



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

AB-1020 County Employees Retirement Law of 1937: disability retirement: medical conditions: employment-related presumption. (2023-2024)

SHARE THIS:  

Date Published: 10/10/2023 09:00 PM

Assembly Bill No. 1020

CHAPTER 554

An act to amend Section 31720.5 of, to add Sections 31720.92, 31720.93, 31720.94, 31720.95, 31720.96, and 31720.97 to, and to add and repeal Section 31720.91 of, the Government Code, relating to county employees' retirement.

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1020, Grayson. County Employees Retirement Law of 1937: disability retirement: medical conditions: employment-related presumption.

Existing law, the County Employees Retirement Law of 1937, prescribes the rights, benefits, and duties of members of the retirement systems established pursuant to its provisions.

Existing law requires, if a safety member, a firefighter member, or a member in active law enforcement who has completed 5 years or more of service develops heart trouble, that the heart trouble be presumed to arise out of and in the course of employment.

This bill would require the presumption that the member's heart trouble arose out of and in the course of employment to be extended following termination of service for a prescribed length of time not to exceed 60 months.

Existing law provides that participants in certain membership categories may be entitled to special benefits if the injury that causes their disability arises in the course of their employment. Existing law creates a presumption, for purposes of qualification for disability retirement benefits for specified members, that certain injuries, including, but not limited to, a bloodborne infectious disease or a methicillin-resistant *Staphylococcus aureus* skin infection, arose out of and in the course of employment. Existing law authorizes the presumption to be rebutted by evidence to the contrary, but unless controverted, the applicable governing board of a public retirement system is required to find in accordance with the presumption.

This bill would expand the scope of this presumption to include additional injuries, including post-traumatic stress disorder, tuberculosis, skin cancer, lower back impairments, Lyme disease, hernia, pneumonia, and meningitis, if the injury develops or manifests while a member, as defined, is in a specified job classification, or additionally if the injury develops or manifests within a prescribed length of time following the termination of the member's employment in the specified job classification. With respect to skin cancer, this bill would additionally require the member to have worked for 3 consecutive months in a calendar year in a specified position for the presumption to apply. With respect to lower back impairments, this bill would additionally require the member to have worked at least 5 years in a specified position that required the member to wear a duty belt as a condition of employment for the presumption to apply. This bill would authorize the presumption relating to these additional injuries to be rebutted by evidence to the contrary, but unless controverted, the applicable governing board of a public retirement system is

required to find in accordance with the presumption. The bill would repeal the provisions related to post-traumatic stress disorder on January 1, 2025.

The bill would, contingent upon the enactment of SB 623 of the 2023–24 Regular Session, as specified, repeal the provisions related to post-traumatic stress disorder on January 1, 2032.

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

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

SECTION 1. Section 31720.5 of the Government Code is amended to read:

31720.5. (a) If a safety member, a firefighter member, or a member in active law enforcement who has completed five years or more of service under a pension system established pursuant to Chapter 4 (commencing with Section 31900) or under a pension system established pursuant to Chapter 5 (commencing with Section 32200) or both or under this retirement system or under the State Employees' Retirement System or under a retirement system established under this chapter in another county, and develops heart trouble, that heart trouble developing or manifesting itself in those cases shall be presumed to arise out of and in the course of employment. That heart trouble developing or manifesting itself in those cases shall in no case be attributed to any disease existing prior to such development or manifestation.

(b) The presumption described in subdivision (a) is rebuttable by other evidence. Unless so rebutted, the board is bound to find in accordance with the presumption.

(c) As used in this section, "firefighter member" includes a member engaged in active fire suppression who is not classified as a safety member.

(d) As used in this section, "member in active law enforcement" includes a member engaged in active law enforcement who is not classified as a safety member.

(e) The presumption described in subdivision (a) shall additionally apply to a firefighter member or member in active law enforcement following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date that member actually worked as a firefighter member or member in active law enforcement.

SEC. 2. Section 31720.91 is added to the Government Code, to read:

31720.91. (a) For purposes of a member who retires for disability from a system established under this chapter on the basis of being permanently incapacitated from the performance of their usual and customary duties because of an injury, as described in paragraph (1) of subdivision (c), it shall be presumed that the disability arose out of, or in the course of, the member's employment.

