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AB-621 Workers' compensation: special death benefit. (2023-2024)

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Assembly Bill No. 621

CHAPTER 448

An act to amend Section 4707 of the Labor Code, relating to workers' compensation.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 621, Irwin. Workers' compensation: special death benefit.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment, which, in the case of the death of an employee, includes a death benefit. Existing law provides, however, that no benefits, except reasonable expenses of burial not exceeding \$1,000, shall be awarded under the workers' compensation laws on account of the death of an employee who is an active member of the Public Employees' Retirement System, unless the death benefits available under the Public Employees' Retirement Law are less than the workers' compensation death benefits. In that case, the surviving spouse and children of the employee are also entitled to the difference between the 2 death benefit amounts. Existing law exempts local safety members and patrol members, as defined, from this limitation.

This bill would expand that exemption to include state safety members, peace officers, and firefighters for the Department of Forestry and Fire Protection who are members of Bargaining Unit 8 and would apply the exemption for these employees retroactively to January 1, 2019, for injuries not previously claimed or resolved.

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

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

SECTION 1. Section 4707 of the Labor Code is amended to read:

4707. (a) Except as provided in subdivision (b), no benefits, except reasonable expenses of burial not exceeding one thousand dollars (\$1,000), shall be awarded under this division on account of the death of an employee who is an active member of the Public Employees' Retirement System unless it is determined that a special death benefit, as defined in the Public Employees' Retirement Law, or the benefit provided in lieu of the special death benefit in Sections 21547 and 21548 of the Government Code, will not be paid by the Public Employees' Retirement System to the surviving spouse or children under 18 years of age, of the deceased, on account of the death, but if the total death allowance paid to the surviving spouse and children is less than the benefit otherwise payable under this division the surviving spouse and children are entitled, under this division, to the difference.

The amendments to this section during the 1977–78 Regular Session shall be applied retroactively to July 1, 1976.

(b) The limitation prescribed by subdivision (a) does not apply to local safety members, or patrol members, as defined in Section 20390 of the Government Code, of the Public Employees' Retirement System. This subdivision shall be applied retroactively.

(c) The limitation prescribed by subdivision (a) does not apply to state safety members, as defined in Section 20400 of the Government Code, peace officers, as defined in Sections 830, 830.1, 830.2, subdivision (e) of Section 830.3, 830.4, and 830.5 of the Penal Code, firefighters for the Department of Forestry and Fire Protection who are members of Bargaining Unit 8 of the Public Employees' Retirement System. This subdivision shall be applied retroactively to January 1, 2019, for injuries not previously claimed or resolved, and shall not supersede any statutes of limitations otherwise provided by the Labor Code.