

AMENDED IN SENATE MAY 11, 2016
AMENDED IN SENATE MARCH 29, 2016

SENATE BILL

No. 897

Introduced by Senator Roth
(Coauthor: Senator Stone)

January 21, 2016

An act to add Section 4850.1 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 897, as amended, Roth. Workers' compensation.

Existing law provides that certain peace officers, firefighters, and other specified 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, for the period of the disability, not to exceed one year. 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 allow certain employees of local agencies, including police officers, firefighters, and sheriffs, an additional year of a leave of absence without loss of salary when injured by a catastrophic injury at the hands of another, as defined.

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 4850.1 is added to the Labor Code, to
2 read:

1 4850.1. (a) For purposes of this section, “catastrophic injury
2 at the hands of another” includes the following injuries: severe
3 burns, severe bodily injuries resulting from ~~a building collapse,~~
4 *the collapse of a building*, and severe bodily injuries resulting from
5 a shooting or stabbing. A catastrophic injury must have been
6 incurred, during duty, through the direct result of the actions of
7 another, including a battery, or through active firefighting
8 operations without respect to the cause of the fire.

9 (b) Whenever any person listed in this subdivision, who is
10 employed on a regular, full-time basis, and is temporarily disabled,
11 as determined by a physician, by a catastrophic injury at the hands
12 of another, he or she shall become entitled, regardless of his or her
13 period of service with the city, county, or district, to a leave of
14 absence while so disabled without loss of salary in lieu of
15 temporary disability payments or maintenance allowance payments,
16 if any, that would be payable under this chapter, for the period of
17 the disability, and an additional year to the one-year period
18 pursuant to Section 4850, but no more than two years total, or until
19 that earlier date as he or she is retired on permanent disability
20 pension, and is actually receiving disability pension payments, or
21 advanced disability pension payments pursuant to Section 4850.3.

22 (c) The persons eligible under subdivision (b) include all of the
23 following:

- 24 (1) City police officers.
- 25 (2) City, county, or district firefighters.
- 26 (3) Sheriffs.

27 (d) This section shall apply only to persons listed in subdivision
28 (c) who meet the requirements of subdivision (b), and shall not
29 include any of the following:

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

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

38 (3) Employees of a city fire department, county fire department,
39 or fire district whose principal duties are those of a telephone
40 operator, clerk, stenographer, machinist, mechanic, or otherwise,

1 and whose functions do not clearly fall within the scope of active
2 firefighting and prevention service.

3 (e) If the employer is insured, the payments that, except for this
4 section, the insurer would be obligated to make as disability
5 indemnity to the injured, the insurer may pay to the insured.

6 (f) No leave of absence taken pursuant to this section by a city,
7 county, or district firefighter shall be deemed to constitute family
8 care and medical leave, as defined in Section 12945.2 of the
9 Government Code, or to reduce the time authorized for family care
10 and medical leave by Section 12945.2 of the Government Code.

11 (g) This section shall not apply to any persons described in
12 paragraph (1) or (2) of subdivision (c) who are employees of the
13 City and County of San Francisco.

14 (h) A benefit received pursuant to this section is a temporary
15 disability benefit and is subject to the aggregate disability payments
16 time limit pursuant to subdivision (c) of Section 4656.

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