

PA FIRE POLICE

Law Governing Workers Comp for Fire Police

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This month we will take a look at some of the questions that are frequently asked by fire police officers.

1. May a fire police officer stop and render assistance if he/she comes upon an emergency, anywhere in the State, and, if so, who covers Workers' Compensation should the fire police become injured while rendering such aid.

Yes, according to Title 35, Fire Police Law, a fire police officer may stop and render assistance if they come upon a sudden emergency. However, five things have to be considered before undertaking such

Activity.

1. There cannot be a police officer at the scene

2. There cannot be a fire company member present

3. The fire police officer must have their badge which they must display

4. The fire police officer must have their official hat with them

5. The fire police officer must have their vest

If a police officer and/or member of the fire department, in that area, are present this does not conform to the law's intent. In this case, the fire police officer did not come upon a sudden emergency requiring a trained individual to assume control of the scene. If emergency personnel are already there, this negates the need for the fire police officer to lend assistance.

Obviously, the hat, badge, and vest are always required in order for the fire police officer to be able to "go on duty" in an official capacity. Remember, if you don't have this equipment with you, do not assist. You will have no authority, nor will you be covered under Workers' Compensation.

• All special fire police when on duty shall display a badge of authority and shall be subject to the control of the chief of police, if any of the city, borough, town or township in which they are serving, or, if none, a member of the Pennsylvania State Police.

A key item to keep in mind when performing this type activity is to ask the responding police officer to place your name in his report as verification that you did, in fact, stop and lend assistance. Insurance companies are sure to challenge you if an injury occurs and may question where the injury actually occurred. They may deny coverage if you are unable to prove that the injury occurred while you were assisting in another area.

The wording in the law which permits this, states:

• Such duties may be performed without prior request from the governing body until the arrival of proper state, city, borough, town, township, or home rule municipality police authority until the emergency no longer exists.

The three words in the law which indicates that Workers' Compensation will be provided by your municipality's insurance are "without prior request". It is not necessary to obtain permission before providing such assistance. It is a permitted activity but, not a mandatory one.

2. What if a police officer asks for my assistance because he sees my fire police emblem on my car or my blue light, may I assist the officer?

Unfortunately, in this scenario you did not come upon a sudden emergency since a police officer was already there.

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You would not have any authority nor would you be covered under Workers' Compensation should an injury occur. The polite thing to do here is to advise the officer that you would not be covered, have no authority and continue on your way. You could suggest that the officer have his own fire police toned out to assist him.

In the Commonwealth of Pennsylvania it is never required that a person come to the aid of another person unless you put that person in a position of danger. The police officer cannot cite you, cannot "deputize you" cannot order you to assist.

Another common error fire police officers make is to listen to their pagers while at home or wherever and, when a neighboring company gets a call, they hop in their vehicle and rush to the scene to offer help. This is a critical mistake since the responding fire police officer did not

receive a call, would have no authority and no coverage while participating in this activity. The intent is good, the practice is bad.

3. Under whose control do I come under, the fire chief or the police chief?

The answer to this question is found in Title 35, Fire Police Law as follows:

- All special fire police when on duty shall display a badge of authority and shall be subject to the control of the chief of police, if any, of the city, borough, town or township in which they are serving, or, if none, a member of the Pennsylvania State Police.

Actually, fire police come under both fire and police chiefs as follows:

Fire Police operate under the authority of the fire chief when they perform their duties on the fire ground.

However, when functioning on a street, road or highway, they come under the authority of the police chief or his officers or State Police.

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