March 30, 2020

Dear Brothers & Sisters:

Law Enforcement officers throughout the Commonwealth are dutifully reporting to work and doing their job in the face of the COVID-19 crisis. Many questions have arisen about best practices in the event of an officer’s exposure or death to COVID-19 while performing job duties. Based on the current situation the Pennsylvania State Lodge recommends the following:

1. Until such time as the Federal or State government acts, exposure to COVID-19 is the same as any other work-related injury. That means, if an officer can prove exposure to COVID-19 while working, and needs medical treatment or disability caused by that exposure, the officer is entitled to both Heart and Lung Act and Worker’s Compensation benefits. Those benefits, in tandem, provide for payment of full salary and all medical bills by the employer, as well as its worker compensation carrier.

2. Some of the Commonwealth’s almost 1,100 police departments have already agreed to pay full salary and medical bills in the event an officer is subject to any of these events: (a) is quarantined at the direction of the employer due to confirmed or suspected COVID-19 exposure; (b) receives a presumptive positive COVID-19 test; (c) receives a COVID-19 diagnosis from a physician; or (d) receives a laboratory confirmed COVID-19 diagnosis. Those employers are ahead of the curve and are providing benefits without requiring that the officer prove exposure and its work-related nature.

3. All officers should remember that if an employer is not going to recognize exposure and lost workdays as compensable, then it is imperative that the officer record and report any event that could possibly result in exposure. It is incumbent on the officer to prove exposure to, and disability resulting from, that exposure to be eligible for HLA and WC benefits. Recording and reporting exposure events, no matter how seemingly trivial, is vital. Remember, as the law stands, and if your employer is not one of those described in Section 2, just because an officer has COVID-19 does not mean they are going to be
paid HLA or WC. Officers have to prove it is due to work related exposure.

4. When recording and reporting, if your employer has a designated person to whom work injuries are to be reported, then report exposure to that person, even if you have already included the exposure in your usual report. If there is no designated person, report exposure to a supervisor, not just your fellow officers. Report at the time of exposure if possible, but not later than the end of the shift. When reporting, give the time, date, location, and description of event. The worst that happens is your exposure did not cause COVID-19 and you spent some extra time reporting.

5. Events indicating possible exposure to COVID-19 are not limited to contact with known infected individuals. Any interaction with the public or surfaces during your tour of duty may result in a work-related exposure. Even contact with fellow officers who had these types of interactions during your shift could result in an infection. When in doubt…. report, Report, REPORT !!!

The Pennsylvania State Lodge will continue to lobby our State Legislature and Governor to take immediate action in order to protect the health and welfare of dedicated police officers who are exposed to greater risk of infection from COVID-19, simply by virtue of their selfless service to the citizens of this Commonwealth.

Fraternally,

Les Neri, President
PA FOP State Lodge