

**Introduced by Senator Roth**

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, as specified.~~ *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) *For purposes of this section, "catastrophic injury*  
4 *at the hands of another" includes the following injuries: severe*

1 *burns, severe bodily injuries resulting from a building collapse,*  
 2 *and severe bodily injuries resulting from a shooting or stabbing.*  
 3 *A catastrophic injury must have been incurred, during duty,*  
 4 *through the direct result of the actions of another, including a*  
 5 *battery, or through active firefighting operations without respect*  
 6 *to the cause of the fire.*

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

22 ~~(b)~~

23 ~~(c)~~ The persons eligible under subdivision ~~(a)~~ *(b)* include all of  
 24 the following:

- 25 (1) City police officers.
- 26 (2) City, county, or district firefighters.
- 27 (3) Sheriffs.

28 ~~(e)~~

29 *(d)* This section shall apply only to persons listed in subdivision  
 30 ~~(b)~~ *(c)* who meet the requirements of subdivision ~~(a)~~, *(b)*, and shall  
 31 not include any of the following:

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

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

6 ~~(d)~~

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

10 ~~(e)~~

11 (f) No leave of absence taken pursuant to this section by a city,  
12 county, or district ~~firefighter~~, *firefighter* shall be deemed to  
13 constitute family care and medical leave, as defined in Section  
14 12945.2 of the Government Code, or to reduce the time authorized  
15 for family care and medical leave by Section 12945.2 of the  
16 Government Code.

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

20 (h) *A benefit received pursuant to this section is a temporary*  
21 *disability benefit and is subject to the aggregate disability payments*  
22 *time limit pursuant to subdivision (c) of Section 4656.*