

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SAN BERNARDINO  
AND RECORD OF ACTION**

May 19, 2020

**FROM**

**LEANNA WILLIAMS, Director, Department of Risk Management**

**SUBJECT**

Adopt a Resolution to expand workers' compensation benefits for injuries sustained by off-duty peace officers, while outside of the state of California, and under certain circumstances.

**RECOMMENDATION(S)**

Adopt **Resolution No. 2020-54** to expand workers' compensation benefits for injuries sustained by off-duty peace officers, while outside of the state of California and under certain circumstances, to reflect the changes pursuant to State Assembly Bill 1749 that amended Section 3600.2 of the California Labor Code.

(Presenter: LeAnna Williams, Director, 386-8621)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The cost for the workers' compensation benefits will be paid from the Department of Risk Management's (DRM) Workers' Compensation Insurance fund (4082). This self-insurance fund is financed by County departments via internal service rates annually approved by the Board of Supervisors. There is no immediate fiscal impact with regard to expanding workers' compensation benefits as this recommendation will not incur an additional premium cost for excess insurance to the County. Sufficient appropriation has been included in the DRM 2019-20 adopted budget and will be included in future budgets.

**BACKGROUND INFORMATION**

California Labor Code Section 3600.2 provides workers' compensation benefits for injuries sustained by off-duty peace officers within the state of California. Assembly Bill (AB) 1749 was introduced to address the concerns of legislators regarding the denial of workers' compensation claims filed by California peace officers, who were injured during the October 1, 2017 mass shooting at Las Vegas, Nevada, Route 91 Harvest Festival.

In September 2018, Governor Edmund G. Brown, Jr. signed AB-1749 into law. Effective January 1, 2019, the bill allows employers to voluntarily accept liability for workers' compensation injuries sustained by off-duty peace officers, by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators, protection or preservation of life or property, or the preservation of the peace outside the state of California.

**Adopt a Resolution to expand workers' compensation benefits for injuries sustained by off-duty peace officers, while outside of the state of California, and under certain circumstances.**

On June 28, 2019, California State Association of Counties Excess Insurance Authority (CSAC EIA) issued Endorsement No. U-6 (attached) with the effective date of July 1, 2019, for the 2019-2020 Excess Workers' Compensation (EWC) program. The Endorsement states that the EWC Memorandum of Coverage (MOC) does not provide coverage for injuries sustained by peace officers while off-duty, not acting under the immediate direction of his or her employer, and outside the state of California, unless the Governing Board of the member has adopted a resolution, as provided for in California Labor Code Section 3600.2, subdivision (b)(4), accepting liability for such injuries.

The recommendation to adopt a resolution to expand workers' compensation benefits for injuries sustained by off-duty peace officers, as defined in Government Code Section 50920, will comply with the California Labor Code Section 3600.2 (b)(4) that specifies that an employer, at its discretion or in accordance with written policies adopted by resolution of the employer's governing body, may accept liability for compensation under that division.

**PROCUREMENT**

Not Applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Teresa McGowan, Principal Assistant County Counsel, 387-5283) on April 16, 2020; Purchasing Department (Bruce Cole, Supervising Buyer, 387-2148) on April 10, 2020; Finance (Joon Cho, Administrative Analyst, 387-5402) on April 30, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-4376) on April 30, 2020.

**Adopt a Resolution to expand workers' compensation benefits for injuries sustained by off-duty peace officers, while outside of the state of California, and under certain circumstances.**

Record of Action of the Board of Supervisors  
County of San Bernardino

**APPROVED (CONSENT CALENDAR)**

Moved: Robert A. Lovingood Seconded: Josie Gonzales

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: May 19, 2020



cc: File - Risk Management w/reso

KS 05/22/2020