Pennsylvania State Association of Boroughs

The Leader in Municipal Training and Professional Development

COVID: Managing Heart & Lung Act Claims Q & A

April 30, 2020

This Webinar is designed to provide general information relating to the covered subject matter. None of the information is offered, nor should be construed, as legal advice. Although prepared by professionals, this publication should not be utilized as a substitute for professional services in specific situations. If legal advice or other expert assistance is required, the services of a professional should be sought.
Upcoming Webinars

- Municipal Finances During an Emergency Declaration May 6
- Duties of a Zoning Hearing Board May 13
- Duties of a Zoning Officer May 20
- Records Disposition May 21

www.training.boroughs.org

Online Learning

**Police Civil Service Procedures**

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 21</td>
<td>Overview of the Civil Service Process/Law</td>
</tr>
<tr>
<td>May 28</td>
<td>Municipal Police Civil Service Hiring Procedures</td>
</tr>
<tr>
<td>June 3</td>
<td>Municipal Civil Service Requirements</td>
</tr>
<tr>
<td>June 4</td>
<td>Police Civil Service Legal Issues</td>
</tr>
</tbody>
</table>

**Public Works Management**

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 9</td>
<td>Public Works Administration</td>
</tr>
<tr>
<td>June 11</td>
<td>Public Works as First Responders</td>
</tr>
<tr>
<td>June 16</td>
<td>Public Works and Asset Management</td>
</tr>
<tr>
<td>June 18</td>
<td>Public Works Engineering and Design Standards</td>
</tr>
</tbody>
</table>

www.training.boroughs.org
THE “NEW” HEART AND LUNG ACT

Ryan J. Cassidy
rcassidy@eckertseamans.com

Scott E. Blissman
sblissman@eckertseamans.com

THE BASICS

- Is the old Heart and Lung Act gone?
- Has the scope of employees eligible for heart and Lung benefits changed?
Part-Time Officers

- When Should Part-time Officers receive Heart and Lung Benefits?
- How Much do They Receive?

HERE IS WHAT HAPPENED

- § 5702. ENFORCEMENT OFFICER DISABILITY BENEFITS.
  (A) GENERAL RULE.—A PERSON COVERED UNDER SECTION 1(A) OF THE ACT OF JUNE 28, 1935 (P.L.477, NO.193), REFERRED TO AS THE ENFORCEMENT OFFICER DISABILITY BENEFITS LAW, WHO CONTRACTS OR IS DIAGNOSED WITH CORONAVIRUS DISEASE 2019 (COVID-19), AS IDENTIFIED IN THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), OR IS SUBJECT TO QUARANTINE RESULTING FROM EXPOSURE TO COVID-19, AND BY REASON THEREOF IS TEMPORARILY INCAPACITATED FROM PERFORMING HIS DUTIES, SHALL BE COMPENSATED IN ACCORDANCE WITH SECTION 1(A) OF THE ENFORCEMENT OFFICER DISABILITY BENEFITS LAW.

- (B) LIMITATION.—A BENEFIT RECEIVED UNDER SUBSECTION (A) SHALL BE LIMITED TO 60 DAYS FOR EACH INCIDENT.
COMPENSABLE CLAIMS UNDER THE AMENDMENT

- To Be Eligible For Heart and Lung Benefits Under the Amendment, an Otherwise Eligible Employee Must Show:
  - COVID-19 Infection; or
  - Required Quarantine
  - Additional Requirements?

Time Limits Under the Amendment

- An otherwise eligible employee can continue to receive benefits for the lesser of the following:
  - Return to date (infection/quarantine ends)
  - Sixty Days
BENEFITS UNDER THE HEART AND LUNG ACT

- An Employee Receiving Heart and Lung Benefits Is Entitled to the Following:
  - 100% of Salary
  - No Deduction from Sick or Other Leave
  - Accrual of Benefits

  ▪ Workers’ Compensation Issues

DISABILITY BENEFITS AND NEW AMENDMENTS

- No change to existing workers’ compensation law. So:
  - Some claims will be denied because no injury
  - Others may be denied because not work related
  - What if we Have Insurance for Heart and Lung?
INTERPLAY WITH FAMILIES
FIRST CORONAVIRUS ACT

- What if I have exempted police officers under the FFCRA?

- If Police Officers are not exempt, does this time count towards the FFCRA?

MEDICAL BENEFITS

- Employer is responsible

- Possible Ways to Manage
UNANSWERED QUESTIONS

- Worst Case Scenario
- What Can I Accept for Claim?
- What Happens After 60 Days?

THE “NEW” HEART AND LUNG ACT

Ryan J. Cassidy
rcassidy@eckertseamans.com

Scott E. Blissman
sblissman@eckertseamans.com