

AMENDED IN SENATE AUGUST 7, 2000  
AMENDED IN SENATE JUNE 29, 2000  
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, harbor and port police officers, wardens, and special officers.

This bill would incorporate additional changes in Section 4850 of the Labor Code proposed by AB 1124 and SB 2081, to become operative only if those bills are enacted, as specified, and become operative on or before January 1, 2001, and this bill is enacted last.

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 person listed in subdivision  
4 (b) who is a member of the Public Employees'  
5 Retirement System or the Los Angeles City Employees'  
6 Retirement System or subject to the County Employees  
7 Retirement Law of 1937 (Chapter 3 (commencing with  
8 Section 31450) of Part 3 of Division 4 of Title 3 of the  
9 Government Code), is disabled, whether temporarily or  
10 permanently, by injury or illness arising out of and in the  
11 course of his or her duties, he or she shall become entitled,  
12 regardless of his or her period of service with the city,  
13 county, or district, to a leave of absence while so disabled  
14 without loss of salary in lieu of temporary disability  
15 payments or maintenance allowance payments under  
16 Section 139.5, if any, which would be payable under this  
17 chapter, for the period of the disability, but not exceeding  
18 one year, or until that earlier date as he or she is retired  
19 on permanent disability pension, and is actually receiving  
20 disability pension payments, or advanced disability  
21 pension payments pursuant to Section 4850.3.

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

- 24 (1) City police officers.
- 25 (2) City, county, or district firefighters.
- 26 (3) Sheriffs.
- 27 (4) Officers or employees of any sheriff's offices.



1 (5) Inspectors, investigators, detectives, or personnel  
2 with comparable titles in any district attorney's office.

3 (6) County probation officers, group counselors, or  
4 juvenile services officers.

5 (7) Officers or employees of a probation office.

6 (8) Peace officers under Section 830.31 of the Penal  
7 Code employed on a regular, full-time basis by a county  
8 of the first class.

9 (9) Lifeguards employed year round on a regular,  
10 full-time basis by a county of the first class.

11 (10) Airport law enforcement officers under  
12 subdivision (d) of Section 830.33 of the Penal Code.

13 (11) Harbor or port police officers, wardens, or special  
14 officers of a harbor ~~of a harbor~~ or port district or city or  
15 county harbor department under subdivision (a) of  
16 Section 830.1 or subdivision (b) of Section 830.33 of the  
17 Penal Code.

18 (c) This section shall apply only to persons listed in  
19 subdivision (b) who meet the requirements of  
20 subdivision (a) and does not include any of the following:

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

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

31 (3) Employees of a county probation office whose  
32 principal duties are those of a telephone operator, clerk,  
33 stenographer, machinist, mechanic, or otherwise, and  
34 whose functions do not clearly come within the scope of  
35 active law enforcement service.

36 (4) Employees of a city fire department, county fire  
37 department, or fire district whose principal duties are  
38 those of a telephone operator, clerk, stenographer,  
39 machinist, mechanic, or otherwise, and whose functions



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

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

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

15 SEC. 1.3. Section 4850 of the Labor Code is amended  
16 to read:

17 4850. (a) Whenever any person listed in subdivision  
18 (b) who is a member of the Public Employees'  
19 Retirement System or subject to the County Employees  
20 Retirement Law of 1937 (Chapter 3 (commencing with  
21 Section 31450) of Part 3 of Division 4 of Title 3 of the  
22 Government Code), is disabled, whether temporarily or  
23 permanently, by injury or illness arising out of and in the  
24 course of his or her duties, he or she shall become entitled,  
25 regardless of his or her period of service with the city,  
26 county, or district, to a leave of absence while so disabled  
27 without loss of salary in lieu of temporary disability  
28 payments or maintenance allowance payments under  
29 Section 139.5, if any, which would be payable under this  
30 chapter, for the period of the disability, but not exceeding  
31 one year, or until that earlier date as he or she is retired  
32 on permanent disability pension, and is actually receiving  
33 disability pension payments, or advanced disability  
34 pension payments pursuant to Section 4850.3.

35 (b) The persons eligible under subdivision (a) include  
36 all of the following:

- 37 (1) City police officers.
- 38 (2) City, county, or district firefighters.
- 39 (3) Sheriffs.
- 40 (4) Officers or employees of any sheriff's offices.



1 (5) Inspectors, investigators, detectives, or personnel  
2 with comparable titles in any district attorney's office.

3 (6) County probation officers, group counselors, or  
4 juvenile services officers.

5 (7) Officers or employees of a probation office.

6 (8) Peace officers under Section 830.31 of the Penal  
7 Code employed on a regular, full-time basis by a county  
8 of the first class.

9 (9) Lifeguards employed year round on a regular,  
10 full-time basis by a county of the first class.

11 (10) Custody assistants employed on a regular,  
12 full-time basis by a county of the first class.

13 (11) Airport law enforcement officers under  
14 subdivision (d) of Section 830.33 of the Penal Code.

