



March 17, 2021

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

RE: SB 284 (Stern): Workers' Compensation
OPPOSE

Dear Senator Portantino,

The undersigned organizations must respectfully **OPPOSE SB 284**, which is a substantial expansion of California's current presumption for Post Traumatic Stress Disorder (PTSD) for police officers and firefighters, to thousands of additional safety officers and non-sworn personnel. We are opposed to the expansion of this presumption because there continues to be a total lack of objective basis upon which to justify a policy that functionally forces public agencies to finance all PTSD claims, whether or not claims are related to work.

Our members recognize that police officers and firefighters serve our state with distinction in some of the most difficult circumstances imaginable. Our members include some of the largest employers of public safety officers in the state, and we have a healthy respect and admiration for people who choose every day to serve their communities. Fundamentally, we do not believe the SB 284 is necessary to provide California employees with fair access to the workers' compensation system for psychiatric injuries.

Analysis of the PTSD Presumption Not Completed

In 2019, when your SB 542 was adopted by the legislature there was no data or analysis objectively suggesting that California's employer-funded system of no-fault workers' compensation – a system required to be "liberally construed" by judges when a dispute arises – was closing off access to police officers or firefighters seeking care for PTSD. In fact, Assemblymember Tom Daly in his capacity as Chair of the Assembly Insurance Committee penned a letter (attached) to the Executive Director of the Commission on Health and Safety and Workers' Compensation (CHSWC) asking for extensive analysis be completed about this bill and noting that "presumptions should be narrowly tailored on the basis of sound empirical data".

We believe strongly that it is premature to consider any kind of further expansion to this legislation prior to the CHSWC analysis being provided to the legislature. The letter from Assemblymember Daly to CHSWC poses twelve detailed questions to the commission that can speak to the need for any future legislation. We welcome the additional review by CHSWC and we would be happy to partner with you and this committee on a broader conversation about presumption eligibility that examines the impacts that such changes would have on injured workers and on local budgets prior to any further coverage expansion.

Need and Cost of the Proposed Expansion Completely Unexamined

SB 284 proposes to expand the list of safety officers subject to the presumption, now to include officers from the Department of Parks and Recreation, the Department of Alcoholic Beverage Control, the California Exposition and State Fair, investigators of the Dental Board of California, the Department of Consumer Affairs, the Department of Motor Vehicles, the Division of Labor Standards Enforcement, and any peace officer employed by a K-12 public school district and many more. Finally, SB 284 proposes to expand the PTSD presumption to cover public safety dispatchers, public safety telecommunications, and emergency response communication employees. We are unaware of any objective analysis that would suggest that these job classifications merit the elimination of all statutory claims review procedures that accompany a workers' compensation PTSD presumption.

For these reasons and more, we respectfully **OPPOSE SB 284**.

Sincerely,



California Coalition on
Workers' Compensation



Ryan Souza
California State Association of Counties



Public Risk Innovation, Solutions
And Management



Dillon Gibbons
California Special Districts Association



California Association of Joint
Powers Authorities



Jeremy Merz
American Property Casualty Insurance Association



Bijan Mehryar
League of California Cities