



Bill Analysis

Author: Stern

Sponsor:

Bill Number: SB 284

Related Bills: See Legislative
History

Introduced: February 1, 2021,
Amended: March 16, 2021

SUBJECT

Workers' Compensation: Firefighters and Peace Officers – Post-Traumatic Stress Disorder

SUMMARY

This bill would, under the Labor Code, expand the existing workers' compensation injury benefits, related to post-traumatic stress disorder (PTSD), to additional active firefighting members, peace officers, public safety dispatchers, public safety telecommunicators, and emergency response communication employees.

RECOMMENDATION

No position.

SUMMARY OF AMENDMENTS

The March 16, 2021, amendment added the Department of Veterans Affairs to the list of covered firefighting members.

This analysis only addresses the provisions that would impact the department.

This is the department's first analysis of the bill.

REASON FOR THE BILL

The reason for the bill is to extend workers' compensation benefits related to PTSD injuries to other public safety officers.

Introduced: February 1, 2021, Amended: March 16, 2021

ANALYSIS

This bill would amend the Labor Code to extend the benefits awarded under workers' compensation for PTSD injuries that develop or manifest during a period in which the person is employed by specified employers. These benefits would be available to the following additional persons:

Active firefighting members, whether volunteer, partly paid, or fully paid, of:

- The State Department of State Hospitals
- The State Department of Developmental Services
- The Military Department
- The Department of Veteran Affairs
- Peace officers as defined in the Penal Code, whose primary duties are active law enforcement duties, including employees of the Franchise Tax Board (FTB).
- Public safety dispatchers and telecommunicators, and emergency response communication employees, defined as an individual employed by a public safety agency whose primary responsibility is to receive, process, transmit, or dispatch emergency and nonemergency calls for law enforcement, fire, emergency medical, and other public safety services by telephone, radio, or other communication device. This also includes an individual who supervises other individuals who perform these functions.

This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

Effective/Operative Date

This bill would be effective from January 1, 2022, until January 1, 2025, and would be operative for injuries occurring on or after January 1, 2020.

Federal/State Law

Federal Law

The United States Department of Labor, Office of Worker's' Compensation Programs, administers the Federal Employees' Compensation Act (FECA) related to disability compensation due to injuries related to PTSD.

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State Law

Until January 1, 2025, existing law requires compensation to be awarded to certain firefighting members, peace officers, fire and rescue service coordinators, public safety dispatchers and telecommunicators, and emergency response communication employees for PTSD injuries occurring on or after January 1, 2020 that develop or manifest during a period in which the person is employed by specified employers. The compensation awarded for these injuries include hospital, surgical, and medical treatment, disability indemnity, and death benefits.

These injuries are presumed to have arisen out of and in the course of employment, and can be rebutted with evidence.

Implementation Considerations

None noted.

Technical Considerations

None noted.

Policy Considerations

None noted.

LEGISLATIVE HISTORY

SB 542 (Stern, Chapter 390, Statutes of 2019) created a rebuttable presumption for specified peace officers that a diagnosis of post-traumatic stress disorder is occupational, and therefore, covered by workers' compensation.

PROGRAM BACKGROUND

The Criminal Investigations Bureau of the FTB employs special agents and forensic computer examiners who are sworn peace officers and responsible for investigation and forensic data collection pertaining to suspected income tax fraud, evasion and other crimes against FTB by individuals and business entities. These employees are defined as "peace officers" under the Penal Code.

FISCAL IMPACT

In case of an incident that results in multiple claims, FTB's workers' compensation costs may increase by an estimated \$100,000, assuming a 5 percent increase in workers' compensation expenditures. Operationally, the department could be impacted as the position(s) would be encumbered and work would either have to be absorbed by other staff or not be completed.

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ECONOMIC IMPACT

Revenue Estimate

This bill as amended March 16, 2021, would not impact state income or franchise tax revenue.

LEGAL IMPACT

None noted.

APPOINTMENTS

None noted.

SUPPORT/OPPOSITION

Support:

Per the Senate Committee on Labor, Public Employment and Retirement analysis dated March 5, 2021, the following organizations support the bill:

California Professional Firefighters (Co-Sponsor)

California Statewide Law Enforcement Association (Co-Sponsor)

Peace Officers Research Association of California (Co-Sponsor)

Association of Conservationist Employees

Association of Criminalists for the California Department of Justice

Association of Deputy Commissioners

Association of Motor Carrier Operation Specialists

Association of Motor Vehicle Investigators of California

Association of Special Agents – Department of Justice

California Alcoholic Beverage Control Agents

California Association of Food and Drug Investigators

California Association of Fraud Investigators

California Association of Law Enforcement Employees

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California Association of Regulatory Investigators and Inspectors

California Chapter National Emergency Number Association

California Fish & Game Warden Supervisors and Managers Association

California Fish and Game Wardens Association

California Highway Patrol Public Safety Dispatchers Association

California Organization of Licensing Registration Examiners

Hospital Police Association of California

Riverside Sheriffs' Association

Opposition:

Per the Senate Committee on Labor, Public Employment, and Retirement analysis dated March 5, 2021, the following organizations, oppose this bill:

American Property Casualty Insurance Association

California Association of Joint Powers Authorities

California Coalition on Workers Compensation

California Special Districts Association

California State Association of Counties

League of California Cities

Public Risk Innovation, Solutions, and Management

ARGUMENTS

To be determined.

LEGISLATIVE CONTACT

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