

**ASSEMBLY BILL**

**No. 419**

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**Introduced by Assembly Member Lieber**

February 16, 2007

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An act to amend Section 4850 of the Labor Code, relating to workers' compensation: public employees: leaves of absence.

LEGISLATIVE COUNSEL'S DIGEST

AB 419, as introduced, Lieber. Workers' compensation.

Existing workers' compensation law requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment.

Existing law generally provides that whenever certain public employees who are members of the Public Employees' Retirement System or the Los Angeles City Employees' Retirement System or subject to the County Employees' Retirement Law of 1937 are disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of their duties, they shall become entitled, regardless of their period of service with the public employer, to a leave of absence while so disabled without loss of salary in lieu of temporary disability payments, for a period not exceeding one year.

This bill would, for purposes of these provisions, delete the requirement that these employees be members of the Public Employees' Retirement System or the Los Angeles City Employees' Retirement System or subject to the County Employees' Retirement Law of 1937. By increasing the duties of local officials with respect to the administration of this provision, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 4850 of the Labor Code is amended to  
2 read:

3 4850. (a) Whenever any person listed in subdivision (b) ~~who~~  
4 ~~is a member of the Public Employees' Retirement System or the~~  
5 ~~Los Angeles City Employees' Retirement System or subject to the~~  
6 ~~County Employees Retirement Law of 1937 (Chapter 3~~  
7 ~~(commencing with Section 31450) of Part 3 of Division 4 of Title~~  
8 ~~3 of the Government Code);~~ is disabled, whether temporarily or  
9 permanently, by injury or illness arising out of and in the course  
10 of his or her duties, he or she shall become entitled, regardless of  
11 his or her period of service with the city, county, or district, to a  
12 leave of absence while so disabled without loss of salary in lieu  
13 of temporary disability payments or maintenance allowance  
14 payments under Section 139.5, if any, ~~which~~ *that* would be payable  
15 under this chapter, for the period of the disability, but not exceeding  
16 one year, or until that earlier date as he or she is retired on  
17 permanent disability pension, and is actually receiving disability  
18 pension payments, or advanced disability pension payments  
19 pursuant to Section 4850.3.

20 (b) The persons eligible under subdivision (a) include all of the  
21 following:

- 22 (1) City police officers.
- 23 (2) City, county, or district firefighters.
- 24 (3) Sheriffs.
- 25 (4) Officers or employees of any sheriff's offices.
- 26 (5) Inspectors, investigators, detectives, or personnel with  
27 comparable titles in any district attorney's office.

1 (6) County probation officers, group counselors, or juvenile  
2 services officers.

3 (7) Officers or employees of a probation office.

4 (8) Peace officers under Section 830.31 of the Penal Code  
5 employed on a regular, full-time basis by a county of the first class.

6 (9) Lifeguards employed year round on a regular, full-time basis  
7 by a county of the first class.

8 (10) Airport law enforcement officers under subdivision (d) of  
9 Section 830.33 of the Penal Code.

10 (11) Harbor or port police officers, wardens, or special officers  
11 of a harbor or port district or city or county harbor department  
12 under subdivision (a) of Section 830.1 or subdivision (b) of Section  
13 830.33 of the Penal Code.

14 (12) Police officers of the Los Angeles Unified School District.

15 (c) This section shall apply only to persons listed in subdivision  
16 (b) who meet the requirements of subdivision (a) and does not  
17 include any of the following:

18 (1) Employees of a police department whose principal duties  
19 are those of a telephone operator, clerk, stenographer, machinist,  
20 mechanic, or otherwise, and whose functions do not clearly fall  
21 within the scope of active law enforcement service.

22 (2) Employees of a county sheriff's office whose principal duties  
23 are those of a telephone operator, clerk, stenographer, machinist,  
24 mechanic, or otherwise, and whose functions do not clearly come  
25 within the scope of active law enforcement service.

26 (3) Employees of a county probation office whose principal  
27 duties are those of a telephone operator, clerk, stenographer,  
28 machinist, mechanic, or otherwise, and whose functions do not  
29 clearly come within the scope of active law enforcement service.

30 (4) Employees of a city fire department, county fire department,  
31 or fire district whose principal duties are those of a telephone  
32 operator, clerk, stenographer, machinist, mechanic, or otherwise,  
33 and whose functions do not clearly fall within the scope of active  
34 firefighting and prevention service.

35 (d) If the employer is insured, the payments ~~which~~ *that*, except  
36 for this section, the insurer would be obligated to make as disability  
37 indemnity to the injured, the insurer may pay to the insured.

38 (e) No leave of absence taken pursuant to this section by a peace  
39 officer, as defined by Chapter 4.5 (commencing with Section 830)  
40 of Title 3 of Part 2 of the Penal Code, or by a city, county, or

1 district firefighter, shall be deemed to constitute family care and  
2 medical leave, as defined in Section 12945.2 of the Government  
3 Code, or to reduce the time authorized for family care and medical  
4 leave by Section 12945.2 of the Government Code.

5 SEC. 2. If the Commission on State Mandates determines that  
6 this act contains costs mandated by the state, reimbursement to  
7 local agencies and school districts for those costs shall be made  
8 pursuant to Part 7 (commencing with Section 17500) of Division  
9 4 of Title 2 of the Government Code.