



SB-897 Workers' compensation. (2015-2016)

SHARE THIS:



ENROLLED AUGUST 26, 2016

PASSED IN SENATE AUGUST 25, 2016

PASSED IN ASSEMBLY AUGUST 22, 2016

AMENDED IN ASSEMBLY AUGUST 19, 2016

AMENDED IN ASSEMBLY JUNE 16, 2016

AMENDED IN SENATE MAY 11, 2016

AMENDED IN SENATE MARCH 29, 2016

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

NO. 897

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

January 21, 2016

An act to add Section 4850.1 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 897, 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 Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4850.1 is added to the Labor Code, to read:

4850.1. (a) (1) (A) For purposes of this section, "catastrophic injury at the hands of another" is defined as the following injuries: severe burns, severe bodily injuries resulting from the collapse of a building, or severe bodily injuries resulting from a shooting, stabbing, or battery.

(B) For purposes of this section, "severe" means loss of limb, cognitive function, or other major bodily function that substantially jeopardizes the injured worker's permanent ability to regain maximum function.

(C) A catastrophic injury must have been incurred, during duty, through the direct result of the actions of another.

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

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

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

(1) City police officers.

(2) City, county, or district firefighters.

(3) Sheriffs.

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

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

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

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

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

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

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

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