

Introduced by Senator Roth

February 21, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1257, as introduced, Roth. Workers' compensation.

Existing law generally provides that certain state and local public employees, including specified peace officers and firefighters, are entitled to a leave of absence without loss of salary while disabled, whether temporarily or permanently, by injury or illness arising out of, and in the course of, his or her 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 make technical, nonsubstantive changes to that provision.

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

1 salary in lieu of temporary disability payments or maintenance
2 allowance payments, if any, that would be payable under this
3 chapter, for the period of the disability, but not exceeding one year,
4 or until that earlier date as he or she is retired on permanent
5 disability pension, and is actually receiving disability pension
6 payments, or advanced disability pension payments pursuant to
7 Section 4850.3.

8 (b) The persons eligible under subdivision (a) include all of the
9 following:

- 10 (1) City police officers.
- 11 (2) City, county, or district firefighters.
- 12 (3) Sheriffs.
- 13 (4) Officers or employees of any sheriff's offices.
- 14 (5) Inspectors, investigators, detectives, or personnel with
15 comparable titles in any district attorney's office.
- 16 (6) County probation officers, group counselors, or juvenile
17 services officers.
- 18 (7) Officers or employees of a probation office.
- 19 (8) Peace officers under Section 830.31 of the Penal Code
20 employed on a regular, full-time basis by a county of the first class.
- 21 (9) Lifeguards employed year round on a regular, full-time basis
22 by a county of the first class or by the City of San Diego.
- 23 (10) Airport law enforcement officers under subdivision (d) of
24 Section 830.33 of the Penal Code.
- 25 (11) Harbor or port police officers, wardens, or special officers
26 of a harbor or port district or city or county harbor department
27 under subdivision (a) of Section 830.1 or subdivision (b) of Section
28 830.33 of the Penal Code.

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

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

- 33 (1) Employees of a police department whose principal duties
34 are those of a telephone operator, clerk, stenographer, machinist,
35 mechanic, or otherwise, and whose functions do not clearly fall
36 within the scope of active law enforcement service.
- 37 (2) Employees of a county sheriff's office whose principal duties
38 are those of a telephone operator, clerk, stenographer, machinist,
39 mechanic, or otherwise, and whose functions do not clearly come
40 within the scope of active law enforcement service.

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

5 (4) Employees of a city fire department, county fire department,
6 or fire district whose principal duties are those of a telephone
7 operator, clerk, stenographer, machinist, mechanic, or otherwise,
8 and whose functions do not clearly fall within the scope of active
9 firefighting and prevention service.

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

13 (e) ~~No~~A leave of absence taken pursuant to this section by a
14 peace officer, as defined by Chapter 4.5 (commencing with Section
15 830) of Title 3 of Part 2 of the Penal Code, or by a city, county,
16 or district firefighter, shall *not* be deemed to constitute family care
17 and medical leave, as defined in Section 12945.2 of the
18 Government Code, or to reduce the time authorized for family care
19 and medical leave by Section 12945.2 of the Government Code.

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

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