15 (12) Harbor or port police officers, wardens, or special  
16 officers of a harbor ~~of a harbor~~ or port district or city or  
17 county harbor department under subdivision (a) of  
18 Section 830.1 or subdivision (b) of Section 830.33 of the  
19 Penal Code.

20 (c) This section shall apply only to persons listed in  
21 subdivision (b) who meet the requirements of  
22 subdivision (a) and does not include any of the following:

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

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

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

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



1 machinist, mechanic, or otherwise, and whose functions  
2 do not clearly fall within the scope of active firefighting  
3 and prevention service.

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

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

16 SEC. 1.5. Section 4850 of the Labor Code is amended  
17 to read:

18 4850. (a) Whenever any person listed in subdivision  
19 (b) who is a member of the Public Employees'  
20 Retirement System or subject to the County Employees  
21 Retirement Law of 1937 (Chapter 3 (commencing with  
22 Section 31450) of Part 3 of Division 4 of Title 3 of the  
23 Government Code), is disabled, whether temporarily or  
24 permanently, by injury or illness arising out of and in the  
25 course of his or her duties, he or she shall become entitled,  
26 regardless of his or her period of service with the city,  
27 county, or district, to a leave of absence while so disabled  
28 without loss of salary in lieu of temporary disability  
29 payments or maintenance allowance payments under  
30 Section 139.5, if any, which would be payable under this  
31 chapter, for the period of the disability, but not exceeding  
32 one year, or until that earlier date as he or she is retired  
33 on permanent disability pension, and is actually receiving  
34 disability pension payments, or advanced disability  
35 pension payments pursuant to Section 4850.3.

36 (b) The persons eligible under subdivision (a) include  
37 all of the following:

- 38 (1) City police officers.
- 39 (2) City, county, or district firefighters.
- 40 (3) Sheriffs.



- 1 (4) Officers or employees of any sheriff's offices.
- 2 (5) Inspectors, investigators, detectives, or personnel
- 3 with comparable titles in any district attorney's office.
- 4 (6) County probation officers, group counselors, or
- 5 juvenile services officers.
- 6 (7) Officers or employees of a probation office.
- 7 (8) Peace officers under Section 830.31 of the Penal
- 8 Code employed on a regular, full-time basis by a county
- 9 of the first class.
- 10 (9) Lifeguards employed year round on a regular,
- 11 full-time basis by a county of the first class.
- 12 (10) Airport law enforcement officers under
- 13 subdivision (d) of Section 830.33 of the Penal Code.
- 14 (11) Harbor or port police officers, wardens, or special
- 15 officers of a harbor ~~of a harbor~~ or port district or city or
- 16 county harbor department under subdivision (a) of
- 17 Section 830.1 or subdivision (b) of Section 830.33 of the
- 18 Penal Code.
- 19 (12) Police officers of the Los Angeles Unified School
- 20 District.
- 21 (c) This section shall apply only to persons listed in
- 22 subdivision (b) who meet the requirements of
- 23 subdivision (a) and does not include any of the following:
- 24 (1) Employees of a police department whose principal
- 25 duties are those of a telephone operator, clerk,
- 26 stenographer, machinist, mechanic, or otherwise, and
- 27 whose functions do not clearly fall within the scope of
- 28 active law enforcement service.
- 29 (2) Employees of a county sheriff's office whose
- 30 principal duties are those of a telephone operator, clerk,
- 31 stenographer, machinist, mechanic, or otherwise, and
- 32 whose functions do not clearly come within the scope of
- 33 active law enforcement service.
- 34 (3) Employees of a county probation office whose
- 35 principal duties are those of a telephone operator, clerk,
- 36 stenographer, machinist, mechanic, or otherwise, and
- 37 whose functions do not clearly come within the scope of
- 38 active law enforcement service.
- 39 (4) Employees of a city fire department, county fire
- 40 department, or fire district whose principal duties are



1 those of a telephone operator, clerk, stenographer,  
2 machinist, mechanic, or otherwise, and whose functions  
3 do not clearly fall within the scope of active firefighting  
4 and prevention service.

5 (d) 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 (e) 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. 1.7. Section 4850 of the Labor Code is amended  
18 to read:

19 4850. (a) Whenever any person listed in subdivision  
20 (b) who is a member of the Public Employees'  
21 Retirement System or subject to the County Employees  
22 Retirement Law of 1937 (Chapter 3 (commencing with  
23 Section 31450) of Part 3 of Division 4 of Title 3 of the  
24 Government Code), is disabled, whether temporarily or  
25 permanently, by injury or illness arising out of and in the  
26 course of his or her duties, he or she shall become entitled,  
27 regardless of his or her period of service with the city,  
28 county, or district, to a leave of absence while so disabled  
29 without loss of salary in lieu of temporary disability  
30 payments or maintenance allowance payments under  
31 Section 139.5, if any, which would be payable under this  
32 chapter, for the period of the disability, but not exceeding  
33 one year, or until that earlier date as he or she is retired  
34 on permanent disability pension, and is actually receiving  
35 disability pension payments, or advanced disability  
36 pension payments pursuant to Section 4850.3.

