

# Agenda Report

**TO:** City Council

**DATE:** June 25, 2001

**THROUGH:** Legislative Policy Committee

**FROM:** City Manager

**SUBJECT:** Opposition to Senate Bill 424

**RECOMMENDATION:**

It is recommended that the City Council:

1. Oppose Senate Bill 424 (Burton), An act to add Section 3213.2 to the Labor Code, relating to Workers' Compensation.
2. Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

**BILL SUMMARY:**

SB 424 essentially states that if a police officer develops a low back injury it is presumed that the injury arose out of and was in the course of employment. This presumption is based on the fact that some police officers wear "duty belts" or gun belts. These presumptions make it difficult if not impossible for employers to reject those claims that lack merit. The result is that employers are also found liable for a workers' compensation claim and possible disability retirement.

**BACKGROUND:**

The City of Pasadena has approximately 215 sworn officers employed in the Police Department. Typically, lower back injuries account for 30-50% of the workers' compensation costs within the department. Over the past four years, the Police Department's workers' compensation costs have averaged \$1,300,000 per year. Approximately 85-95% of these costs are from sworn personnel (i.e. Police Officers, Detectives). The Police Department accounts for approximately 35-40% of the city-wide workers' compensation costs. The average cost of a back injury claim within the Police Department is approximately \$50,000.

Workers' Compensation is a no-fault system of indemnity and medical treatment for employees who are injured due to job causation. The threshold for job causation is generally very low, and the burden is on the employer to reject the claim. It has been the City's experience that presumptions of injury make it virtually impossible for the City to reject even those claims that completely lack merit. In addition, with law enforcement personnel, workers' compensation claims for disabling injuries often serve as a presumption for qualification for expensive disability retirements.

This bill would establish a direct cause and effect between the use of the duty belt and lower back impairment without medical study or findings. They are many factors, including improper lifting, excessive weight and loading of the spine, weak abdominal muscles, etc. that contribute to low back pain and impairment. This bill would make it extremely difficult to consider these factors when disputing claims for workers' compensation.

For the above reasons, the City is opposed to SB 424.

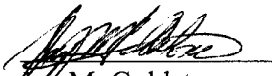
**FISCAL IMPACT:**

This fiscal impact is unknown at this time, but could be significant depending on the number of Police Officers who would qualify under the new standard for workers' compensation and disability retirements.

Respectfully submitted,


  
CYNTHIA J. KURTZ  
City Manager

Approved by:

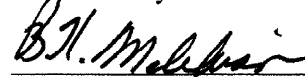
  
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