

CHAPTER 115. COMPENSATION BENEFITS FOR ACCIDENTAL INJURIES

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Authority

The provisions of this Chapter 115 issued under the Emergency Management Services Code, 35 Pa.C.S. § 7706, unless otherwise noted.

Source

The provisions of this Chapter 115 adopted April 2, 1957 and amended August 4, 1965, unless otherwise noted.

§ 115.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Authorized—Specifically ordered, called or approved by the State Council of Civil Defense.

Benefits relating to injuries sustained—Those specific benefits prescribed by law, namely the following:

- (i) \$1500 for accidental injury directly causing or leading to death.
- (ii) Not more than \$750 for reimbursement for medical and hospital expenses associated with accidental injury.
- (iii) Weekly payments of \$25, beginning on the eighth day of disability and continuing for not more than 26 weeks, for disability directly arising from accidental injury rendering the individual totally incapable of following his normal gainful pursuits.

Duly enrolled civil defense volunteer—Any person who, prior to the time of injury, shall have:

- (i) Taken a loyalty oath of the type prescribed by section 12 of the State Council of Civil Defense Act of 1951 (71 P. S. § 1689.12), and by section 403(b) of the Federal Civil Defense Act of 1950, 64 Stat. 1245, 50 U.S.C.A. § 2251, which oath shall have been filed in accordance with instructions prescribed by the State Director of Civil Defense.
- (ii) Been issued an official civil defense personal identification card furnished by the State Council of Civil Defense in accordance with instructions prescribed by the State Director of Civil Defense.

(iii) Had his name entered on an official list of duly enrolled civil defense volunteers (Form SCCD-OEL-1), which list shall have been prepared and filed in accordance with instructions prescribed by the State Director of Civil Defense.

Not eligible to receive benefits under the Workmen's Compensation Law—Any duly enrolled civil defense volunteer who is for any reason ineligible to receive benefits under the Workmen's Compensation Law for accidental injuries sustained while engaged in civil defense or disaster training, test or operational activities.

Operations—Emergency action aimed at the protection of life and property.

Period of armed conflict—Any period during which the military forces or the people of the United States are engaged in armed conflict with, or subjected to actual attack by, representatives of any other nation.

State of war—Any period during which a formal declaration of war is in effect between the United States and any other nation.

Tests—Any drill and exercise designed to test the ability of civil defense volunteers and organizations to carry out their assigned duties and responsibilities.

While actually engaged in civil defense or disaster training activities—Any period during which duly enrolled civil defense volunteers are actually engaged in authorized classroom, laboratory or field training activities carried out under the immediate supervision of a formally designated instructor. This term shall not include routine "in service" or "on the job" activities, such as school traffic direction or attendance of fires, nor shall it include periods during which volunteers may be preparing to undergo training, are en route to or from training sites or areas, are billeted for training, or are not otherwise actually engaged in classroom, laboratory or field training activities.

§ 115.2. Authorization requirements.

The required authorization of civil defense and disaster training, test or operational activities by the State Council of Civil Defense shall be governed by the following provisions:

(1) Compensation benefits shall be paid only to duly enrolled civil defense volunteers accidentally injured while engaged in civil defense or disaster training, test or operational activities specifically authorized by the State Council of Civil Defense.

(2) Civil defense and disaster training activities shall be deemed to be authorized only when one of the following occurs:

(i) A qualified employe of the State Council of Civil Defense, or of any other Federal or State department or agency cooperating in a program specifically approved by the Council, has been designated and is actively serving as instructor of the activities; or

(ii) An official Training or Test Authorization Request (Form SCCD TAR, Rev. 3/63), covering each specific course, or series of similar courses or activity programs to be carried out during a single calendar year, has been prepared and submitted to and approved by the State Council of Civil Defense prior to initiation of the course or programs, in accordance with instructions prescribed by the State Director of Civil Defense.

(3) Civil defense and disaster tests shall be deemed to be authorized only in the event that if one of the following:

(i) The tests shall be ordered, or called, by the State Council of Civil Defense.

