

Introduced by Senator Block

February 20, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1234, as introduced, Block. Workers' compensation.

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 extend this leave of absence entitlement to certain peace officers who are not already described in these provisions, including, but not limited to, the Attorney General and special agents and investigators of the Department of Justice, certain park rangers designated by a local agency, and members of a California Community College police force.

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

1 in the course of his or her duties, he or she shall become entitled,
2 regardless of his or her period of service with the city, county, or
3 district, to a leave of absence while so disabled without loss of
4 salary in lieu of temporary disability payments or maintenance
5 allowance payments, if any, that would be payable under this
6 chapter, for the period of the disability, but not exceeding one year,
7 or until that earlier date as he or she is retired on permanent
8 disability pension, and is actually receiving disability pension
9 payments, or advanced disability pension payments pursuant to
10 Section 4850.3.

11 (b) The persons eligible under subdivision (a) include all of the
12 following:

13 (1) City police officers.

14 (2) City, county, or district firefighters.

15 (3) Sheriffs.

16 (4) Officers or employees of any sheriff's offices.

17 (5) Inspectors, investigators, detectives, or personnel with
18 comparable titles in any district attorney's office.

19 (6) County probation officers, group counselors, or juvenile
20 services officers.

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

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

24 (9) Lifeguards employed year round on a regular, full-time basis
25 by a county of the first class or by the City of San Diego.

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

28 (11) Harbor or port police officers, wardens, or special officers
29 of a harbor or port district or city or county harbor department
30 under subdivision (a) of Section 830.1 or subdivision (b) of Section
31 830.33 of the Penal Code.

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

33 (13) *Any person who is not described in paragraphs (1) to (11),*
34 *inclusive, who is a peace officer described in Section 830.1, 830.31,*
35 *830.32, 830.33, 830.34, or 830.35 of the Penal Code, except for*
36 *persons excluded pursuant to in subdivisions (c) and (f).*

37 (c) This section shall apply only to persons listed in subdivision
38 (b) who meet the requirements of subdivision (a), and shall not
39 include any of the following:

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

5 (2) Employees of a county sheriff’s office whose principal duties
6 are those of a telephone operator, clerk, stenographer, machinist,
7 mechanic, or otherwise, and whose functions do not clearly come
8 within the scope of active law enforcement service.

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

13 (4) Employees of a city fire department, county fire department,
14 or fire district whose principal duties are those of a telephone
15 operator, clerk, stenographer, machinist, mechanic, or otherwise,
16 and whose functions do not clearly fall within the scope of active
17 firefighting and prevention service.

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

21 (e) No leave of absence taken pursuant to this section by a peace
22 officer, as defined by Chapter 4.5 (commencing with Section 830)
23 of Title 3 of Part 2 of the Penal Code, or by a city, county, or
24 district firefighter, shall be deemed to constitute family care and
25 medical leave, as defined in Section 12945.2 of the Government
26 Code, or to reduce the time authorized for family care and medical
27 leave by Section 12945.2 of the Government Code.

28 (f) This section shall not apply to any persons described in
29 paragraph (1) or (2) of subdivision (b) who are employees of the
30 City and County of San Francisco.

31 (g) Amendments to subdivision (f) made by the act adding this
32 subdivision shall be applied retroactively to January 1, 2010.