



May 12, 2017

The Honorable Raul Bocanegra  
Member, California State Assembly  
State Capitol, Room 2175  
Sacramento, CA 95814

**SUBJECT: AB 1028 (BOCANEGRA) WORKERS' COMPENSATION: BENEFIT EXPANSION:  
SCHOOL SAFETY OFFICERS-OPPOSE  
ASSEMBLY APPROPRIATIONS COMMITTEE  
SET FOR HEARING: MAY 17, 2017**

Dear Assembly Member Bocanegra:

The coalition of organizations, California Association of Joint Powers Authorities (CAJPA), the CSAC Excess Insurance Authority (CSAC- EIA), and the California Coalition on Workers' Compensation must respectfully **OPPOSE AB 1028**, as amended March 28, 2017, which unreasonably expands the definition of peace officers covered by workers compensation presumptions to include school safety officers.

**AB 1028** is a complete repeal and recast of Labor Code Sections 3212, 3212.5, 3212.6, 3212.85, and 3212.9. These complex statutes dictate front line public safety officer eligibility for work-caused presumptions of compensability in the workers' compensation system. Presumptions, which basically require the employer to prove a negative, i.e, that work was not the cause of the injury or illness and have a long history of increasing litigation in the workers' compensation system.

Our organizations oppose **AB 1028's** proposal to provide peace officer presumptions to school safety officers. The measure would deem their work at a school worksite the presumed cause of a long statutory list of conditions and illnesses, and would include school security officers that do not have active law enforcement responsibilities. Our organizations are concerned that this expansion of benefits will place new and unexpected financial burdens on schools and school districts.

While the language of **AB 1028** states the school security or police officer has the same exposure as other Safety Officers, a review of Chapter 1 (commencing with Section 38000) of Part 23 of Division 3 of Title 2 of the Education Code, states "It is the intent of the Legislature in enacting this section that a school district security department is supplementary to city and county law enforcement agencies and is not vested with general police powers." Labor Code 3212 clearly states in reference to peace officers eligible for presumptive injury consideration that their duties must "fall within the scope of active law enforcement service." **AB 1028** ignores these existing statutory restrictions.

Our goal as employers is to help our injured employees receive the appropriate evidence-based medical care for their illnesses and injuries and then help return them to work as soon as possible. Study after study has shown that injured workers who return to work sooner, rather than later, have far better medical outcomes.

Our coalition is concerned that the revision and restructuring contained in **AB 1028** will likely have unintended consequences and place new pressures on school budgets. We believe there should be a broad conversation about presumption eligibility that examines the cost and impacts that such changes would have on local budgets prior to any further coverage expansion.

Last, in the Governor’s veto message of a similar bill expanding the categories of peace officers that are eligible for presumptions, he stated, “This measure seeks to expand coverage to ... additional categories of officers without real evidence that these officers confront the hazards that gave rise to the presumptions codified in existing law. Presumptions should be used rarely and only when justified by clear and convincing scientific evidence.” Our organizations do not believe the proponents have yet provided that clear and convincing scientific evidence.

For these reasons, and more, our organizations must respectfully **OPPOSE** your **AB 1028**. Please do not hesitate to contact Faith Lane or Juli Broyles (CAJPA) at 441-5050, Jason Schmelzer (CCWC) at 446-4656, ext. 1015, or Jen Hamelin (CSAC- EIA) at 916-850-7300 if you have any questions or require further information.

Sincerely,

California Association of Joint Powers Authorities  
California Coalition on Workers’ Compensation  
CSAC Excess Insurance Authority

cc: Members, Assembly Appropriations Committee  
Lisa Murawski, Consultant, Assembly Appropriations Committee  
Bill Lewis, Consultant, Assembly Republican Caucus  
The Honorable Christine Baker, Director, Department of Industrial Relations