

AMENDED IN SENATE JUNE 21, 2000  
AMENDED IN SENATE JUNE 7, 2000  
AMENDED IN ASSEMBLY MARCH 20, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1883**

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**Introduced by Assembly Member Lowenthal**  
(Principal coauthor: Senator Karnette)

February 10, 2000

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An act to amend Sections 4850 and 4850.3 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1883, as amended, Lowenthal. Workers' compensation: disability benefits for airport law enforcement officers and harbor and port police.

Existing workers' compensation law provides that certain peace officers, firefighters, and other specified state and local 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. This leave of absence is in lieu of temporary disability payments or maintenance allowance payments otherwise payable.

This bill would extend this provision to specified airport law enforcement officers—~~and~~, harbor and port police officers, wardens, and special officers.

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 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, any airport law  
10 enforcement officer, harbor or port police officer,  
11 warden, or special officer of a harbor or port district or  
12 city or county harbor department under subdivision (a)  
13 of Section 830.1 or subdivisions (b) and (d) of Section  
14 830.33 of the Penal Code, any peace officer under Section  
15 830.31 of the Penal Code employed on a regular, full-time  
16 basis by a county of the first class, or any lifeguard  
17 employed year round on a regular, full-time basis by a  
18 county of the first class, who is a member of the Public  
19 Employees' Retirement System or the Los Angeles City  
20 Employees' Retirement System or subject to the County  
21 Employees Retirement Law of 1937 (Chapter 3  
22 commencing with Section 31450) of Part 3 of Division 4  
23 of Title 3 of the Government Code), is disabled, whether  
24 temporarily or permanently, by injury or illness arising  
25 out of and in the course of his or her duties, he or she shall  
26 become entitled, regardless of his or her period of service,  
27 to a leave of absence while so disabled without loss of  
28 salary in lieu of temporary disability payments or  
29 maintenance allowance payments under Section 139.5, if  
30 any, which would be payable under this chapter, for the  
31 period of the disability, but not exceeding one year, or  
32 until that earlier date as he or she is retired on permanent  
33 disability pension, and is actually receiving disability  
34 pension payments, or advanced disability pension  
35 payments pursuant to Section 4850.3.

36 (b) This section shall apply only to city police officers,  
37 sheriffs or any officer or employee of a sheriff's office, and  
38 any inspector, investigator, detective, or personnel with



1 comparable title in any district attorney's office, or any  
2 county probation officer, group counselor, or juvenile  
3 services officer, or any officer or employee of a probation  
4 office, who are members of the Public Employees'  
5 Retirement System or subject to the County Employees  
6 Retirement Law of 1937 (Chapter 3 (commencing with  
7 Section 31450) of Part 3 of Division 4 of Title 3 of the  
8 Government Code) and excludes employees of a police  
9 department whose principal duties are those of a  
10 telephone operator, clerk, stenographer, machinist,  
11 mechanic, or otherwise, and whose functions do not  
12 clearly fall within the scope of active law enforcement  
13 service, and excludes employees of a county sheriff's  
14 office whose principal duties are those of a telephone  
15 operator, clerk, stenographer, machinist, mechanic, or  
16 otherwise, and whose functions do not clearly come  
17 within the scope of active law enforcement service. It also  
18 excludes employees of a county probation office whose  
19 principal duties are those of a telephone operator, clerk,  
20 stenographer, machinist, mechanic, or otherwise, and  
21 whose functions do not clearly come within the scope of  
22 active law enforcement service. It shall also apply to city,  
23 county, or district firefighters who are members of the  
24 Public Employees' Retirement System or subject to the  
25 County Employees Retirement Law of 1937 (Chapter 3  
26 (commencing with Section 31450) of Part 3 of Division 4  
27 of Title 3 of the Government Code) and excludes  
28 employees of the city fire department, county fire  
29 department, and of any fire district whose principal  
30 duties are those of a telephone operator, clerk,  
31 stenographer, machinist, mechanic, or otherwise, and  
32 whose functions do not clearly fall within the scope of  
33 active firefighting and prevention service. It shall also  
34 apply to deputy sheriffs, and to peace officers under  
35 Section 830.31 of the Penal Code employed on a regular,  
36 full-time basis by a county of the first class, who are  
37 subject to the County Employees Retirement Law of 1937  
38 (Chapter 3 (commencing with Section 31450) of Part 3 of  
39 Division 4 of Title 3 of the Government Code). It shall also  
40 apply to probation officers, group counselors, juvenile



1 service officers, or any officer or employee of a probation  
2 office, subject to the County Employees Retirement Law  
3 of 1937 (Chapter 3 (commencing with Section 31450) of  
4 Part 3 of Division 4 of Title 3 of the Government Code).  
5 It shall also apply to *any airport law enforcement officer,*  
6 harbor or port police officers, wardens, or special officers  
7 of a harbor or port district or city or county harbor  
8 department under subdivision (a) of Section 830.1 or  
9 ~~subdivision (b)~~ *subdivisions (b) and (d)* of Section 830.33  
10 of the Penal Code, who are members of the Los Angeles  
11 City Employees' Retirement System. It shall also apply to  
12 lifeguards employed year round on a regular, full-time  
13 basis by a county of the first class who are subject to the  
14 County Employees Retirement Law of 1937 (Chapter 3  
15 (commencing with Section 31450) of Part 3 of Division 4  
16 of Title 3 of the Government Code).

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

21 (d) No leave of absence taken pursuant to this section  
22 by a peace officer, as defined by Chapter 4.5  
23 (commencing with Section 830) of Title 3 of Part 2 of the  
24 Penal Code, shall be deemed to constitute family care and  
25 medical leave, as defined in Section 12945.2 of the  
26 Government Code, or to reduce the time authorized for  
27 family care and medical leave by Section 12945.2 of the  
28 Government Code.

29 SEC. 2. Section 4850.3 of the Labor Code is amended  
30 to read:

31 4850.3. A city, county, special district, or harbor  
32 district that is a member of the Public Employees'  
33 Retirement System, is subject to the County Employees  
34 Retirement Law of 1937, or is subject to the Los Angeles  
35 City Employees' Retirement System, may make  
36 advanced disability pension payments to any local safety  
37 officer who has qualified for benefits under Section 4850  
38 and is approved for a disability allowance. The payments  
39 shall be no less than 50 percent of the estimated highest  
40 average annual compensation earnable by the local safety



1 officer during the three consecutive years of employment  
2 immediately preceding the effective date of his or her  
3 disability retirement, unless the local safety officer  
4 chooses an optional settlement in the permanent  
5 disability retirement application process which would  
6 reduce the pension allowance below 50 percent. In the  
7 case where the local safety officer's choice lowers the  
8 disability pension allowance below 50 percent of average  
9 annual compensation as calculated, the advanced  
10 pension payments shall be set at an amount equal to the  
11 disability pension allowance. If a local agency has an  
12 adopted policy of paying for any accumulated sick leave  
13 after the safety officer is eligible for a disability allowance,  
14 the advanced disability pension payments under this  
15 section may only be made when the local safety officer  
16 has exhausted all sick leave payments. Advanced  
17 disability pension payments shall not be considered a  
18 salary under this or any other provision of law. All  
19 advanced disability pension payments made by a local  
20 agency with membership in the Public Employees'  
21 Retirement System shall be reimbursed by the Public  
22 Employees' Retirement System pursuant to Section  
23 21293.1 of the Government Code.

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