

AMENDED IN ASSEMBLY JUNE 16, 2016

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:

3 4850.1. (a) (1) (A) For purposes of this section, “catastrophic
4 injury at the hands of another” includes the following injuries:
5 severe burns, severe bodily injuries resulting from the collapse of
6 a building, and severe bodily injuries resulting from a shooting or
7 stabbing. ~~A~~

8 (B) A catastrophic injury must have been incurred, during duty,
9 through the direct result of the actions of another, including a
10 ~~battery, or through~~ battery.

11 (2) A “catastrophic injury at the hands of another” shall also
12 include a catastrophic injury as described in subparagraph (A) of
13 paragraph (1) that occurs during active firefighting operations
14 without respect to the cause of the fire.

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

29 (c) The persons eligible under subdivision (b) include all of the
30 following:

- 31 (1) City police officers.
- 32 (2) City, county, or district firefighters.
- 33 (3) Sheriffs.

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

- 37 (1) Employees of a police department whose principal duties
38 are those of a telephone operator, clerk, stenographer, machinist,

1 mechanic, or otherwise, and whose functions do not clearly fall
2 within the scope of active law enforcement service.

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

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

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

15 (f) No leave of absence taken pursuant to this section by a city,
16 county, or district firefighter shall be deemed to constitute family
17 care 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 (g) This section shall not apply to any persons described in
21 paragraph (1) or (2) of subdivision (c) who are employees of the
22 City and County of San Francisco.

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

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