

**Assembly Bill No. 2493**

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Passed the Assembly June 2, 2016

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*Chief Clerk of the Assembly*

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Passed the Senate August 16, 2016

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

CHAPTER \_\_\_\_\_

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

LEGISLATIVE COUNSEL’S DIGEST

AB 2493, 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 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.

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

SECTION 1. Section 4800 of the Labor Code is amended to read:

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

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

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

(d) This section applies to 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.

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

Approved \_\_\_\_\_, 2016

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*Governor*