(b) The presumption described in subdivision (a) may be rebutted by evidence to the contrary, but unless controverted, the board shall be bound to find in accordance with the presumption.

(c) For purposes of this section:

(1) "Injury" means "post-traumatic stress disorder," as diagnosed according to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association and that develops or manifests itself during a period while a member is in the service of a department, office, or unit, consistent with paragraph (2).

(2) "Member" means a member of a public retirement system, established under this chapter, whose job classification is listed in Section 3212.15 of the Labor Code.

(d) The presumption described in subdivision (a) shall additionally apply to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not to exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified in paragraph (2) of subdivision (c).

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 2.5. Section 31720.91 is added to the Government Code, to read:

31720.91. (a) For purposes of a member who retires for disability from a system established under this chapter on the basis of being permanently incapacitated from the performance of their usual and customary duties because of an injury, as described in

paragraph (1) of subdivision (c), it shall be presumed that the disability arose out of, or in the course of, the member's employment.

(b) The presumption described in subdivision (a) may be rebutted by evidence to the contrary, but unless controverted, the board shall be bound to find in accordance with the presumption.

(c) For purposes of this section:

(1) "Injury" means "post-traumatic stress disorder," as diagnosed according to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association and that develops or manifests itself during a period while a member is in the service of a department, office, or unit, consistent with paragraph (2).

(2) "Member" means a member of a public retirement system, established under this chapter, whose job classification is listed in Section 3212.15 of the Labor Code.

(d) The presumption described in subdivision (a) shall additionally apply to a member following termination of service for a period of three calendar months for each full year of the requisite service, but shall not to exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified in paragraph (2) of subdivision (c).

(e) This section shall remain in effect only until January 1, 2032, and as of that date is repealed.

SEC. 3. Section 31720.92 is added to the Government Code, to read:

31720.92. (a) For purposes of a member who retires for disability from a system established under this chapter on the basis of being permanently incapacitated from the performance of their usual and customary duties because of an injury, as described in paragraph (1) of subdivision (c), it shall be presumed that the disability arose out of, or in the course of, the member's employment.

(b) The presumption described in subdivision (a) may be rebutted by evidence to the contrary, but unless controverted, the board shall be bound to find in accordance with the presumption.

(c) For purposes of this section:

(1) "Injury" means tuberculosis that develops or manifests itself during a period while a member is in the service of a department, office, or unit, consistent with paragraph (2).

(2) "Member" means a member of a public retirement system, established under this chapter, whose job classification is listed in Section 3212.6 of the Labor Code.

(d) The presumption described in subdivision (a) shall additionally apply to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified in paragraph (2) of subdivision (c).

SEC. 4. Section 31720.93 is added to the Government Code, to read:

31720.93. (a) For purposes of a member who retires for disability from a system established under this chapter on the basis of being permanently incapacitated from the performance of their usual and customary duties because of an injury, as described in paragraph (1) of subdivision (c), it shall be presumed that the disability arose out of, or in the course of, the member's employment.

(b) The presumption described in subdivision (a) may be rebutted by evidence to the contrary, but unless controverted, the board shall be bound to find in accordance with the presumption.

(c) For the purpose of this section:

(1) "Injury" means meningitis that develops or manifests itself during a period while a member is in the service of a department, office, or unit, consistent with paragraph (2).

(2) "Member" means a member of a public retirement system, established under this chapter, whose job classification is listed in Section 3212.9 of the Labor Code.

(d) The presumption described in subdivision (a) shall additionally apply to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length

of service, commencing with the last date the member actually worked in the classification specified in paragraph (2) of subdivision (c).

SEC. 5. Section 31720.94 is added to the Government Code, to read:

31720.94. (a) For purposes of a member who retires for disability from a system established under this chapter on the basis of being permanently incapacitated from the performance of their usual and customary duties because of an injury, as described in paragraph (1) of subdivision (c), it shall be presumed that the disability arose out of, or in the course of, the member's employment.

