



Date: March 19, 2018

To: The Honorable Tom Daly, Member, California State Assembly

From: Dorothy Johnson, Legislative Representative, California State Association of Counties  
Faith Borges, Legislative Advocate, California Association of Joint Powers Authorities  
Jason Schmelzer, Legislative Advocate, California Coalition on Workers' Compensation  
Dillon Gibbons, Legislative Representative, California Special Districts Association

**RE: Assembly Bill 1749 (Daly) – Workers' compensation: off-duty peace officer  
Oppose Unless Amended – As introduced January 3, 2018  
Hearing Date: April 4, 2018 – Assembly Insurance Committee**

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On behalf of the California State Association of Counties (CSAC), California Association of Joint Powers Authorities (CAJPA), California Coalition on Workers' Compensation (CCWC), and the California Special Districts Association (CSDA), we regret to inform you of our "oppose unless amended" position on your Assembly Bill 1749, related to peace officer workers' compensation benefit claims for injuries sustained outside of California. We fully recognize the brave acts displayed during the tragic Las Vegas shooting in October 2017 and your intent to help those who were harmed. However, as currently drafted, AB 1749 represents a major expansion of the workers' compensation system. Furthermore, it may not fully serve those individuals who went above and beyond to save lives and bring people out of harm's way.

The California worker's compensation system, at its core, is designed to provide support to individuals who are injured while carrying out their duties, arising out of the scope and course of their employment and under the direction or supervision of their employer. Given the nature of peace officers' duties, existing law also extends workers' compensation benefits to those who are off-duty and injured in their effort to protect of life or property, or in the apprehension of a suspect, within California.

AB 1749 would amend Labor Code Section 3600.2 to include coverage for California peace officers who are off-duty within or outside California at the time of their injury. This extension would also be applied retroactively. This is a massive expansion and could prove extremely problematic for several reasons, in addition to the direct cost pressures on public agencies. As such, we respectfully offer the following suggestions for your consideration. Otherwise, the consequences could easily undermine vital resources that public agency employers rely on for all services, safety and non-safety, as well as employee protections.

- Victims Funds: Californians injured in the Las Vegas shooting incident are eligible to seek support from the Nevada State Victims Fund and California may wish to consider creating an additional support fund with California-based resources to help victims and family members of victims cover medical costs, or in the most unfortunate incidences, funeral/memorial service expenses. This would be outside of the workers' compensation system since there is a very limited nexus based on the situational circumstances and existing system structure.

- **Gubernatorial Declaration:** The need for peace officers to provide public safety services to their communities is unquestionable and constant. However, the constant need can blur the line for off-duty officers and have it take time away from rest, recovery, and well-earned respite. Should workers' compensation be expanded in the manner that AB 1749 proposes, a formal designation in the most egregious circumstances would help ensure that off-duty officers, who choose to provide safety services and are injured in the course of that effort, are considered for benefits. An official gubernatorial declaration of a terrorist event from the state of the incident could provide the necessary litmus test.
- **Geographic Limitations to Adjoining States:** We believe there should be a stronger nexus between an injured California peace officer, the location of their employer agency, and the location of where the injury occurred. We would suggest that claims be limited to only adjoining states (Oregon, Arizona, Nevada) and only within the United States. As currently drafted, an injured peace officer could be anywhere in the United States or any foreign county and seek benefits for sustaining an injury while off-duty. In addition, the expansion to foreign counties and other states where there is less regional collaboration could make investigating claims an insurmountable challenge for the public safety agencies.
- **Clarification of Activities:** If the benefits for off-duty, out-of-state injured peace officers are to come from public agency resources, it must be clarified that the injuries resulting from acts of protecting life or property, or in the apprehension of a suspect, to mirror existing workers' compensation statutes for in-state injuries.

We thank you in advance for your consideration of these potential changes but at the present we must remain respectfully "oppose unless amended." We look forward a continued dialogue on this important issue. Please do not hesitate to contact us with any questions on our position. To reach us, please contact Dorothy Johnson (CSAC) at 916-650-8133; Faith Borges (CAJPA) at 916-441-5050; Jason Schmelzer (CCWC) at 916-446-4656; or Dillon Gibbons (CSDA) at 916-442-7887.

cc: Honorable Sharon Quirk-Silva, California State Assembly  
 Honorable Patricia Bates, California State Senate  
 Honorable Tim Grayson, California State Assembly  
 Honorable Chad Mayes, California State Assembly  
 Honorable Freddie Rodriguez, California State Assembly  
 Honorable Scott Wilk, California State Senate  
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