

Date of Hearing: June 26, 2024

ASSEMBLY COMMITTEE ON INSURANCE

Lisa Calderon, Chair

SB 1058 (Ashby) – As Amended June 10, 2024

**SENATE VOTE:** 37-0

**SUBJECT:** Peace officers: injury or illness: leaves of absence

**SUMMARY:** Expands enhanced temporary disability (TD) benefits (commonly referred to as “4850 time”) to park rangers employed on a regular, full-time basis by a county or special district.

**EXISTING LAW:**

- 1) Establishes a workers’ compensation system that provides benefits to an employee who suffers from an injury or illness that arises out of and in the course of employment, regardless of fault. This system requires all employers to insure payment of benefits by either securing the consent of the Department of Industrial Relations to self-insure or by obtaining insurance from a company authorized by the state. (Labor Code Sections (LAB) 3200 et seq.)
- 2) Includes TD benefits for up to 104 weeks if an employee is temporarily unable to work during recuperation from the workplace illness or injury, as provided. (LAB 4656)
- 3) Provides that specified firefighters and peace officers can access wage replacement disability benefits for cancer work-related injuries for up to 240 weeks, as provided. (LAB 4656)
- 4) Establishes within the workers’ compensation system temporary and permanent benefits, referred to as disability indemnity, which offer wage replacement equal to two-thirds of a specified injured employee’s average weekly earnings while an employee is unable to work due to a workplace illness or injury. The current minimum benefit is \$242.86 per week and the maximum is \$1,619.15 per week. (LAB 4653-4656)
- 5) Provides that specified public law enforcement employees who are employed on a regular full-time basis, regardless of their period of service, and who experience a work-related injury or illness, are entitled to an enhanced TD benefit – paid leave of absence of up to one year instead of workers’ compensation TD indemnity. This enhanced TD benefit is referred to as “4850 leave.” If the employee retires on permanent disability, they may receive 4850 leave until they obtain a permanent disability pension. (LAB 4850)
- 6) Excludes police officers and firefighters employed by the City and County of San Francisco from 4850 leave and instead provides for somewhat similar leave pursuant to a local ordinance. (LAB 4850)

**FISCAL EFFECT:** This bill is keyed non-fiscal by the Legislative Counsel.

**COMMENTS:**1) *Purpose.* According to the author:

Despite county and special district park rangers across the state performing a number of peace officer duties and oftentimes facing similar risks, they are not provided the same workers' compensation and disability protections afforded to other law enforcement agencies. In fact, some counties rely on deputy sheriffs or police officers to fill their park ranger positions, further emphasizing both the overlap in responsibilities and disparity in protections.

SB 1058 amends the Labor Code to extend these benefits to county and special district park rangers, addressing these blatant gaps in workers' compensation and disability protections.

- 2) *Special public safety benefits.* Public safety officers (most police, sheriff, and firefighter employees) receive certain special workers' compensation benefits that other employees do not receive. Most notably, this class of employee has the benefit of a range of "presumptions" that certain illnesses or injuries are automatically deemed to be work related. All other employees are required to prove that their condition is work related. The second significant special workers' compensation benefit is granted by Labor Code Section 4850 – commonly referred to as "4850 time" – this law grants defined employees up to one year of full salary in lieu of the regular method for calculating TD benefits.
- 3) *Temporary disability benefits.* As mentioned above, 4850 leave is an enhanced version of TD benefits. The goal of TD is to approximate an employee's take home pay during the period after injury when the employee is temporarily unable to work. This goal is implemented by basing the weekly TD benefit on 2/3 of the employee's average weekly wages. The TD benefit is capped at \$1,619 per week.
- 4) *Employee classification proposed to be added.* Park rangers who obtain peace officer's standards training, among various other duties, provide public safety services at California's parks and other public properties and are often the first responders for medical, fire, and other emergencies. Part of their duties can also entail addressing unlawful homeless encampments, which places these officers at risk of harm.

Currently, only park rangers in Los Angeles County receive 4850 benefits because they are the only county that qualifies (based on population) under existing law. The park ranger classifications proposed to be included in the 4850 leave provisions of this bill are employed by some, but not all, cities, counties, and local agencies. Under the provisions of this bill ten additional counties would have park rangers that qualify for 4850 benefits – Kern, Marin, Monterey, Orange, Riverside, Sacramento, San Francisco, Santa Clara, Sonoma, and Ventura.

- 5) *Tax advantages.* Because these benefits are paid due to disability, they are not subject to either state or federal taxes. This applies to regular TD benefits, and to 4800-4850 benefits. Because of the tax-free status of this benefit, a public safety officer takes home substantially more in weekly benefits than they normally earn while working – i.e., normal take home pay plus what would have been paid in taxes.

- 6) *Recent legislation.*
- a) AB 872 (Wood) of 2021, would have authorized “4850” benefits for CAL FIRE firefighters. This bill was vetoed by Governor Gavin Newsom.
  - b) AB 2797 (Wood) of 2020, would have authorized “4850” benefits for CAL FIRE firefighters. This bill was not heard in the Assembly Insurance Committee.
  - c) AB 346 (Cooper) of 2019, would have authorized “4850” benefits to police officers employed by a school district, county office of education, or community college district. This bill was vetoed by Governor Gavin Newsom.
  - d) AB 2493 (Atkins) of 2016, would have authorized “4850” benefits for CAL FIRE firefighters. This bill was vetoed by Governor Jerry Brown.
  - e) SB 527 (Block) Chapter 66, Statutes of 2013, extended “4850” benefits to lifeguards employed year round on a regular, full-time basis by the City of San Diego.
- 7) *Arguments in support.* The Sacramento County Criminal Justice Employees’ Union, the sponsor of this bill, write in support saying: “Extending these protections to all peace officers employed on a regular, full-time basis by a county/special district ensures parity across the state and protects many of these frontline workers.”
- 8) *Arguments in opposition.* A coalition of public employers including the California Association of Joint Powers Authorities and the League of California Cities write in opposition to this bill noting: “Our coalition opposes this expansion of salary continuation benefits as proposed by SB 1058 because no objective evidence has been offered to demonstrate that this enhanced benefit is necessary, and there has been no evaluation of the cost to our members. Local agencies typically fund workers’ compensation costs out of their general fund, and every dollar spent on special enhanced benefits must come from somewhere. Funding for the special benefits proposed by AB 1058 will come out of local government budgets, and our coalition would respectfully urge the legislature to fully examine both the justification and cost related to the proposal.”

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Sacramento County Criminal Justice Employees Union

### **Opposition**

California Association of Joint Powers Authorities  
California Coalition on Workers Compensation  
League of California Cities  
Public Risk Innovation, Solutions, and Management (PRISM)  
Rural County Representatives of California

**Analysis Prepared by:** Claire Wendt / INS. / (916) 319-2086