

**RESERVE TOWNSHIP
ALLEGHENY COUNTY
RESOLUTION NO. 802**

**A RESOLUTION OF RESERVE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA,
ADOPTING A POLICY AND PROCEDURE FOR THE ADMINISTRATION OF THE PENNSYLVANIA
HEART AND LUNG ACT FOR ITS MUNICIPAL POLICE OFFICERS.**

WHEREAS, the Pennsylvania General Assembly enacted the Enforcement Officer Disability Benefits Law, Act of June 28, 1935, P.L. 477, No. 193, commonly known as the Heart and Lung Act, as codified and amended at 53 P.S. § 637 et seq. (the "Act"); and

WHEREAS, the Act provides for the payment of full salary and medical expenses for municipal police officers who are temporarily incapacitated from performing their duties due to an injury or illness suffered in the performance of their official duties; and

WHEREAS, the Board of Commissioners of Reserve Township, Allegheny County, acknowledges its responsibility to establish clear policies and procedures for the administration of benefits under the Heart and Lung Act to ensure proper compliance with state law and consistent application for its police officers; and

WHEREAS, Reserve Township desires to formalize its administrative process for handling claims under the Heart and Lung Act, including the creation of a hearing body to handle due process hearings as required by the Local Agency Law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Reserve Township, as follows:

1. Reserve Township hereby adopts a Heart and Lung Act Policy and Procedure, attached hereto as Exhibit A, which sets forth the process for reporting, investigating, and adjudicating claims for benefits under the Pennsylvania Heart and Lung Act for municipal police officers.
2. Reserve Township designates the Board of Commissioners to serve as the local agency hearing body for all Heart and Lung Act claims, with the authority to conduct hearings, receive evidence, and issue decisions in accordance with the Pennsylvania Local Agency Law.

3. The Reserve Township Manager, or other designated administrative staff, is hereby authorized to implement the adopted Heart and Lung Act Policy and Procedure and to take all necessary steps to ensure compliance with the requirements of the Act and all other applicable laws.

4. This Resolution shall take effect immediately upon its adoption.

RESOLVED AND ADOPTED this 3rd day of December, 2025, by the Board of Commissioners of Reserve Township, Allegheny County, Pennsylvania.

ATTEST:

BY:


Jan Kowalski, CPA
Township Manager


Ronald Neurohr, President,
Board of Commissioners



Exhibit A

Attachment to Resolution 802

RESERVE TOWNSHIP POLICE DEPARTMENT

HEART AND LUNG ACT POLICY

1. Purpose

This policy is intended to provide personnel with an understanding of leave provided under the Pennsylvania Heart and Lung Act (“HLA”), 53 P.S. § 637, et seq. for service-related temporary disabilities incurred in the performance of an officer’s police duties for the Township.

2. Policy

It is the policy of the Reserve Township Police Department to practice and administer Heart and Lung benefits for service-related disabilities in accordance with the HLA.

3. Definitions

- A. Chief of Police- The Chief of Police of the Reserve Township Police Department.
- B. Duty related injury or service related injury – an injury sustained by an Officer in the performance of the Officer’s duties.
- C. Officer(s)- Sworn law enforcement agent(s) of the Reserve Township Police Department.
- D. Police Department- The Reserve Township Police Department.
- E. (Shift) Supervisor- Officer holding the rank of Sergeant or higher or Officer in Charge and has direct supervisory control over all employees assigned to a shift.
- F. Board of Commissioners – The Governing Body of Reserve Township.

