

Act 17 of 2020 Provides Sixty Days of COVID-19 Full Salary Benefits

Patrick J. Harvey, Esquire and David E. Mitchell, Esquire

Governor Wolf on April 29, 2020 signed Act 17 of 2020 (“Act 17”) which provides full salary benefits to police, paid firefighters, and other covered employees for up to 60 days per incident if they are unable to work because they have contracted or been diagnosed with COVID-19 or are subject to quarantine due to COVID-19 exposure. All Pennsylvania municipalities and governmental employers should be careful in paying full salary benefits under Act 17 because it does not require proof of work-related causation. Any payment of such full salary benefits should only be made after the employer issues a notice to the qualifying police officer or firefighter that such payment is only for full salary benefits under Act 17 and does not constitute acceptance of a workers’ compensation injury or a full Heart and Lung Act performance of duties injury claim. Employees should also be notified that any medical treatment should be submitted and processed through the employee’s health benefits.

Heart and Lung Act benefits are only available to police officers, paid firefighters and other covered employees who are injured in the performance of their duties and as a result are temporarily incapacitated from performing their duties. Such employees are entitled to their “full rate of salary” and payment of injury related medical bills. Employees receiving Heart and Lung Act benefits must also turn over any workers’ compensation benefits they receive to the employer providing Heart and Lung Act benefits.

Under Act 17, paid firefighters and other employees covered by the Heart and Lung Act who contract or are diagnosed with COVID-19 or who are subject to quarantine due to COVID-19 exposure shall be “compensated” in accordance with the Heart and Lung Act, or in other words, are entitled to receive their “full rate of salary” for up to 60 days for each incident. Act 17 appears to be solely referring to payment of salary benefits and not medical bills when requiring compensation for absence related to quarantine and COVID-19 diagnosis.

Act 17 represents a striking departure from the Heart and Lung Act in that it does require, for receipt of full salary benefits, that the employee's inability to work be the result of a work-related injury or that the employee even suffered an injury, since most employees who undergo a medically advised quarantine due to possible exposure wind up not developing COVID-19.

When reviewing and processing Act 17 benefits claims all municipalities should consult with labor counsel and their workers' compensation insurer. Any payment of full salary benefits under Act 17 should only occur after the municipality has issued a letter clarifying that these full salary payments are solely under Act 17 of 2020 and do not constitute acceptance of workers' compensation course and scope of employment or Heart and Lung Act performance of duties injury liability. The notice should also state that all medical bills should be submitted to the employee's health carrier. This notice is crucial for employers to avoid damaging their ability to appropriately defend workers' compensation or Heart and Lung Act claims that allege work-related causation and to ensure that all first responders use their health benefits to obtain all necessary medical treatment. Campbell Durrant attorneys remain available to assist you in reviewing any Act 17 claims and drafting the appropriate benefits notification letter when these full salary Act 17 benefits are paid.

Please see <https://www.cdblaw.com/covid19.php> for additional COVID-19 resources for employers.