

AMENDED IN SENATE SEPTEMBER 4, 2009

AMENDED IN SENATE JUNE 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1227**

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**Introduced by Assembly Member Feuer**

February 27, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1227, as amended, Feuer. Workers' compensation: public employees: leaves of absence.

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, and 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 are required to 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 or maintenance allowance payments, if any, that would be payable for the period of disability, but not exceeding one year, or until that earlier date as he or she is retired on permanent

disability pension, and is actually receiving disability pension payment, or certain advanced disability pension payment.

This bill would, for purposes of these provisions, require that these employees be employed on a regular, full-time basis, but would eliminate 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. ~~The bill would also include deputized local park rangers, community college police, and police of a school district among the public employees entitled to the above-described leave of absence.~~ The bill would provide that the provisions pertaining to a leave of absence shall not apply to certain public safety personnel who are employees of the City and County of San Francisco.

Vote: majority. Appropriation: no. Fiscal committee: 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 read:
- 3 4850. (a) Whenever any person listed in subdivision (b), who
- 4 is employed on a regular, full-time basis, and is disabled, whether
- 5 temporarily or permanently, by injury or illness arising out of and
- 6 in the course of his or her duties, he or she shall become entitled,
- 7 regardless of his or her period of service with the city, county, or
- 8 district, to a leave of absence while so disabled without loss of
- 9 salary in lieu of temporary disability payments or maintenance
- 10 allowance payments under Section 139.5, if any, that would be
- 11 payable under this chapter, for the period of the disability, but not
- 12 exceeding one year, or until that earlier date as he or she is retired
- 13 on permanent disability pension, and is actually receiving disability
- 14 pension payments, or advanced disability pension payments
- 15 pursuant to Section 4850.3.
- 16 (b) The persons eligible under subdivision (a) include all of the
- 17 following:
- 18 (1) City police officers.
- 19 (2) City, county, or district firefighters.
- 20 (3) Sheriffs.
- 21 (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 basis
- 9 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 Section
- 15 830.33 of the Penal Code.
- 16 (12) Police officers of the Los Angeles Unified School District.
- 17 ~~(13) Deputized local park rangers, as described in subdivision~~
- 18 ~~(b) of Section 830.31 of the Penal Code.~~
- 19 ~~(14) California Community College police, as described in~~
- 20 ~~subdivision (a) of Section 830.32 of the Penal Code.~~
- 21 ~~(15) Police officers of a school district, as described in~~
- 22 ~~subdivision (b) of Section 830.32 of the Penal Code.~~
- 23 (c) This section shall apply only to persons listed in subdivision
- 24 (b) who meet the requirements of subdivision (a), and shall not
- 25 include any of the following:
- 26 (1) Employees of a police department whose principal duties
- 27 are those of a telephone operator, clerk, stenographer, machinist,
- 28 mechanic, or otherwise, and whose functions do not clearly fall
- 29 within the scope of active law enforcement service.
- 30 (2) Employees of a county sheriff's office whose principal duties
- 31 are those of a telephone operator, clerk, stenographer, machinist,
- 32 mechanic, or otherwise, and whose functions do not clearly come
- 33 within the scope of active law enforcement service.
- 34 (3) Employees of a county probation office whose principal
- 35 duties are those of a telephone operator, clerk, stenographer,
- 36 machinist, mechanic, or otherwise, and whose functions do not
- 37 clearly come within the scope of active law enforcement service.
- 38 (4) Employees of a city fire department, county fire department,
- 39 or fire district whose principal duties are those of a telephone
- 40 operator, clerk, stenographer, machinist, mechanic, or otherwise,

1 and whose functions do not clearly fall within the scope of active  
2 firefighting and prevention service.

3 (d) If the employer is insured, the payments that, except for this  
4 section, the insurer would be obligated to make as disability  
5 indemnity to the injured, the insurer may pay to the insured.

6 (e) No leave of absence taken pursuant to this section by a peace  
7 officer, as defined by Chapter 4.5 (commencing with Section 830)  
8 of Title 3 of Part 2 of the Penal Code, or by a city, county, or  
9 district firefighter, shall be deemed to constitute family care and  
10 medical leave, as defined in Section 12945.2 of the Government  
11 Code, or to reduce the time authorized for family care and medical  
12 leave by Section 12945.2 of the Government Code.

13 (f) This section shall not apply to any persons described in  
14 subdivision (b) who are employees of the City and County of San  
15 Francisco.

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