

ASSEMBLY BILL

No. 2493

Introduced by Assembly Member Atkins

February 19, 2016

An act to amend Section 4800 of the Labor Code, relating to disability.

LEGISLATIVE COUNSEL'S DIGEST

AB 2493, as introduced, Atkins. Firefighters: disability.

Existing law makes a member of the Department of Justice falling within the "state peace officer/firefighter" class, as specified, who is disabled by injury arising out of and in the course of his or her duties, entitled to a leave of absence while so disabled without loss of salary, in lieu of disability payments, as specified, for a period of not exceeding one year.

This bill would make all rank-and-file and supervisory firefighters employed by Department of Forestry and Fire Protection entitled to that benefit regardless of whether the firefighter is assigned by the department to a position in fire prevention, fire suppression, or other capacity.

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

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

- 1 SECTION 1. Section 4800 of the Labor Code is amended to
2 read:
3 4800. (a) ~~Whenever any~~ *If a* member of the Department of
4 Justice ~~falling~~ *who is* within the "state peace officer/firefighter"

1 class is disabled by injury arising out of and in the course of his
 2 or her duties, he or she ~~shall become~~ *is* entitled, regardless of his
 3 or her period of service with the Department of ~~Justice~~ *Justice*, to
 4 a leave of absence while so disabled without loss of salary, in lieu
 5 of disability payments under this chapter, for a period of not
 6 exceeding one year. This section ~~shall apply~~ *applies* only to
 7 members of the Department of Justice whose principal duties
 8 consist of active law enforcement and ~~shall~~ *does* not apply to
 9 persons employed in the Department of Justice whose principal
 10 duties are those of telephone operator, clerk, stenographer,
 11 machinist, mechanic or otherwise clearly not ~~falling~~ within the
 12 scope of active law enforcement service, even though this person
 13 is subject to occasional call or is occasionally called upon to
 14 perform duties within the scope of active law enforcement service.

15 (b) This section ~~shall apply~~ *applies* to law enforcement officers
 16 employed by the Department of Fish and Wildlife who are
 17 described in subdivision (e) of Section 830.2 of the Penal Code.

18 (c) This section ~~shall apply~~ *applies* to harbor police officers
 19 employed by the San Francisco Port Commission who are
 20 described in Section 20402 of the Government Code.

21 (d) *This section applies to all rank-and-file and supervisory*
 22 *firefighters employed by Department of Forestry and Fire*
 23 *Protection regardless of whether the firefighter is assigned by the*
 24 *department to a position in fire prevention, fire suppression, or*
 25 *other capacity.*

26 (d)

27 (e) This section ~~shall~~ *does* not apply to periods of disability
 28 which occur subsequent to termination of employment by
 29 resignation, retirement or dismissal. ~~When~~ *In those circumstances*
 30 *in which* this section does not apply, the employee ~~shall be~~ *is*
 31 eligible for those benefits which would apply if this section had
 32 not been enacted.