37 (b) The persons eligible under subdivision (a) include  
38 all of the following:

- 39 (1) City police officers.
- 40 (2) City, county, or district firefighters.



1 (3) Sheriffs.

2 (4) Officers or employees of any sheriff's offices.

3 (5) Inspectors, investigators, detectives, or personnel  
4 with comparable titles in any district attorney's office.

5 (6) County probation officers, group counselors, or  
6 juvenile services officers.

7 (7) Officers or employees of a probation office.

8 (8) Peace officers under Section 830.31 of the Penal  
9 Code employed on a regular, full-time basis by a county  
10 of the first class.

11 (9) Lifeguards employed year round on a regular,  
12 full-time basis by a county of the first class.

13 (10) Custody assistants employed on a regular,  
14 full-time basis by a county of the first class.

15 (11) Airport law enforcement officers under  
16 subdivision (d) of Section 830.33 of the Penal Code.

17 (12) Harbor or port police officers, wardens, or special  
18 officers of a harbor ~~of a harbor~~ or port district or city or  
19 county harbor department under subdivision (a) of  
20 Section 830.1 or subdivision (b) of Section 830.33 of the  
21 Penal Code.

22 (13) Police officers of the Los Angeles Unified School  
23 District.

24 (c) This section shall apply only to persons listed in  
25 subdivision (b) who meet the requirements of  
26 subdivision (a) and does not include any of the following:

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

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

37 (3) Employees of a county probation office whose  
38 principal duties are those of a telephone operator, clerk,  
39 stenographer, machinist, mechanic, or otherwise, and



1 whose functions do not clearly come within the scope of  
2 active law enforcement service.

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

9 (d) If the employer is insured, the payments which,  
10 except for this section, the insurer would be obligated to  
11 make as disability indemnity to the injured, the insurer  
12 may pay to the insured.

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

21 SEC. 2. Section 4850.3 of the Labor Code is amended  
22 to read:

23 4850.3. A city, county, special district, or harbor  
24 district that is a member of the Public Employees'  
25 Retirement System, is subject to the County Employees'  
26 Retirement Law of 1937, or is subject to the Los Angeles  
27 City Employees' Retirement System, may make  
28 advanced disability pension payments to any local safety  
29 officer who has qualified for benefits under Section 4850  
30 and is approved for a disability allowance. The payments  
31 shall be no less than 50 percent of the estimated highest  
32 average annual compensation earnable by the local safety  
33 officer during the three consecutive years of employment  
34 immediately preceding the effective date of his or her  
35 disability retirement, unless the local safety officer  
36 chooses an optional settlement in the permanent  
37 disability retirement application process which would  
38 reduce the pension allowance below 50 percent. In the  
39 case where the local safety officer's choice lowers the  
40 disability pension allowance below 50 percent of average



1 annual compensation as calculated, the advanced  
2 pension payments shall be set at an amount equal to the  
3 disability pension allowance. If a local agency has an  
4 adopted policy of paying for any accumulated sick leave  
5 after the safety officer is eligible for a disability allowance,  
6 the advanced disability pension payments under this  
7 section may only be made when the local safety officer  
8 has exhausted all sick leave payments. Advanced  
9 disability pension payments shall not be considered a  
10 salary under this or any other provision of law. All  
11 advanced disability pension payments made by a local  
12 agency with membership in the Public Employees'  
13 Retirement System shall be reimbursed by the Public  
14 Employees' Retirement System pursuant to Section  
15 21293.1 of the Government Code.

16 SEC. 3. Section 1.3 of this bill incorporates  
17 amendments to Section 4850 of the Labor Code proposed  
18 by both this bill and AB 1124. It shall only become  
19 operative if (1) both bills are enacted and become  
20 effective on or before January 1, 2001, (2) SB 2081 does  
21 not amend Section 4850 of the Labor Code, (3) each bill  
22 amends Section 4850 of the Labor Code, and (4) this bill  
23 is enacted after AB 1124, in which case Sections 1, 1.5, and  
24 1.7 of this bill shall not become operative.

25 SEC. 4. Section 1.5 of this bill incorporates  
26 amendments to Section 4850 of the Labor Code proposed  
27 by this bill and SB 2081. It shall become operative if (1)  
28 both bills are enacted and become effective on or before  
29 January 1, 2001, (2) AB 1124 does not amend Section 4850  
30 of the Labor Code, (3) each bill amends Section 4850 of  
31 the Labor Code, and (4) this bill is enacted after SB 2081,  
32 in which case Sections 1, 1.3, and 1.7 of this bill shall not  
33 become operative.

34 SEC. 5. Section 1.7 of this bill incorporates  
35 amendments to Section 4850 of the Labor Code proposed  
36 by this bill, AB 1124, and SB 2081. It shall only become  
37 operative if (1) all three bills are enacted and become  
38 effective on or before January 1, 2001, (2) each bill  
39 amends Section 4850 of the Labor Code, and (3) this bill  
40 is enacted after AB 1124 and SB 2081, in which case



1 Sections 1, 1.3, and 1.5 of this bill shall not become  
2 operative.

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