

Date of Hearing: March 22, 2023

ASSEMBLY COMMITTEE ON INSURANCE
Lisa Calderon, Chair
AB 621 (Irwin) – As Introduced February 9, 2023

SUBJECT: Workers' compensation: special death benefit

SUMMARY: Allows the spouse and children of specified state safety members, peace officers, and Cal Fire firefighters who are killed in the line of duty to receive both the workers' compensation death benefit and the Public Employees' Retirement System (PERS) special death benefit.

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, irrespective of fault, which in the case of the death of an employee, includes a death benefit for the survivors of the employee.
- 2) Prohibits the payment of any workers' compensation death benefit, except reasonable expenses of burial not exceeding \$1,000, for an employee who is an active member of PERS, unless the death benefits available under PERS are less than the workers' compensation death benefits. (Labor Code § 4707(a))
- 3) Provides that where the PERS death benefits are less than the workers' compensation death benefits the surviving spouse and children of the employee are also entitled to the difference between the two death benefit amounts. (Labor Code § 4707(a))
- 4) Allows the surviving spouse and children of local safety members and patrol members, as defined, including members of the California Highway Patrol (CHP), to receive both the workers' compensation death benefit and the PERS special death benefit. (Labor Code § 4707(b))

FISCAL EFFECT: Unknown.

COMMENTS:

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

When a firefighter or peace officer falls in the line of duty, it leaves a hole in their communities that cannot be repaired. However, the greatest loss is to their families, many of whom relied upon the fallen firefighter or officer to be the sole or majority wage earner. Those families face the sudden loss of their loved one and the myriad of challenges that accompany their bereavement alongside the sudden and often devastating impacts to their finances.

California's workers' compensation system and the Public Employee Retirement System both provide benefits for the survivors of these tragic instances, but an existing provision of the Labor Code means that certain classes of state public safety officers are excluded from benefits that are provided to local public safety officers for the same circumstances.

While local public safety officers may be awarded both the death benefit that is provided by the workers' compensation system as well as the special death benefit provided by CalPERS, public safety employees who are employed by the state cannot.

AB 621 ensures California State firefighters and peace officers are extended the same exemption on special death benefits from CalPERS that local public safety officers and California Highway Patrol officers currently receive. This will ensure that their families are protected in the wake of their spouse or parent's death in the line of duty and will provide equity for those employed in these dangerous lines of work.

- 2) **Discussion.** Current law allows the surviving spouse and children of local public safety officers (police and firefighters) and CHP officers to collect both the workers' compensation death benefit and the PERS special death benefit in the event the officer is killed in the line of duty. This bill simply provides the same benefit to additional state public safety officers, including members of Cal Fire.

Recently, Cal Fire made efforts to open state service to formerly incarcerated individuals who served on fire crews. According to the author, Cal Fire hired nearly all of the graduates (98/111) of the Ventura Training Center, a program run by Cal Fire and the California Conservation Corps. This bill will help establish equity in benefits amongst all firefighters in the state, including those formerly incarcerated firefighters working for Cal Fire.

Note that according to the California Professional Firefighters, the sponsor of this bill, there have been 22 Cal Fire line of duty deaths since 2017.

- 3) **Prior Legislation.** AB 2342 (Cunneen), Chapter 770, Statutes of 1998, added the survivors of CHP officers to those that can collect both the workers' compensation death benefit and the PERS special death benefit in the event the officer is killed in the line of duty.

REGISTERED SUPPORT / OPPOSITION:

Support

Cal Fire Local 2881
California Correctional Peace Officers Association (CCPOA)
California Labor Federation, AFL-CIO
California Professional Firefighters

Opposition

None on file.

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