



City of Rialto

Legislation Details (With Text)

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File created:	4/30/2019	In control:		City Council	
On agenda:	5/28/2019	Final action:			
Title:	Request City Council to Adopt Resolution No. 7514 Accepting Workers' Compensation Coverage for Off-Duty, Out-of-State Peace Officer Injuries Pursuant to Assembly Bill No. 1749.				
Sponsors:	Finance Department				
Indexes:					
Code sections:					
Attachments:	1. Assembly Bill No. 1749.pdf, 2. CSAC-EIA Endorsement U-6.pdf, 3. CA Govt Code Section 50920.pdf, 4. Reso - Assembly Bill 1749.pdf, 5. Labor Code Section 3600.2 (a) & (b).pdf				

Date	Ver.	Action By	Action	Result
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For City Council Meeting [May 28, 2019]

TO: Honorable Mayor and City Council

FROM: Sean Grayson, Interim City Administrator

Request City Council to Adopt **Resolution No. 7514** Accepting Workers' Compensation Coverage for Off-Duty, Out-of-State Peace Officer Injuries Pursuant to Assembly Bill No. 1749.

BACKGROUND:

The City of Rialto is a self-insured government agency for workers' compensation with a self-insured retention limit of \$400,000. Claims in excess of \$400,000 are reported to and funded by CSAC-Excess Insurance Authority (CSAC-EIA). California Labor Code Section 3600.2(a) established 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 his or her employment while off duty within the State. A copy of CA Labor Code Section 3600.2(a) is attached. Assembly Bill No. 1749 was introduced during the 2018 legislative session to address the concerns that workers' compensation claims filed by California peace officers who were injured during the October 2017 Las Vegas Route 91 Harvest Festival were being denied as they were out of state. In September 2018, Governor Jerry Brown signed the bill into law with an effective date of January 1, 2019. A copy of Assembly Bill No. 1749 is attached.

ANALYSIS/DISCUSSION:

CSAC-EIA adopted Endorsement U-6 to the Excess Workers' Compensation Memorandum of Coverage on March 1, 2019. Endorsement U-6 provides coverage for members who have adopted a Resolution that provides for workers' compensation benefits for off-duty peace officers that are injured while out of state. The definition of "peace officer" is stated in Section 50920 of the California Government Code, a copy of which is attached.

The City proposes adopting a Resolution to reflect the passage of Assembly Bill No. 1749. Provisions of this Resolution will add language defining that any bodily injury or occupational disease sustained by a peace officer who was at the time of the occurrence:

- (a) Off-duty,
- (b) Not acting under the immediate direction of his or her employer, and
- (c) Outside the state of California

and will allow the City to decide whether to accept, delay or deny a workers' compensation claim filed by a peace officer who, while out-of-state, is injured while 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. Staff is recommending adopting the Resolution providing workers' compensation coverage for off-duty, out-of-state peace officer injuries pursuant to Assembly Bill No. 1749.

ENVIRONMENTAL IMPACT:

The proposed action does not meet the definition of a project as defined by Section 15378 California Environmental Act (CEQA). A "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or reasonably foreseeable indirect physical change in the environment, and excludes the following:

1. Continuing administrative or maintenance activities, such as purchases for supplies, personnel related action, general policy and procedure making.
2. Organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment.

GENERAL PLAN CONSISTENCY:

This action plan is consistent with Guiding Principle 3A in the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsible manner that meets the needs of the citizens and is a good place to do business.

LEGAL REVIEW:

The City Attorney has reviewed and approved this staff report and Resolution.

FINANCIAL IMPACT:

Operating Budget Impact

If a claim is reviewed and accepted there will be an increase to operating costs up to the \$400,000 SIR limit. Funding is budgeted and available in the Workers' Compensation Fund, Account No. 720-500-2145-2021.

Capital Improvement Budget Impact

There is no Capital Improvement Budget impact.

Licensing

There is no business licensing impact.

RECOMMENDATION:

Staff recommends that the City Council adopt the Resolution providing workers' compensation coverage for off-duty, out-of-state peace officer injuries pursuant to Assembly Bill No. 1749.