

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1387

Introduced by Assembly Member Florez

February 26, 1999

An act to amend Sections 4850 and 4850.5 of the Labor Code, relating to public employee disability.

LEGISLATIVE COUNSEL'S DIGEST

AB 1387, as amended, Florez. Public employee disability benefits.

Under existing law, certain peace officers 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 their duties.

This bill would extend that provision to specified employees of a probation office, ~~thereby imposing a state-mandated local program by requiring the payment of additional benefits.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by~~

~~the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

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

1 SECTION 1. Section 4850 of the Labor Code is
2 amended to read:

3 4850. (a) Whenever any city police officer, city,
4 county, or district firefighter, sheriff or any officer or
5 employee of a sheriff's office, any inspector, investigator,
6 detective, or personnel with comparable title in any
7 district attorney's office, any county probation officer,
8 group counselor, or juvenile services officer, or any
9 officer or employee of a probation office, or lifeguard
10 employed year round on a regular, full-time basis by a
11 county of the first class, who is a member of the Public
12 Employees' Retirement System or subject to the County
13 Employees Retirement Law of 1937 (Chapter 3
14 commencing with Section 31450) of Part 3 of Division 4
15 of Title 3 of the Government Code) is disabled, whether
16 temporarily or permanently, by injury or illness arising
17 out of and in the course of his or her duties, he or she shall
18 become entitled, regardless of his or her period of service
19 with the city or county, to a leave of absence while so
20 disabled without loss of salary in lieu of temporary
21 disability payments or maintenance allowance payments
22 under Section 139.5, if any, which would be payable under
23 this chapter, for the period of the disability, but not
24 exceeding one year, or until that earlier date as he or she
25 is retired on permanent disability pension, and is actually
26 receiving disability pension payments, or advanced
27 disability pension payments pursuant to Section 4850.3.

28 (b) This section shall apply only to city police officers,
29 sheriffs or any officer or employee of a sheriff's office, and
30 any inspector, investigator, detective, or personnel with
31 comparable title in any district attorney's office, or any
32 county probation officer, group counselor, or juvenile
33 services officer, or any officer or employee of a probation



1 office, who are members of the Public Employees'
2 Retirement System or subject to the County Employees
3 Retirement Law of 1937 (Chapter 3 (commencing with
4 Section 31450) of Part 3 of Division 4 of Title 3 of the
5 Government Code) and excludes employees of a police
6 department whose principal duties are those of a
7 telephone operator, clerk, stenographer, machinist,
8 mechanic, or otherwise, and whose functions do not
9 clearly fall within the scope of active law enforcement
10 service, and excludes employees of a county sheriff's
11 office whose principal duties are those of a telephone
12 operator, clerk, stenographer, machinist, mechanic, or
13 otherwise, and whose functions do not clearly come
14 within the scope of active law enforcement service. It also
15 excludes employees of a county probation office whose
16 principal duties are those of a telephone operator, clerk,
17 stenographer, machinist, mechanic, or otherwise, and
18 whose functions do not clearly come within the scope of
19 active law enforcement service. It shall also apply to city,
20 county, or district firefighters who are members of the
21 Public Employees' Retirement System or subject to the
22 County Employees Retirement Law of 1937 (Chapter 3
23 (commencing with Section 31450) of Part 3 of Division 4
24 of Title 3 of the Government Code) and excludes
25 employees of the city fire department, county fire
26 department, and of any fire district whose principal
27 duties are those of a telephone operator, clerk,
28 stenographer, machinist, mechanic, or otherwise, and
29 whose functions do not clearly fall within the scope of
30 active firefighting and prevention service. It shall also
31 apply to deputy sheriffs subject to the County Employees
32 Retirement Law of 1937 (Chapter 3 (commencing with
33 Section 31450) of Part 3 of Division 4 of Title 3 of the
34 Government Code). It shall also apply to probation
35 officers, group counselors, juvenile services officers, or
36 any officer or employee of a probation office, subject to
37 the County Employees Retirement Law of 1937 (Chapter
38 3 (commencing with Section 31450) of Part 3 of Division
39 4 of Title 3 of the Government Code). It shall also apply
40 to lifeguards employed year round on a regular, full-time



1 basis by counties of the first class who are subject to the
2 County Employees Retirement Law of 1937 (Chapter 3
3 (commencing with Section 31450) of Part 3 of Division 4
4 of Title 3 of the Government Code).

5 (c) If the employer is insured, the payments which,
6 except for this section, the insurer would be obligated to
7 make as disability indemnity to the injured, the insurer
8 may pay to the insured.

9 (d) No leave of absence taken pursuant to this section
10 by a peace officer, as defined by Chapter 4.5
11 (commencing with Section 830) of Title 3 of Part 2 of the
12 Penal Code, shall be deemed to constitute family care and
13 medical leave, as defined in Section 12945.2 of the
14 Government Code, or to reduce the time authorized for
15 family care and medical leave by Section 12945.2 of the
16 Government Code.

17 SEC. 2. Section 4850.5 of the Labor Code is amended
18 to read:

19 4850.5. Any firefighter employed by the County of
20 San Luis Obispo, and the sheriff or any officer or
21 employee of the sheriff's office of the County of San Luis
22 Obispo, and any county probation officer, group
23 counselor, or juvenile services officer, or any officer or
24 employee of a probation office, employed by the County
25 of San Luis Obispo, shall, upon the adoption of a
26 resolution of the board of supervisors so declaring, be
27 entitled to the benefits of this article, if otherwise entitled
28 to these benefits, even though the employee is not a
29 member of the Public Employees' Retirement System or
30 subject to the County Employees Retirement Law of 1937
31 (Chapter 3 (commencing with Section 31450) of Part 3 of
32 Division 4 of Title 3 of the Government Code).

33 ~~SEC. 3. Notwithstanding Section 17610 of the~~
34 ~~Government Code, if the Commission on State Mandates~~
35 ~~determines that this act contains costs mandated by the~~
36 ~~state, reimbursement to local agencies and school~~
37 ~~districts for those costs shall be made pursuant to Part 7~~
38 ~~(commencing with Section 17500) of Division 4 of Title~~
39 ~~2 of the Government Code. If the statewide cost of the~~
40 ~~claim for reimbursement does not exceed one million~~



1 ~~dollars (\$1,000,000), reimbursement shall be made from~~
2 ~~the State Mandates Claims Fund.~~

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