SB-334 Enhanced industrial disability leave. (2017-2018)

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Senate Bill No. 334

CHAPTER 857

An act to amend Section 19871 of, and to add Section 19871.3 to, the Government Code, relating to disability leave.

[Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 334, Dodd. Enhanced industrial disability leave.

Existing law generally grants to state officers and employees who are members of the Public Employees' Retirement System or the State Teachers' Retirement System, among others, a right to industrial disability leave, as defined. Existing law defines an excluded employee to include managerial employees and supervisors, among others. Existing law provides an enhanced industrial disability leave benefit to an excluded employee who is temporarily disabled for more than 22 consecutive working days by an injury or type of injury designated by the Director of the Department of Human Resources as qualifying for these purposes.

This bill would provide an employee who is a member of State Bargaining Unit 8 and is temporarily disabled in the course of state employment for more than 22 days an extended industrial disability leave benefit based on his or her net salary, as defined. The bill would authorize the employee to receive this benefit for a period not to exceed 52 weeks after the date of injury or until the date the injury is declared permanent, whichever is earlier. The bill would additionally authorize an eligible employee whose injuries are burn-related to receive the benefit for up to 156 weeks.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 19871 of the Government Code is amended to read:

19871. (a) Except as provided in Section 19871.2 or 19871.3, when a state officer or employee is temporarily disabled by illness or injury arising out of and in the course of state employment, he or she shall become entitled, regardless of his or her period of service, to receive industrial disability leave and payments for a period not exceeding 52 weeks within two years from the first day of disability. These payments shall be in the amount of the employees full pay less withholding based on his or her exemptions in effect on the date of his or her disability for federal income taxes, state income taxes, and social security taxes not to exceed 22 working days of disability subject to Section 19875. Thereafter, the payment shall be two-thirds of full pay. Payments shall be additionally adjusted to offset disability benefits, excluding those disability benefits payable from the State Teachers' Retirement System, the employee may receive from other employer-subsidized programs, except that no adjustment may be made for benefits to which the employee's family is entitled up to a maximum of three-quarters of full pay. Contributions to the Public Employees' Retirement System or the State Teachers' Retirement System shall be deducted in the amount based on full pay. Discretionary deductions of the employee including those for coverage under a state health benefits plan in which the employee is enrolled shall continue to be deducted unless canceled by the employee. State employer contributions to the Public Employees' Retirement System and state employer normal retirement contributions to the State Teachers' Retirement System shall be made on the basis of full pay and the state contribution pursuant to Sections 22871 and 22885 because of the employee's enrollment in a health benefits plan shall continue.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions may not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 2. Section 19871.3 is added to the Government Code, to read:

19871.3. (a) If an employee who is a member of State Bargaining Unit 8 is temporarily disabled by illness or injury arising out of and in the course of state employment for a period that exceeds 22 consecutive days, he or she shall be entitled to receive the industrial disability leave benefit provided by this section.

(b) (1) Except as provided in paragraph (2), an employee described by subdivision (a) shall receive an industrial disability leave benefit in an amount that is the equivalent of the employee's net salary on the date of the occurrence of the injury or illness or the date the injury or illness is declared, whichever is greater. An employee may receive this benefit for a period not to exceed 52 weeks after the date of the occurrence of the injury or illness or until the date the injury or illness is declared permanent, whichever is earlier. For the purposes of this subdivision, "net salary" means the amount of salary the employee receives after federal income tax, state income tax, and the employee's retirement contribution has been deducted from the employee's gross salary.

(2) An employee described by subdivision (a) whose injuries are burn-related may receive the benefit described in paragraph (1) for a period not to exceed 156 weeks after the date of the occurrence of the injury or illness or until the date the injury or illness is declared permanent, whichever is earlier.