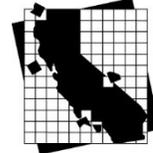




California Coalition on
Workers' Compensation



URBAN
COUNTIES
of
CALIFORNIA



CSAC
EXCESS
INSURANCE
AUTHORITY

March 26, 2019

The Honorable Tom Daly
Chair, Assembly Insurance Committee
1020 N Street, Room 437
Sacramento, CA 95814

Dear Assembly Member Daly:

The above organizations respectfully oppose AB 932 (Low), unless it is amended to include local discretion and limit the types of out-of-State situations that would be covered by the measure.

California's workers' compensation system provides generous benefits and support to firefighters who are injured while carrying out their duties that arise out of the scope and course of their employment and under the direction or supervision of their employer. These benefits are provided to a firefighter, or the firefighter's dependents, if the firefighter is injured, dies, or is disabled by engaging in a fire suppression or rescue operation, or in the protection of life or property, anywhere in California, but is not acting under the immediate supervision of the employer. Existing law specifies the time periods within which various workers' compensation proceedings may be commenced for the collection of benefits, including one year from the date of injury.

AB 932 would grant workers' compensation benefits to a firefighter or the firefighter's dependents if the firefighter is injured, dies or is disabled by proceeding to or engaging in a fire-suppression or rescue operation or the protection of life or property **outside of California**. AB 932 is similar to last year's AB 1749 (Chapter No. 707, Statutes of 2018) – the genesis of both bills was the tragic shooting event that occurred on October 1, 2017 in Las Vegas, Nevada. Unlike AB 1749, which provided discretion to the employer's governing body as to what out-of-state acts would be covered, Assembly Bill 932 fails to acknowledge that the broad application of the bill's provisions would ultimately lead to major investigative difficulties and exposure to civil liability by the local governments employing the firefighters.

Currently, firefighters do not have the authority under existing law to act outside the State of California unless immediately directed to do so by their department. Extending workers' compensation benefits to any out-of-state, unauthorized act makes the evidence-based administration of such workers' compensation claims almost impossible. While the bill purportedly creates equality between firefighters and peace officers following the passage of AB 1749, in fact it ignores the good faith negotiations that took place on that legislation that

provided protection to both peace officers and employers while avoiding a confusing and costly application of its provisions.

For these reasons, we request your consideration of amendments that would allow local discretion when considering out-of-state claims and limit those situations and injuries covered by this measure to instances in which a formal declaration of disaster or emergency has occurred. Until then, we must oppose AB 932.

Should you have any questions regarding our position, please contact Faith Conley (Los Angeles County Board of Supervisors) at (916) 441-7888, Josh Gauger (CSAC) at (916) 327-7500, Dane Hutchings (LCC) at (916) 658-8210, Faith Lane Borges (CAJPA) at (916) 441-5050, Jason Schmelzer (CCWC) at (916) 446-4645, Jen Hamelin (CSAC-EIA) at (916) 850-7300, Dillon Gibbons (CSDA) at (916) 442-7887 or Jean Hurst (UCC) at (916) 327-7531.

cc: Assembly Member Evan Low
Members, Assembly Insurance Committee
Mark Rakich, Assembly Insurance Committee
Bill Lewis, Assembly Republican Caucus