

AMENDED IN SENATE MARCH 16, 2021

SENATE BILL

No. 284

Introduced by Senator Stern

February 1, 2021

An act to amend Section 3212.15 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 284, as amended, Stern. Workers' compensation: firefighters and peace officers: post-traumatic stress.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Existing law provides, only until January 1, 2025, that, for certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit, but applies only to injuries occurring on or after January 1, 2020. Existing law requires the compensation awarded pursuant to this provision to include full hospital, surgical, medical treatment, disability indemnity, and death benefits.

This bill would make that provision applicable to active firefighting members of the State Department of State Hospitals, the State Department of Developmental Services, ~~and the Military Department,~~ *the Military Department, and the Department of Veterans Affairs*, and to additional peace officers, including security officers of the Department of Justice when performing assigned duties as security officers and the officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services,

among other officers. The bill would also make that provision applicable to public safety dispatchers, public safety telecommunicators, and emergency response communication employees, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3212.15 of the Labor Code is amended
 2 to read:
 3 3212.15. (a) This section applies to all of the following:
 4 (1) Active firefighting members, whether volunteers, partly
 5 paid, or fully paid, of all of the following fire departments:
 6 (A) A fire department of a city, county, city and county, district,
 7 or other public or municipal corporation or political subdivision.
 8 (B) A fire department of the University of California and the
 9 California State University.
 10 (C) The Department of Forestry and Fire Protection.
 11 (D) A county forestry or firefighting department or unit.
 12 (E) The State Department of State Hospitals.
 13 (F) The State Department of Developmental Services.
 14 (G) The Military Department.
 15 (H) *The Department of Veterans Affairs.*
 16 (2) Active firefighting members of a fire department that serves
 17 a United States Department of Defense installation and who are
 18 certified by the Department of Defense as meeting its standards
 19 for firefighters.
 20 (3) Active firefighting members of a fire department that serves
 21 a National Aeronautics and Space Administration installation and
 22 who adhere to training standards established in accordance with
 23 Article 4 (commencing with Section 13155) of Chapter 1 of Part
 24 2 of Division 12 of the Health and Safety Code.
 25 (4) Peace officers, as defined in Sections 830.1, 830.2, 830.3,
 26 830.32, 830.37, and 830.38, subdivision (b) of Section 830.4, and
 27 Sections 830.5 and 830.55 of the Penal Code, who are primarily
 28 engaged in active law enforcement activities.
 29 (5) (A) Fire and rescue services coordinators who work for the
 30 Office of Emergency Services.
 31 (B) For purposes of this paragraph, “fire and rescue services
 32 coordinators” means coordinators with any of the following job

1 classifications: coordinator, senior coordinator, or chief
2 coordinator.

3 (6) (A) Public safety dispatchers, public safety
4 telecommunicators, and emergency response communication
5 employees.

6 (B) For the purposes of this paragraph, a “public safety
7 dispatcher,” “public safety telecommunicator,” or “emergency
8 response communication employee” means an individual employed
9 by a public safety agency whose primary responsibility is to
10 receive, process, transmit, or dispatch emergency and
11 nonemergency calls for law enforcement, fire, emergency medical,
12 and other public safety services by telephone, radio, or other
13 communication device, and includes an individual who supervises
14 other individuals who perform these functions.

15 (b) In the case of a person described in subdivision (a), the term
16 “injury,” as used in this division, includes “post-traumatic stress
17 disorder,” as diagnosed according to the most recent edition of the
18 Diagnostic and Statistical Manual of Mental Disorders published
19 by the American Psychiatric Association and that develops or
20 manifests during a period in which any person described in
21 subdivision (a) is in the service of the department, unit, office, or
22 agency.

23 (c) For an injury that is diagnosed as specified in subdivision
24 (b):

25 (1) The compensation that is awarded shall include full hospital,
26 surgical, medical treatment, disability indemnity, and death
27 benefits, as provided by this division.

28 (2) The injury developing or manifesting in these cases shall be
29 presumed to arise out of and in the course of the employment. This
30 presumption is disputable and may be controverted by other
31 evidence, but unless so controverted, the appeals board is bound
32 to find in accordance with the presumption. This presumption shall
33 be extended to a person described in subdivision (a) following
34 termination of service for a period of 3 calendar months for each
35 full year of the requisite service, but not to exceed 60 months in
36 any circumstance, commencing with the last date actually worked
37 in the specified capacity.

38 (d) Compensation shall not be paid pursuant to this section for
39 a claim of injury unless the person described in subdivision (a)
40 has performed services for the department, unit, office, or agency

1 for at least six months. The six months of employment need not
2 be continuous. This subdivision does not apply if the injury is
3 caused by a sudden and extraordinary employment condition.

4 (e) This section applies to injuries occurring on or after January
5 1, 2020.

6 (f) This section shall remain in effect only until January 1, 2025,
7 and as of that date is repealed.