

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 437 Session of 2005

INTRODUCED BY ORIE, WOZNIAK, STACK, RAFFERTY, KITCHEN, LAVALLE, COSTA, KASUNIC, TARTAGLIONE, MUSTO, GREENLEAF, LOGAN AND BOSCOLA, MARCH 22, 2005

SENATOR SCARNATI, LABOR AND INDUSTRY, AS AMENDED, NOVEMBER 1, 2005

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 officers 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, who are injured or
22 contract certain diseases in the performance of their duty;
23 and providing that absence during such injury shall not
24 reduce any usual sick leave period," extending benefits to
25 corrections employees; ~~prohibiting compelling a person to~~
26 ~~return to light duty work;~~ and making an editorial change.

<—

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

29 Section 1. The title and section 1 of the act of June 28,

1 1935 (P.L.477, No.193), referred to as the Enforcement Officer
2 Disability Benefits Law, amended December 19, 1996 (P.L.1438,
3 No.183), are amended to read:

4 AN ACT

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

29 Section 1. (a) Be it enacted, &c., That any member of the
30 State Police Force, any enforcement officer or investigator

1 employed by the Pennsylvania Liquor Control Board, and the
2 parole agents, enforcement officers and investigators of the
3 Pennsylvania Board of Probation and Parole, Capitol Police
4 officers, correction [officers] employes employed by the
5 Department of Corrections, whose principal duty is the care,
6 custody and control of inmates, psychiatric security aides
7 employed by the Department of Public Welfare and the Department
8 of Corrections, whose principal duty is the care, custody, and
9 control of the criminally insane, drug enforcement agents of the
10 Office of Attorney General whose principal duty is the
11 enforcement of the drug laws of the Commonwealth, special agents
12 of the Office of Attorney General whose principal duty is the
13 enforcement of the criminal laws of the Commonwealth, any member
14 of the Delaware River Port Authority Police or any policeman,
15 fireman or park guard of any county, city, borough, town or
16 township, who is injured in the performance of his duties
17 including, in the case of firemen, duty as special fire police,
18 and by reason thereof is temporarily incapacitated from
19 performing his duties, shall be paid by the Commonwealth of
20 Pennsylvania if a member of the State Police Force or an
21 enforcement officer or investigator employed by the Pennsylvania
22 Liquor Control Board or the parole agents, enforcement officers
23 and investigators of the Pennsylvania Board of Probation and
24 Parole, Capitol Police officers, correction [officers] employes
25 employed by the Department of Corrections, whose principal duty
26 is the care, custody and control of inmates, psychiatric
27 security aides employed by the Department of Public Welfare and
28 the Department of Corrections, whose principal duty is the care,
29 custody, and control of the criminally insane, drug enforcement
30 agents of the Office of Attorney General whose principal duty is

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

24 (b) In the case of the State Police Force, enforcement
25 officers and investigators employed by the Pennsylvania Liquor
26 Control Board and the parole agents, enforcement officers and
27 investigators of the Pennsylvania Board of Probation and Parole,
28 Capitol Police officers, correction [officers] employes employed
29 by the Department of Corrections, whose principal duty is the
30 care, custody and control of inmates, psychiatric security aides

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

1 Police, or policeman or fireman, shall be compensable in
2 accordance with the terms hereof; and unless any such disability
3 shall be compensable under the compensation laws as having been
4 caused by accidental injury, such disability shall be
5 compensable as occupational disease disabilities are presently
6 compensable under the compensation laws of this Commonwealth. It
7 shall be presumed that tuberculosis of the respiratory system
8 contracted or incurred after four consecutive years of service
9 was contracted or incurred as a direct result of employment.

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

17 (d) All payments herein required to be made by the
18 Commonwealth of Pennsylvania on account of any member of the
19 State Police Force shall be made from moneys appropriated to the
20 Pennsylvania State Police, and any payments required to be made
21 on account of any enforcement officer or investigator employed
22 by the Pennsylvania Liquor Control Board shall be from
23 appropriations out of the State Stores Fund, any payments
24 required to be made on account of any parole agent, enforcement
25 officer or investigator employed by the Pennsylvania Board of
26 Probation and Parole shall be from moneys appropriated to the
27 Pennsylvania Board of Probation and Parole, any payments
28 required to be made on account of Capitol Police officers shall
29 be made from moneys appropriated to the Department of General
30 Services, any payments required to be made on account of any

1 correction [officer] employe shall be made from moneys
2 appropriated to the Department of Corrections, any payments
3 required to be made on account of any psychiatric security aides
4 shall be made from moneys appropriated to the Department of
5 Public Welfare or the Department of Corrections where
6 appropriate, and any payments required to be made on account of
7 any drug enforcement agent or special agents shall be made from
8 moneys appropriated to the Office of Attorney General.

9 ~~(c) Any person receiving benefits under this act may not be~~ ←
10 ~~compelled to return to employment on a modified or light duty~~
11 ~~basis.~~

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