4. Procedures

- A. Any Officer who is claiming a temporary disability caused by a duty related injury shall notify the Chief of Police upon the Officer's awareness of the occurrence of the duty related injury or its disabling effect, by written report on a form prescribed by the Township. The report shall include a description of the time, place and circumstances of the event leading to the injury, the circumstances of the injury and the identity of any witnesses or other individuals the Officer spoke with at the scene. Any video or audio recording of the incident shall be included as well.
- B. As soon as possible, the Officer shall notify the shift supervisor of the injury verbally with as much detail as possible. The above-referenced written report shall be filed by the end of the shift on which the injury is suffered or if that is not possible, as soon as possible thereafter.
- C. If the Officer is unable to make a written report of the injury by the end of the shift, the Officer shall notify the Shift Supervisor and shall comply with the below Paragraph D.
- D. If the Officer is unable to prepare a written report by the end of their shift, they may do so within twenty-four (24) hours of the start of the shift on which the injury occurred and detail why the report could not be filed sooner. If the Officer is unable to file the written report within the twenty-four (24) hour period stated above, their immediate Supervisor shall prepare a written report of the incident and/or the injury, illness or disease based upon their own investigation. The Officer shall, as soon as possible, review that report and may revise and/or provide additional information and then sign the report. The completed report shall then be forwarded to the Chief of Police.
- E. The Officer shall give written request for HLA benefits to the Chief of Police on the official application form, which shall be separate from the form used to file a written report.
- F. Upon receipt of said written HLA application form, the employer shall have the right to require the Officer to attend an independent medical examination and for the Officer to authorize the employer's receipt of medical reports and records related to the condition or ailment giving

rise to the HLA claim. Provided that the officer is receiving HLA benefits, the employer may require that the Officer attend further independent medical examinations as reasonably arranged by the employer or its workers' compensation insurer. The Officer is entitled to a copy of any independent medical report at the same time as, or a reasonable time after, the report is provided to the employer or its workers' compensation insurer.

- G. While an application is being considered, the Officer's absence from work will be charged against their accrued but unused leave time. If Heart and Lung Act benefits are granted, the leave bank will be replenished retroactive to the date on which benefits were requested.
- H. Following the investigation, the municipality will issue a written determination. If the claim is denied, the officer will be provided with a notice of their right to appeal.

5. Appeals And Due Process Hearing:

- A. All Heart and Lung disputes shall be decided by the Board of Commissioners pursuant to a hearing held in accordance with the Local Agency Law.
- B. An officer who wishes to appeal the municipality's determination must file a written notice of appeal to the Board of Commissioners within the timeframe specified in the denial letter.
- C. In the event an officer files a written notice of appeal to the Board of Commissioners, a due process hearing will be scheduled before the Board of Commissioners in accordance with the Local Agency Law. The officer will have the right to be represented by their own counsel, present witnesses, and cross-examine witnesses presented by the employer.
- D. Following the hearing, the Board of Commissioners will issue a written decision. If the appeal is denied, the officer will be provided with written notice of their right to appeal to the Allegheny County Court of Common Pleas.

6. Administration Of Benefits:

- A. Any Officer who suffers a work-related injury where either Heart and Lung benefits and/or workers' compensation are being requested or received shall treat with Reserve Township's posted list of workers' compensation treating providers for at least ninety (90) days.
- B. Any Police Officer who files a Heart and Lung Act claim shall also be required to file a simultaneous workers' compensation claim relating to the same injury or condition that is the basis for the Heart and Lung Act claim.
- C. An Officer who incurs a temporary, service-related disability and who receives benefits under the HLA shall remit to the employer any workers' compensation wage loss benefits received, unless otherwise provided by law.
- D. Any workers' compensation benefits received shall be turned over to the Township as soon as possible after receipt. Failure to do so, or failure to disclose the receipt of workers' compensation benefits, shall result in immediate suspension or reduction of Heart and Lung Act benefits.
- E. Heart and Lung Act benefits shall be defined as payment of base salary plus longevity (if applicable). Heart and Lung Act benefits are not subject to Federal, State or Local income tax.

7. Termination Of Benefits:

- A. Heart and Lung Act benefits are for temporary disabilities. Benefits may be terminated if the officer's disability is determined to be permanent, or on the date they return to work, or if the officer is found to be recovered from the injury that was the basis for Heart and Lung Act benefits. Terminations of Heart and Lung Act benefits will take place following a due process hearing where a due process hearing regarding the termination of Heart and Lung Act benefits is required by law. Heart and Lung Act benefits will also be terminated if an officer's employment with the Township is terminated.
- B. When HLA benefits end, written notification will be provided to the Officer by the Chief of Police.