



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

June 25, 2019

SUBJECT: PROVIDE WORKER'S COMPENSATION COVERAGE OF A PEACE OFFICER, IF THE PEACE OFFICER IS INJURED, DIES OR DISABLED WHILE ENGAGING IN THE APPREHENSION OR ATTEMPTED APPREHENSION OF LAW VIOLATORS, OUTSIDE THE STATE OF CALIFORNIA. AB 1749

PREPARED BY: Allyn Wightman, Chief of Police

Recommendation

Approve Resolution Number 21-19 of the City of Wheatland authorizing workers' compensation coverage for off-duty peace officers injured out of state.

Background/Discussion

In September 2018, Governor Brown signed into law AB 1749, effective January 1, 2019. The law specifically amends the Labor Code to permit public agencies to accept liability for workers' compensation of a peace officer, if the peace officer "is injured, dies, or is disabled from performing his or her duties as a peace officer by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators, or protection or preservation of life or property, or the preservation of the peace, outside the state of California, but was not at the time acting under the immediate direction of his or her employer...".

The law does not create a mandate that a public employer accept workers' compensation liability under the circumstances described above. Rather, the law expressly states that an employer may accept liability and provide benefits at its discretion or in accordance with an adopted resolution, as long as the employer decides that providing benefits serves the public purpose of the employer. Attached is a sample resolution. The sample resolution applies broadly to any out-of-state injury or illness sustained by a peace officer "by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators, or protection or preservation of life or property, or the preservation of the

peace”. If a member wishes, it may modify the resolution to limit the out-of-state circumstances in which it applies (e.g., limit it to a response to an active shooter situation, act of domestic terrorism, or catastrophic event such as an earthquake, flood or mudslide).

PARSAC and its excess providers, LAWCX and CSAC, have amended their Memoranda of Coverage to provide workers’ compensation coverage in accordance with the new law. Due to the “newness” of AB 1749, there is no data on the number of cities that have accepted or declined to follow this resolution. If the City chooses not to sign and an officer did engage in law enforcement activities outside the state of California and was injured or killed, the officer would not be covered.

Alternatives:

The Council could direct staff to modify the resolution to limit the out-of-state circumstances, or, reject the resolution.

Fiscal Impact:

None

Attachments

Resolution Number 21-19

RESOLUTION NO. 21-19

RESOLUTION OF THE CITY OF WHEATLAND AUTHORIZING WORKERS' COMPENSATION COVERAGE FOR OFF-DUTY PEACE OFFICERS INJURED OUT OF STATE

WHEREAS, Labor Code Section 3600.2 was amended by Assembly Bill 1749 in 2018, to allow a peace officer employer to accept liability for workers' compensation liability and provide benefits for an injury or illness sustained by a peace officer by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators, or protection or preservation of life or property, or the preservation of the peace, outside the state of California, but who was not at the time acting under the immediate direction of his or her employer, if the employer determines that providing compensation serves the public purposes of the employer;

WHEREAS, the City's workers' compensation provider, Public Agency Risk Sharing Authority of California (PARSAC), has amended its Memorandum of Coverage to provide coverage for peace officers who sustain a bodily injury or occupational illness while out of state under the circumstances described in Section 3600.2, but only if, prior to the occurrence, the governing board of the covered member has adopted a resolution under Section 3600.2, subsection (b)(4), accepting liability for such injury and or illness under the California workers' compensation law; and,

WHEREAS, the City desires to accept workers' compensation liability for peace officers who sustain an injury or illness while out of state in accordance with Labor Code Section 3600.2 and the PARSAC Memorandum of Coverage;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Wheatland as follows:

1. The City authorizes and agrees to accept liability for workers' compensation benefits under California Labor Code, Division 4 for an injury or illness sustained by a peace officer by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators, or protection or preservation of life or property, or the preservation of the peace, outside the state of California, but who was not at the time acting under the immediate direction of the City. This resolution is adopted pursuant to Labor Code Section 3600.2, subsection (b)(4).
2. The City finds and determines that providing workers' compensation benefits in the circumstances described in paragraph 1 serves the public purposes of the City.
3. This coverage shall not apply if, at the time of the occurrence, the peace officer was suspended from peace officer duty or otherwise not in good standing as a peace officer.
4. This coverage applies only to a peace officer as defined at Government Code Section 50920.
5. This coverage applies to occurrences that happen on or after July 1, 2019.

PASSED AND ADOPTED by the City Council of the City of Wheatland at its regular meeting on June 25, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Joseph Henderson, Mayor

ATTEST:

Lisa J. Thomason, City Clerk