



Bill Analysis

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Bill Number: SB 284

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.

REASON FOR THE BILL

The reason for the bill is to extend workers' compensation benefits related to post-traumatic stress injuries to other public safety officers.

ANALYSIS

This bill would amend the Labor Code to extend the benefits awarded under workers' compensation for post-traumatic stress 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.

The application of these benefits to employees covered under the existing law apply for injuries occurring on or after January 1, 2020. However, the benefits extended to the newly covered employees under this bill would only apply to injuries occurring on or after January 1, 2023.

The bill would also amend the definition of injury, to include post-traumatic stress injury, including PTSD.

Effective/Operative Date

This bill would be effective January 1, 2023, until January 1, 2025, and for newly covered individuals, would be operative for injuries occurring on or after January 1, 2023. For individuals already eligible for workers' compensation benefits related to PTSD, the provisions would not apply retroactively to injuries occurring before January 1, 2023.

Federal/State Law

Federal Law

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

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 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 risen 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 section 830.3.

FISCAL IMPACT

In comparable to other law enforcement agencies that perform the work on a daily basis with a higher exposure, FTB's costs would not be as significant as other departments whose primary role is law enforcement activity. If there were a catastrophic event, it could increase FTB's workers comp by an estimated \$100,000, assuming a 5% increase in WC expenditures. Operationally this would impact the department as the position(s) would be encumbered. Without the additional position(s), work would either be absorbed by other staff or not completed.

ECONOMIC IMPACT

Revenue Estimate

This bill would not impact state income or franchise tax revenue.

LEGAL IMPACT

None noted.

APPOINTMENTS

None noted.

SUPPORT/OPPOSITION

Per the August 22, 2022, Senate Floor analysis of SB 284, the following organizations are in support and opposition of the bill:

Support

California Professional Firefighters (co-source)
California Statewide Law Enforcement Association (co-source)
Peace Officers Research Association of California (co-source)
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 – DOJ
California Alcoholic Beverage Control Agents
California Association of Food and Drug Investigators
California Association of Fraud Investigators
California Association of Law Enforcement Employees
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 Labor Federation, AFL-CIO
California Organization of Licensing Registration Examiners
California School Employees Association
California Teamsters Public Affairs Council
Hospital Police Association of California
Los Angeles Professional Peace Officers Association
Riverside Sheriffs' Association
Steinberg Institute

Opposition

Allied Managed Care and Acclamation Insurance Management Services
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
City of Beverly Hills
League of California Cities
Public Risk Innovation, Solutions, and Management

VOTES

Location	Date	Yes Votes	No Votes
Concurrence	August 29, 2022	39	0
Assembly Floor	August 22, 2022	71	0
Senate Floor	June 02, 2021	37	1

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