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**SB-1058 Peace officers: injury or illness: leaves of absence.** (2023-2024)

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AMENDED IN SENATE APRIL 18, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

**SENATE BILL**

**NO. 1058**

**Introduced by Senator Ashby  
(Coauthor: Senator Cortese)  
(Coauthor: Assembly Member Alanis)**

**February 08, 2024**

An act to amend Section 4850 of the Labor Code, relating to public employment.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1058, Ashby. Peace officers: injury or illness: leaves of absence.

Existing law establishes a workers' compensation system, which generally requires employers to secure the payment of workers' compensation for injuries incurred by their employees that arise out of and in the course of their employment.

Existing law entitles, among others, local law enforcement, firefighters, and probation officers employed on a regular full-time basis to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of their duties. Existing law provides that a leave of absence under those provisions is in lieu of temporary disability payments or maintenance allowance payments otherwise payable under the workers' compensation system.

This bill would expand these provisions to entitle a park ranger employed on a regular full-time basis by a county or special district to this leave of absence.

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 of the Labor Code is amended to read:

**4850.** (a) Whenever a person listed in subdivision (b), who is employed on a regular, full-time basis, and is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of the person's duties, the person shall become entitled, regardless of the person's 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, but not exceeding one year, or until that earlier date as the person is retired on permanent disability pension, and is actually receiving disability pension payments, or advanced disability pension payments pursuant to Section 4850.3.

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

- (1) City police officers.
- (2) City, county, or district firefighters.
- (3) Sheriffs.
- (4) Officers or employees of any sheriff's offices.
- (5) Inspectors, investigators, detectives, or personnel with comparable titles in any district attorney's office.
- (6) County probation officers, group counselors, or juvenile services officers.
- (7) Officers or employees of a probation office.
- (8) Peace officers under Section 830.31 of the Penal Code employed on a regular, full-time basis by a county of the first class.
- (9) Lifeguards employed year round on a regular, full-time basis by a county of the first class or by the City of San Diego.
- (10) Airport law enforcement officers under subdivision (d) of Section 830.33 of the Penal Code.
- (11) Harbor or port police officers, wardens, or special officers of a harbor or port district or city or county harbor department under subdivision (a) of Section 830.1 or subdivision (b) of Section 830.33 of the Penal Code.
- (12) Police officers of the Los Angeles Unified School District.
- (13) Peace officers under Section 830.31 of the Penal Code who are park rangers employed on a regular, full-time basis by a county or special district.

(c) This section shall apply only to persons listed in subdivision (b) who meet the requirements of subdivision (a), 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 county probation 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.
- (4) 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.

(d) 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.

(e) No leave of absence taken pursuant to this section by a peace officer, as defined by Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or 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.

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

(g) Amendments to subdivision (f) made by the act adding this subdivision shall be applied retroactively to January 1, 2010.