be made on account of any  
30 parole agent, enforcement officer or investigator employed by

1 the Pennsylvania Board of Probation and Parole shall be made  
2 from moneys appropriated to the Pennsylvania Board of Probation  
3 and Parole.

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

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

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

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

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

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

1       (6.4) Any payments required to be made on account of any  
2 investigative staff of the Office of Inspector General shall be  
3 made from moneys appropriated to the Office of Inspector  
4 General.

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

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

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

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

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

1 Ch. 5 Subch. C (relating to the Boat Fund).

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

6 "Fireman." Any of the following:

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

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

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

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

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

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

17 (7) Forest patrolmen and forest technicians employed by the  
18 Commonwealth.

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

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

27 (1) A State-owned university.

28 (2) A community college.

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

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

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