

Agenda Report

TO: City Council July 23, 2001

THROUGH: Legislative Committee

FROM: Cynthia J. Kurtz, City Manager

SUBJECT: Opposition to (1) Assembly Bill 507 (Havice), (2) Assembly Bill 663 (Vargas), (3) Senate Bill 361 (Soto), and (4) Senate Bill 1176 (Machado and Burton)

RECOMMENDATION

It is recommended that the City Council:

1. Oppose Assembly Bill 507 (Havice) – Workers' Compensation: Custody Assistants: Disability; Assembly Bill 663 (Vargas) – Workers' Compensation: Lifeguards; Senate Bill 361 (Soto) – County Employees' Disability Retirement: Health Care Workers: Blood Borne Diseases; and Senate Bill 1176 (Machado and Burton); and
2. Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

BILL SUMMARY

Assembly Bill 507 (Havice) extends the presumption benefit leave of absence without loss of salary up to one year, in lieu of temporary disability payments to Los Angeles County custody assistants.

Assembly Bill 663 (Vargas) adds a presumption for lifeguards that develop skin cancer or hernia during employment. Additionally this bill adds a presumption for California Highway Patrol officers with respect to hernia, tuberculosis or meningitis that manifests itself during employment.

Senate Bill 361 (Soto) extends presumption benefits for the development of a blood-borne infectious disease that arises due to employment if the county employee demonstrates exposure as a result of performance of job duties.

Senate Bill 1176 (Machado and Burton) extends presumption benefits for cancer to additional categories of peace and safety officers that demonstrate exposure while in the service of a public agency to a known carcinogen.

BACKGROUND

Assembly Bill 507 (Havice) extends the presumption benefit leave of absence to non-sworn officers, i.e. to approximately 1,200 Los Angeles County custody assistants who work with inmates. Existing law provides for a leave-of-absence of up to one year with full pay in lieu of workers' compensation temporary disability payments for injured peace officers and other specified public employees.

Assembly Bill 663 (Vargas) extends the presumption benefit for skin cancer or hernia to lifeguards. Existing law provides a presumption including cancer, leukemia, hernia, heart trouble, pneumonia, tuberculosis, hepatitis and meningitis for active firefighters or certain state and local fire departments and certain peace officers. This Bill also adds a presumption for California Highway Patrol officers with hernias, tuberculosis or meningitis.

Senate Bill 361 (Soto) requires county retirement systems to grant a service-connected disability retirement to specified health care workers if they develop a blood borne infectious disease. Existing law provides for disability retirement benefits for the development of a blood-borne infectious disease that arises due to employment for specified safety members, probation officers, firefighters, and members in active law enforcement.

Senate Bill 1176 (Machado and Burton) extends the presumption benefits for cancer to peace officers employed by the State Department of Fish and Game, the State Department of Parks and Recreation, and the State Department of Alcoholic Beverage Control. Existing law provides a presumption benefit for cancer to active firefighters of specified state and local fire departments, specified peace officers who are primarily engaged in active law enforcement activities, and arson-investigators.

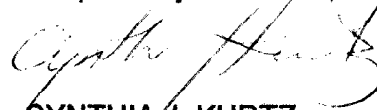
Discussion

All four pieces of legislation presented in this agenda report extend presumption benefits to additional categories of public agency employees. The City would find it almost impossible to disprove that the injuries or diseases arose out of or during the course of employment. Currently the City can review each situation on a case-by-case basis and determine that the injury or disease is work related based on substantiated facts. The bills subject the City to costly claims that may have no job causation.

FISCAL IMPACT

The fiscal impact is unknown at this time, but could be significant depending on the number of employees who would qualify under the new presumptions.

Respectfully submitted,



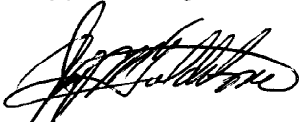
CYNTHIA J. KURTZ
City Manager

Prepared by:



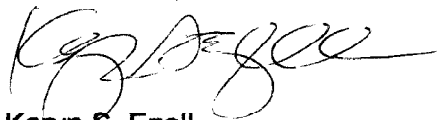
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