

RESOLUTION NO. 2020-54

EXTEND WORKERS' COMPENSATION BENEFITS FOR INJURIES SUSTAINED BY OFF-DUTY PEACE OFFICERS OUTSIDE OF THE STATE OF CALIFORNIA

On Tuesday May 19, 2020, on motion of Supervisor Lovingood, duly seconded by Supervisor Gonzales and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, AB 1749, which amended Labor Code Section 3600.2, became effective January 1, 2019; and

WHEREAS, Labor Code Section 3600.2 (b)(4) now permits an employer to accept liability for compensation for an injury sustained by a peace officer by reason of engaging in the apprehension or attempted apprehension of 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 providing compensation serves its public purposes; and

WHEREAS, the County of San Bernardino employs peace officers as defined in Government Code section 50920 to include a sheriff, undersheriff, and a deputy sheriff of a county; and

WHEREAS, the Board of Supervisors determines that providing workers compensation for an injury sustained by a peace officer as established in Labor Code 3600.2(b)(4) but limited as described below, serves the public purposes of the County.

NOW, THEREFORE BE IT RESOLVED:

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. The Board of Supervisors finds that it serves the public purpose of the County to accept liability for workers compensation for a bodily injury (except psychological injuries) sustained by a peace officer as defined in Government Code section 50920 by reason of the following:

- 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 peace, outside the state of California; and
- The actions occurred during a domestic mass killing event, or domestic terrorist act; and
- The peace officer was not at the time acting under the immediate direction of his or her employer.

The Board of Supervisors finds that a peace officer as defined in Government Code section 50920, utilizing his or her specialized training to assist members of the public or the local law enforcement in the location of an incident described above serves a public purpose.

Section 3. In order to be covered under this Resolution, the peace officers defined in Government Code section 59020, must be in good standing according to the San Bernardino County Sheriff Department's standards at the time of injury and must have acted in the situations described above in compliance with generally accepted law enforcement standards.

Section 4. Acceptance of liability by the County pursuant to Labor Code 3600.2(b)(4) specifically excludes psychological injuries [of any kind] for a peace officer injured in an incident covered by this Resolution.

Section 5.This Resolution shall take effect immediately.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS: Robert A. Lovingood, Janice Rutherford, Dawn Rowe,
Curt Hagman, Josie Gonzales

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO) ss.

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of May 19, 2020. Item #86

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy