**Ten things you should know about The Pennsylvania Heart and Lung Act**

1. WHAT IS THE HEART AND LUNG ACT?

The Heart and Lung Act allows disabled police officers and firefighters to receive 100% of their regular salary, tax free. Salary is considered as base pay, excluding overtime.

2. CAN I COLLECT WORKERS’ COMPENSATION BENEFITS FOR AN INJURY COVERED BY HEART AND LUNG?

Yes, but while receiving Heart and Lung benefits, your workers’ compensation payments are turned over to your employer. Your employer, therefore, is effectively paying the difference between workers’ compensation (typically 2/3 of your earnings) and your full salary. You continue to remain eligible for workers’ compensation payments if, for example, Heart and Lung payments are terminated because your injury is permanent.

3. DOES HEART AND LUNG PAY MORE THAN REGULAR WORKERS’ COMPENSATION BENEFITS?

Usually, yes. Workers’ compensation is limited to two thirds of your average weekly earnings. Heart and Lung benefits are 100% of base salary. Overtime earnings and earnings from second jobs are included in calculating workers’ compensation benefits, but are not included when calculating Heart and Lung benefits. As such, in some instances workers’ compensation calculations could be higher.

4. WHEN AM I ELIGIBLE FOR HEART AND LUNG BENEFITS?

If your injury occurs while performing your official duties, you are entitled to the full salary benefits of the Heart and Lung Act. For example, if you trip and are injured while exiting the station in response to a call, you would be covered by Heart and Lung benefits. However, if you trip and are injured while leaving to go home, you would not be eligible for Heart and Lung benefits, but you still could receive workers’ compensation benefit.

5. WHO IS ELIGIBLE FOR HEART AND LUNG BENEFITS?

Many different types of public employees are eligible. This includes State and local police officers, firefighters, corrections officers and psychiatric aides with the Department of Corrections or Department of Public Welfare, park guards, drug enforcement officers, special agents of the Office of Attorney General, and enforcement officers or investigators with the Liquor Control Board or the Board of Probation and Parole. Also, effective January 1, 2007, Sheriffs and Sheriffs Deputies will be eligible for Heart and Lung benefits.

6. WHEN DO HEART AND LUNG BENEFITS END?

Heart and Lung Benefits are only payable for temporary disabilities. They end whenever the injury no longer prevents you from performing your job duties. They also can be terminated if your injury becomes permanent.

7. WHAT MUST MY EMPLOYER DO TO TERMINATE BENEFITS?

If your employer is claiming that you are no longer disabled or that your injury is now permanent, you are entitled to a hearing before benefits can be terminated. The initial hearing generally is pursuant to procedures established by the municipality or governmental agency by which you are employed. You are entitled to representation at these hearings, and can appeal to the Courts if benefits are terminated after the initial hearing.

8. WHO PAYS MY MEDICAL EXPENSES FOR AN INJURY WHEN HEART AND LUNG BENEFITS ARE PAID?

Typically, these are paid by the workers’ compensation insurance carrier, although your employer is also considered responsible while you are on Heart and Lung benefits.

9. CAN MY SICK LEAVE BE COUNTED AGAINST MY TIME OFF ON HEART AND LUNG BENEFITS?

No. It is specifically stated in the Heart & Lung Act that no period of sick leave can be included in any time off covered under the Heart and Lung Act.

10. AM I ENTITLED TO CONTINUED HEALTH BENEFITS AND VACATION PAY WHILE OFF FOR AN ON-DUTY INJURY?

There are no specific provisions under the Heart and Lung Act that require continuation of your regular health benefits or vacation pay while off for a covered injury. However, your collective bargaining agreement may require that such benefits continue.

WHAT SHOULD I DO IF I HAVE ADDITIONAL QUESTIONS OR HAVE A PROBLEM WITH MY EMPLOYER OVER HEART AND LUNG BENEFITS?

The attorneys with Yablonski, Costello & Leckie, who have prepared this information, have experience in handling cases involving the Heart and Lung Act, and are available to answer any questions you might have. There is no charge for information requested over the telephone, or for an initial consultation. Contact attorney Eric P. Betzner at 1–800–964-2667 or at EPBetzner@ycllawfirm.com.