

AMENDED IN ASSEMBLY AUGUST 19, 2016

AMENDED IN ASSEMBLY JUNE 16, 2016

AMENDED IN SENATE MAY 11, 2016

AMENDED IN SENATE MARCH 29, 2016

**SENATE BILL**

**No. 897**

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**Introduced by Senator Roth  
(Coauthor: Senator Stone)**

January 21, 2016

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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~~ *is defined as* the following  
5 injuries: severe burns, severe bodily injuries resulting from the  
6 collapse of a building, ~~and~~ *or* severe bodily injuries resulting from  
7 ~~a shooting or stabbing~~ *shooting, stabbing, or battery.*

8 (B) *For purposes of this section, “severe” means loss of limb,*  
9 *cognitive function, or other major bodily function that substantially*  
10 *jeopardizes the injured worker’s permanent ability to regain*  
11 *maximum function.*

12 ~~(B)~~  
13 (C) A catastrophic injury must have been incurred, during duty,  
14 through the direct result of the actions of ~~another, including a~~  
15 ~~battery~~; *another.*

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

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

33 (c) The persons eligible under subdivision (b) include all of the  
34 following:

- 35 (1) City police officers.
- 36 (2) City, county, or district firefighters.
- 37 (3) Sheriffs.

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

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

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

12 (3) Employees of a city fire department, county fire department,  
13 or fire district whose principal duties are those of a telephone  
14 operator, clerk, stenographer, machinist, mechanic, or otherwise,  
15 and whose functions do not clearly fall within the scope of active  
16 firefighting and prevention service.

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

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

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

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