(ii) An official Training or Test Authorization Request (Form SCCD TAR, Rev. 3/63), covering each specific test shall be prepared, submitted to and approved by the State Council of Civil Defense prior to initiation of the said test, in accordance with instructions prescribed by the State Director of Civil Defense.

(4) Civil defense and disaster operations shall be deemed to be authorized only when duly enrolled civil defense volunteers have been one of the following:

(i) Officially ordered or called to emergency duty by the State Director of Civil Defense.

(ii) Officially ordered or called to duty by the executive officer or governing body of their respective political subdivisions to meet the threat of an emergency which shall be specifically deemed by the executive officer or governing body to be of such severity or magnitude as to warrant the use of civil defense personnel.

§ 115.3. Filing of accident reports; submission of claims.

Any duly enrolled civil defense volunteer who elects to make claim for compensation for accidental injury sustained while engaged in authorized civil defense or disaster training, test or operational activities shall, if physically able to do so:

(1) Notify the State Director of Civil Defense of the date, place, manner and nature of injury and request official forms and instructions relating to the filing of formal claim for compensation. The notice and request shall be submitted in letter form within 30 days immediately following the injury.

(2) File with the State Emergency Management Director a formal, notarized Compensation Claim—Accidental Injury Sustained by Duly Enrolled Volunteer Emergency Management (Form PEMA-A-CC-1, together with all required supporting documents. The claim shall be filed within eight months immediately following the injury.

Cross References

This section cited in 4 Pa. Code § 115.4 (relating to incapacity of volunteer; Director to file accident report).

§ 115.4. Incapacity of volunteer; Director to file accident report.

Whenever any duly enrolled emergency management volunteer engaged in authorized civil defense or disaster training, test or operational activities shall sustain accidental injury directly causing or leading to death, or otherwise rendering the volunteer physically incapable of filing an accident report and compensation claim, the Coordinator of that emergency management organization in which the injured volunteer was enrolled shall act on behalf of the injured volunteer and shall be responsible for notifying the State Director of the injury sustained and for filing a formal claim for compensation in the general manner prescribed in § 115.3 (relating to filing of accident reports; submission of claims).

§ 115.5. Failure to file written notice of injury.

Failure to file written notice of injury and formal claim for compensation in the manner and within the time limits set forth in this chapter shall be deemed sufficient cause for refusal to pay compensation benefits to duly enrolled civil defense volunteers accidentally injured in authorized emergency management or disaster training, test or operational activities.

§ 115.6. Processing of claims and payment of benefits.

The processing of claims for compensation and the payment of benefits shall be governed by the following provisions:

(1) The State Director shall submit all claims formally filed on Compensation Claims—Accidental Injury Sustained by Duly Enrolled Emergency Management Volunteer [Form PEMA-A-CC-1, together with supporting documents, to the Bureau of Workman's Compensation of the Department of Labor and Industry for review and recommendation. The Bureau shall then make a formal report of its findings on Review of Compensation Claim—Accidental Injury Sustained by Duly Enrolled Emergency Management Volunteer (Form PEMA-A-CC-2).

(2) The Pennsylvania Emergency Management Agency shall fix the total amount of the due, just and legally permissible benefits to be paid to each duly enrolled civil defense volunteer as compensation for accidental injury sustained while engaged in authorized civil defense or disaster training, test or operational activities. Such amount shall be based upon a detailed examination of each formally filed Compensation Claim, Form PEMA-A-CC-1, together with due consideration of pertinent recommendations made by the Bureau of Workman's Compensation.

(3) The Pennsylvania Emergency Management Agency shall pay the amount of due, just and legally permissible compensation benefits directly to the injured volunteer, or to his estate, in the case of fatal injury.

(4) Upon receipt of benefits paid under the provisions of this chapter, the volunteer, or the executor or other authorized representative of his estate, shall execute an official Receipt for Compensation Benefits Paid (Form PEMA-A-CC-4 to the Pennsylvania Emergency Management Agency. The receipt shall indicate whether the payment received is partial, partial and final, or full and final settlement on the claim filed.

(5) Persons receiving benefits under the provisions of this chapter shall be responsible for the settlement of all obligations for medical, hospital and other expenses which may be incurred in connection with the treatment of injuries sustained.

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