



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-1086 Workers' compensation: firefighters and peace officers. (2017-2018)

SHARE THIS:  

Date Published: 09/24/2018 09:00 PM

Senate Bill No. 1086

CHAPTER 734

An act to amend Section 5406.7 of the Labor Code, relating to workers' compensation.

[Approved by Governor September 23, 2018. Filed with Secretary of State September 23, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1086, Atkins. Workers' compensation: firefighters and peace officers.

Existing law specifies the time period within which various proceedings may be commenced under provisions of law relating to workers' compensation. With certain exceptions, a proceeding to collect death benefits is required to be commenced within one year from several circumstances, including, but not limited to, from the date of death if it occurs within one year from the date of injury. Existing law prohibits proceedings from being commenced more than one year after the date of death, and generally not more than 240 weeks from the date of injury. Existing law, for specified deceased members, including peace officers and active firefighting members, extends until January 1, 2019, the time period to commence proceedings to collect death benefits, if the proceedings are brought by, or on behalf of, a person who was a dependent on the date of death, from 240 weeks from the date of injury to no later than 420 weeks from the date of injury, not to exceed one year after the date of death for certain injuries, as specified.

This bill would delete the January 1, 2019, date of repeal operation of the above-referenced extension.

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

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

SECTION 1. The Legislature finds and declares all of the following:

- (a) California's public safety personnel face an injury risk that is unique, and uniquely dangerous. Even when training, their exposures, hazards, and physical demands are extraordinary.
- (b) Each year, our state mourns the loss of men and women who put their lives on the line every day protecting the public's safety.
- (c) Whether a public safety officer is lost in a catastrophic flash or slowly succumbs to a job-caused illness, when he or she makes the ultimate sacrifice in service to this state it is a poignant reminder that his or her family also makes an enormous sacrifice in the lost years of love and support.
- (d) A public safety officer spends his or her entire career routinely tackling complicated, life-threatening scenarios. Most of these scenarios involve exposure to dangerous carcinogens that can have a devastating, cumulative effect, including the manifestation of occupational cancer.

- (e) Existing law grants a fallen public safety officer's family a modest workers' compensation death benefit in recognition of the threats public safety officers face on the job, and the significant sacrifices made by the families they leave behind when one falls in the line of duty.
- (f) Death benefits are provided to a survivor in instances where the public safety officer's death is a result of an occupational injury or illness.
- (g) In 2015 the state appropriately adopted an extension to the arbitrary 240-week limit on surviving families filing of a claim for workers compensation death benefits, allowing a 420-week window for cancer related deaths, as well as deaths that result from exposure to a blood-borne infectious disease and tuberculosis.
- (h) Unless this bill is enacted, the law will revert back to the arbitrary cap of 240 weeks, foreclosing the opportunity for the survivor of a public safety officer diagnosed with a fatal job-caused illness to file a death benefits claim beyond that 240-week period.
- (i) Few stricken public safety officers are able to live beyond this arbitrary and archaic 240-week death clock, but, if they do, they face a cruel game of "beat the clock" in order for their surviving family to receive even a modest bit of comfort.
- (j) If a stricken officer lives even one day past 240 weeks, his or her survivors are prohibited from even applying to receive this critical death benefit.
- (k) A family of a fallen public safety officer who bravely fights to live through an occupational illness should not be penalized when attempting to access this modest death benefit.
- (l) In enacting this bill, it is the intent of the Legislature to ensure that these grieving families continue to receive adequate time to file a claim for job-related death benefits without an arbitrary and devastating penalty.
- SEC. 2.** Section 5406.7 of the Labor Code is amended to read:
- 5406.7.** (a) In addition to the timelines established pursuant to Section 5406, proceedings for the collection of the benefits provided by Article 4 (commencing with Section 4700) of Chapter 2 of Part 2 may be commenced after 240 weeks from the date of injury and no later than 420 weeks from the date of injury, but in no event more than one year after the date of death, if all of the following criteria are met:
- (1) The proceedings are brought for the collection of benefits by, or on behalf of, a person who was a dependent on the date of death. The extent of dependency shall be determined in accordance with the facts as they existed at the time of death of the employee.
 - (2) The injury causing death is one of the following:
 - (A) An injury as defined in Section 3212.1 to a person described in Section 3212.1.
 - (B) An injury as defined in Section 3212.6 to a person described in Section 3212.6.
 - (C) An injury as defined in Section 3212.8 to a person described in Section 3212.8.
 - (3) The date of injury is during the person's active service in applicable capacities described in Section 3212.1, 3212.6, or 3212.8.
- (b) This section does not apply to claims for the collection of benefits pursuant to Article 4 (commencing with Section 4700) of Chapter 2 of Part 2 that have already been adjudicated, or otherwise finalized, or for which the commencement period lapsed on or before December 31, 2014.
- (c) No dependency death benefit shall be payable pursuant to proceedings commenced more than 240 weeks from the date of injury unless either no proceedings were commenced within 240 weeks from the date of injury, or, if proceedings were commenced within that period, it has been finally determined that no person is entitled to dependency death benefits pursuant to the proceedings that were commenced within that period.