

AMENDED IN SENATE MAY 28, 2002  
AMENDED IN SENATE APRIL 15, 2002  
AMENDED IN SENATE APRIL 4, 2002

**SENATE BILL**

**No. 1713**

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**Introduced by Senator Peace**

February 21, 2002

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An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1713, as amended, Peace. Workers' compensation: leave of absence for disability.

Existing law provides that certain peace officers, firefighters, and other specified state and local public employees are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment. The leave of absence is in lieu of temporary disability payments or maintenance allowance payments otherwise payable under the workers' compensation system.

This bill would *declare the intent of the Legislature to enact legislation to extend this leave of absence entitlement to employees of the Youth and Adult Correctional Agency; and employees of the State Department of Mental Health who are assigned to a correctional facility, who have peace officer status.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 4850 of the Labor Code is amended to~~  
2 SECTION 1. *It is the intent of the Legislature to enact*  
3 *legislation to provide that the leave of absence entitlement granted*  
4 *in accordance with Section 4850 of the Labor Code to specified*  
5 *public employees who are disabled, shall also be granted to both*  
6 *of the following:*

7 (a) *Employees of the Youth and Adult Correctional Agency who*  
8 *have peace officer status pursuant to Chapter 4.5 (commencing*  
9 *with Section 830) of Title 3 of Part 2 of the Penal Code.*

10 (b) *Employees of the State Department of Mental Health who*  
11 *are assigned to a correctional facility and who have peace officer*  
12 *status pursuant to Chapter 4.5 (commencing with Section 830) of*  
13 *Title 3 of Part 2 of the Penal Code.*

14 read:

15 ~~4850. (a) Whenever any person listed in subdivision (b) who~~  
16 ~~is a member of the Public Employees' Retirement System or the~~  
17 ~~Los Angeles City Employees' Retirement System or subject to the~~  
18 ~~County Employees Retirement Law of 1937 (Chapter 3~~  
19 ~~(commencing with Section 31450) of Part 3 of Division 4 of Title~~  
20 ~~3 of the Government Code), is disabled, whether temporarily or~~  
21 ~~permanently, by injury or illness arising out of and in the course~~  
22 ~~of his or her duties, he or she shall become entitled, regardless of~~  
23 ~~his or her period of service with the city, county, or district, to a~~  
24 ~~leave of absence while so disabled without loss of salary in lieu of~~  
25 ~~temporary disability payments or maintenance allowance~~  
26 ~~payments under Section 139.5, if any, which would be payable~~  
27 ~~under this chapter, for the period of the disability, but not~~  
28 ~~exceeding one year, or until that earlier date as he or she is retired~~  
29 ~~on permanent disability pension, and is actually receiving~~  
30 ~~disability pension payments, or advanced disability pension~~  
31 ~~payments pursuant to Section 4850.3.~~

32 (b) ~~The persons eligible under subdivision (a) include all of the~~  
33 ~~following:~~

- 34 ~~(1) City police officers.~~
- 35 ~~(2) City, county, or district firefighters.~~
- 36 ~~(3) Sheriffs.~~
- 37 ~~(4) Officers or employees of any sheriff's offices.~~



- 1 ~~(5) Inspectors, investigators, detectives, or personnel with~~  
2 ~~comparable titles in any district attorney's office.~~
- 3 ~~(6) County probation officers, group counselors, or juvenile~~  
4 ~~services officers.~~
- 5 ~~(7) Officers or employees of a probation office.~~
- 6 ~~(8) Peace officers under Section 830.31 of the Penal Code~~  
7 ~~employed on a regular, full-time basis by a county of the first class.~~
- 8 ~~(9) Lifeguards employed year-round on a regular, full-time~~  
9 ~~basis by a county of the first class.~~
- 10 ~~(10) Airport law enforcement officers under subdivision (d) of~~  
11 ~~Section 830.33 of the Penal Code.~~
- 12 ~~(11) Harbor or port police officers, wardens, or special officers~~  
13 ~~of a harbor or port district or city or county harbor department~~  
14 ~~under subdivision (a) of Section 830.1 or subdivision (b) of~~  
15 ~~Section 830.33 of the Penal Code.~~
- 16 ~~(12) Police officers of the Los Angeles Unified School District.~~
- 17 ~~(13) Employees of the Youth and Adult Correctional Agency~~  
18 ~~who have peace officer status pursuant to Chapter 4.5~~  
19 ~~(commencing with Section 830) of Title 3 of Part 2 of the Penal~~  
20 ~~Code.~~
- 21 ~~(14) Employees of the State Department of Mental Health who~~  
22 ~~are assigned to a correctional facility and who have peace officer~~  
23 ~~status pursuant to Chapter 4.5 (commencing with Section 830) of~~  
24 ~~Title 3 of Part 2 of the Penal Code.~~
- 25 ~~(e) This section shall apply only to persons listed in subdivision~~  
26 ~~(b) who meet the requirements of subdivision (a) and does not~~  
27 ~~include any of the following:~~
  - 28 ~~(1) Employees of a police department whose principal duties~~  
29 ~~are those of a telephone operator, clerk, stenographer, machinist,~~  
30 ~~mechanic, or otherwise, and whose functions do not clearly fall~~  
31 ~~within the scope of active law enforcement service.~~
  - 32 ~~(2) Employees of a county sheriff's office whose principal~~  
33 ~~duties are those of a telephone operator, clerk, stenographer,~~  
34 ~~machinist, mechanic, or otherwise, and whose functions do not~~  
35 ~~clearly come within the scope of active law enforcement service.~~
  - 36 ~~(3) Employees of a county probation office whose principal~~  
37 ~~duties are those of a telephone operator, clerk, stenographer,~~  
38 ~~machinist, mechanic, or otherwise, and whose functions do not~~  
39 ~~clearly come within the scope of active law enforcement service.~~



1 ~~(4) Employees of a city fire department, county fire~~  
2 ~~department, or fire district whose principal duties are those of a~~  
3 ~~telephone operator, clerk, stenographer, machinist, mechanic, or~~  
4 ~~otherwise, and whose functions do not clearly fall within the scope~~  
5 ~~of active firefighting and prevention service.~~  
6 ~~(d) If the employer is insured, the payments which, except for~~  
7 ~~this section, the insurer would be obligated to make as disability~~  
8 ~~indemnity to the injured, the insurer may pay to the insured.~~  
9 ~~(e) No leave of absence taken pursuant to this section by a peace~~  
10 ~~officer, as defined by Chapter 4.5 (commencing with Section 830)~~  
11 ~~of Title 3 of Part 2 of the Penal Code, or by a city, county, or district~~  
12 ~~firefighter, shall be deemed to constitute family care and medical~~  
13 ~~leave, as defined in Section 12945.2 of the Government Code, or~~  
14 ~~to reduce the time authorized for family care and medical leave by~~  
15 ~~Section 12945.2 of the Government Code.~~