(b) The presumption described in subdivision (a) may be rebutted by evidence to the contrary, but unless controverted, the board shall be bound to find in accordance with the presumption.

(c) For the purpose of this section:

(1) "Injury" means skin cancer that develops or manifests itself during a period while a member is in the service of that department, office, or unit, consistent with paragraph (2).

(2) "Member" means a member of a public retirement system, established under this chapter, whose job classification is listed in Section 3212.11 of the Labor Code.

(d) This section shall only apply to a member employed for 3 consecutive months in a calendar year in a job classification listed in paragraph (2) of subdivision (c).

(e) The presumption described in subdivision (a) shall additionally apply to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified in paragraph (2) of subdivision (c).

SEC. 6. Section 31720.95 is added to the Government Code, to read:

31720.95. (a) For purposes of a member who retires for disability from a system established under this chapter on the basis of being permanently incapacitated from the performance of their usual and customary duties because of an injury, as described in paragraph (1) of subdivision (c), it shall be presumed that the disability arose out of, or in the course of, the member's employment.

(b) The presumption described in subdivision (a) may be rebutted by evidence to the contrary, but unless controverted, the board shall be bound to find in accordance with the presumption.

(c) For the purpose of this section:

(1) "Injury" means Lyme disease that develops or manifests itself during a period while a member is in the service of a department, office, or unit, consistent with paragraph (2).

(2) "Member" means a member of a public retirement system, established under this chapter, whose job classification is listed in Section 3212.12 of the Labor Code.

(d) The presumption described in subdivision (a) shall additionally apply to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified in paragraph (2) of subdivision (c).

SEC. 7. Section 31720.96 is added to the Government Code, to read:

31720.96. (a) For purposes of a member who retires for disability from a system established under this chapter on the basis of being permanently incapacitated from the performance of their usual and customary duties because of an injury, as described in paragraph (1) of subdivision (c), it shall be presumed that the disability arose out of, or in the course of, the member's employment.

(b) The presumption described in subdivision (a) may be rebutted by evidence to the contrary, but unless controverted, the board shall be bound to find in accordance with the presumption.

(c) For the purpose of this section:

(1) "Injury" means lower back impairments that develop or manifest itself during a period while a member is in the service of a department, office, or unit, consistent with paragraph (2).

(2) "Member" means a member of a public retirement system, established under this chapter, whose job classification is listed in Section 3213.2 of the Labor Code.

(d) This section shall apply to a member who has been employed for at least five years on a full-time basis in the classification specified in paragraph (2) of subdivision (c) and has been required to wear a duty belt as a condition of employment.

(e) This presumption shall additionally apply to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified in paragraph (2) of subdivision (c).

SEC. 8. Section 31720.97 is added to the Government Code, to read:

31720.97. (a) For purposes of a member who retires for disability from a system established under this chapter on the basis of being permanently incapacitated from the performance of their usual and customary duties because of an injury, as described in paragraph (1) of subdivision (c), it shall be presumed that the disability arose out of, or in the course of, the member's employment.

(b) The presumption described in subdivision (a) may be rebutted by evidence to the contrary, but unless controverted, the board shall be bound to find in accordance with the presumption.

(c) For the purpose of this section:

(1) "Injury" means hernia or pneumonia.

(2) "Member" means a member of a public retirement system, established under this chapter, whose job classification is listed in Section 3212 of the Labor Code.

(d) This presumption shall additionally apply to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified in paragraph (2) of subdivision (c).

SEC. 9. Section 2.5 of this bill shall become operative only if (1) this bill and Senate Bill 623 of the 2023–24 Regular Session are enacted and become effective on or before January 1, 2024, and (2) Senate Bill 623 of the 2023–24 Regular Session extends the repeal provisions of Section 3212.15 of the Labor Code to January 1, 2032, in which case Section 2 of this bill shall not become operative. Section 2 of this bill shall become operative only if (1) Senate Bill 623 of the 2023–24 is not enacted or does not become effective on or before January 1, 2024, or (2) Senate Bill 623 of the 2023–24 Regular Session does not extend the repeal provisions of Section 3212.15 of the Labor Code to January 1, 2032, in which case Section 2.5 of this bill shall not become operative.