

AMENDED IN ASSEMBLY MAY 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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 *the* Department of Forestry and Fire Protection, *whose principal duties include active fire suppression or prevention services*, 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: *benefit*.

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:

1 4800. (a) If a member of the Department of Justice who is
2 within the “state peace officer/firefighter” class is disabled by
3 injury arising out of and in the course of his or her duties, he or
4 she is entitled, regardless of his or her period of service with the
5 Department of Justice, to a leave of absence while so disabled
6 without loss of salary, in lieu of disability payments under this
7 chapter, for a period of not exceeding one year. This section applies
8 only to members of the Department of Justice whose principal
9 duties consist of active law enforcement and does not apply to
10 persons employed in the Department of Justice whose principal
11 duties are those of telephone operator, clerk, stenographer,
12 machinist, mechanic or otherwise clearly not within the scope of
13 active law enforcement service, even though this person is subject
14 to occasional call or is occasionally called upon to perform duties
15 within the scope of active law enforcement service.

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

19 (c) This section applies to harbor police officers employed by
20 the San Francisco Port Commission who are described in Section
21 20402 of the Government Code.

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

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