

No. 1978-117

AN ACT

HB 629

Amending the act of June 28, 1935 (P.L.477, No.193), entitled, as amended, "An act providing for the payment of the salary, medical and hospital expenses of members of the State Police Force, of the enforcement officers and investigators employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of Parole, members of the Delaware River Port Authority Police and of policemen, firemen and park guards by the Commonwealth of Pennsylvania, the Delaware River Port Authority, counties, cities, boroughs, towns and townships, who are injured in the performance of their duty; and providing that absence during such injury shall not reduce any usual sick leave period," extending benefits to certain employes of the Bureau of Corrections and Department of Public Welfare and to county prison guards.

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

Section 1. The title, act of June 28, 1935 (P.L.477, No.193), entitled, as amended, "An act providing for the payment of the salary, medical and hospital expenses of members of the State Police Force, of the enforcement officers and investigators employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of Parole, members of the Delaware River Port Authority Police and of policemen, firemen and park guards by the Commonwealth of Pennsylvania, the Delaware River Port Authority, counties, cities, boroughs, towns and townships, who are injured in the performance of their duty; and providing that absence during such injury shall not reduce any usual sick leave period," amended July 25, 1961 (P.L.867, No.374), is amended to read:

AN ACT

Providing for the payment of the salary, medical and hospital expenses of members of the State Police Force, of the enforcement officers and investigators employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of *Probation and Parole, correction officers employed by the Bureau of Corrections whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of Public Welfare and the Bureau of Corrections whose principal duty is the care, custody, and control of the criminally insane, and drug enforcement agents of the Department of Justice whose principal duty is the enforcement of the drug laws of the Commonwealth*, members of the Delaware River Port Authority Police and of policemen, firemen and park guards by the Commonwealth of

Pennsylvania, the Delaware River Port Authority, counties, cities, boroughs, towns and townships, who are injured *or contract certain diseases* in the performance of their duty; and providing that absence during such injury shall not reduce any usual sick leave period.

Section 2. Section 1 of the act, amended May 31, 1974 (P.L.309, No.99), is amended to read:

Section 1. (a) Be it enacted, &c., That any member of the State Police Force, any enforcement officer or investigator employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of *Probation and Parole, correction officers employed by the Bureau of Corrections, whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of Public Welfare and the Bureau of Corrections, whose principal duty is the care, custody, and control of the criminally insane, and drug enforcement agents of the Department of Justice whose principal duty is the enforcement of the drug laws of the Commonwealth*, any member of the Delaware River Port Authority Police or any policeman, fireman or park guard of any county, city, borough, town or township, who is injured in the performance of his duties including, in the case of firemen, duty as special fire police, and by reason thereof is temporarily incapacitated from performing his duties, shall be paid by the Commonwealth of Pennsylvania if a member of the State Police Force or an enforcement officer or investigator employed by the Pennsylvania Liquor Control Board or the parole agents, enforcement officers and investigators of the Pennsylvania Board of *Probation and Parole, correction officers employed by the Bureau of Corrections, whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of Public Welfare and the Bureau of Corrections, whose principal duty is the care, custody, and control of the criminally insane, and drug enforcement agents of the Department of Justice whose principal duty is the enforcement of the drug laws of the Commonwealth*, or by the Delaware River Port Authority if a member of the Delaware River Port Authority Police or by the county, township or municipality, by which he is employed, his full rate of salary, as fixed by ordinance or resolution, until the disability arising therefrom has ceased. All medical and hospital bills, incurred in connection with any such injury, shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by such county, township or municipality. During the time salary for temporary incapacity shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by the county, city, borough, town or township, any workmen's compensation, received or collected by any such employe for such period, shall be turned over to the Commonwealth of Pennsylvania or to the Delaware River Port Authority or to such county, city, borough, town or township, and paid into the treasury thereof, and if such payment

shall not be so made by the employe the amount so due the Commonwealth of Pennsylvania, the Delaware River Port Authority or the county, city, borough, town or township shall be deducted from any salary then or thereafter becoming due and owing.

(b) In the case of the State Police Force, enforcement officers and investigators employed by the Pennsylvania Liquor Control Board and the parole agents, enforcement officers and investigators of the Pennsylvania Board of *Probation and Parole, correction officers employed by the Bureau of Corrections, whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of Public Welfare and the Bureau of Corrections whose principal duty is the care, custody, and control of the criminally insane, and drug enforcement agents of the Department of Justice whose principal duty is the enforcement of the drug laws of the Commonwealth*, members of the Delaware River Port Authority Police and salaried policemen and firemen who have served for four consecutive years or longer, diseases of the heart and tuberculosis of the respiratory system, contracted or incurred by any of them after four years of continuous service as such, and caused by extreme overexertion in times of stress or danger or by exposure to heat, smoke, fumes or gases, arising directly out of the employment of any such member of the State Police Force, enforcement officer, investigator *employed by the Pennsylvania Liquor Control Board, guard or enforcement officer employed by the Bureau of Corrections* or parole agent, enforcement officer or investigator of the Pennsylvania Board of *Probation and Parole, correction officers employed by the Bureau of Corrections whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of Public Welfare and the Bureau of Corrections whose principal duty is the care, custody, and control of the criminally insane, and drug enforcement agents of the Department of Justice whose principal duty is the enforcement of the drug laws of the Commonwealth*, member of the Delaware River Port Authority Police, or policeman or fireman, shall be compensable in accordance with the terms hereof; and unless any such disability shall be compensable under the compensation laws as having been caused by accidental injury, such disability shall be compensable as occupational disease disabilities are presently compensable under the compensation laws of this Commonwealth. It shall be presumed that tuberculosis of the respiratory system contracted or incurred after four consecutive years of service was contracted or incurred as a direct result of employment.

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

(d) All payments herein required to be made by the Commonwealth of

Pennsylvania on account of any member of the State Police Force shall be made from moneys appropriated to the Pennsylvania State Police, and any payments required to be made on account of any enforcement officer or investigator employed by the Pennsylvania Liquor Control Board shall be from appropriations out of the State Stores Fund, **[and]** any payments required to be made on account of any parole agent, enforcement officer or investigator employed by the Pennsylvania Board of *Probation and Parole* shall be from moneys appropriated to the Pennsylvania Board of *Probation and Parole*, *any payments required to be made on account of any correction officer shall be made from moneys appropriated to the Bureau of Corrections, any payments required to be made on account of any psychiatric security aides shall be made from moneys appropriated to the Department of Public Welfare or the Bureau of Corrections where appropriate, and any payments required to be made on account of any drug enforcement agent shall be made from moneys appropriated to the Department of Justice.*

Section 3. For the purposes of this act, four years of consecutive or continuous service shall include service rendered prior to the effective date of this act.

Section 4. This act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1978.

MILTON J. SHAPP °