

SENATE THIRD READING
SB 8 (Ashby)
As Amended March 27, 2025
Majority vote

SUMMARY

Expands the application of enhanced temporary disability (TD) benefits (commonly referred to as "4850 time").

Major Provisions

Adds park rangers employed by Sacramento County to the categories of public safety workers who are eligible to receive 4850 time.

COMMENTS

- 1) *Temporary disability benefits:* The goal of TD is to approximate an employee's take home pay during the period after injury when the employee is temporarily unable to work. This goal is implemented by basing the weekly TD benefit on 2/3 of the employee's average weekly wages. Because there is a cap, employees who make more than approximately \$1800 per week do not reach this 2/3 goal, but because the benefit is tax free, most employees receive an adequate TD benefit while they are recovering.
- 2) *Special public safety benefits:* Public safety workers (most police, sheriff, and firefighter employees) receive certain special workers' compensation benefits that other employees do not receive. Most notably, this class of employee has the benefit of a range of "presumptions" that certain illnesses or injuries are automatically deemed to be work related. All other employees are required to prove that their condition is work related. The second significant special workers' compensation benefit is granted by Labor Code Section 4850 – commonly referred to as "4850 time" – and this law grants defined employees up to one year of full pay in lieu of the regular method for calculating TD benefits. Because these benefits are paid due to disability, they are not subject to either state or federal taxes. This applies to regular TD benefits, and to 4850 benefits. Because of the tax-free status of this benefit, a public safety officer takes home substantially more in weekly benefits than they normally earn while working – i.e., normal take home pay plus what would have been paid in taxes.
- 3) *Return to Work:* Public employers have long observed that the 4850 benefit creates a disincentive in getting injured public safety officers to return to work, even if they are able, due to the financial loss they would suffer when they return. Public employers also note that they face higher overtime costs because they cannot fill a position of an officer who is taking 4850 time, but they still have shifts to cover. The extent of the return to work disincentive may be unclear with respect to these particular employees, but factually, they make more money while off duty on 4850 time than when they return to work.

According to the Author

According to the author, "County and special district park rangers across the state perform a number of peace officer duties, facing similar risks. However, they are not provided the same workers' compensation and disability protections granted to other law enforcement agencies under law. Currently, only Los Angeles' County park rangers receive parity.

Some counties rely on deputy sheriffs or police officers to fill their park ranger positions, further emphasizing both the overlap in responsibilities and disparity in protections. SB 8 amends the Labor Code to extend these benefits to Sacramento County and special district park rangers, addressing the significant gap in workers' compensation and disability protections."

Arguments in Support

According to the Sacramento County Criminal Justice Employees' Union, "On behalf of the Sacramento County Criminal Justice Employee Union (SCCJEU), I write to support SB 8 and thank you for your authorship. This bill extends workers' compensation and disability protection to the Sacramento County Park Rangers who are California peace officers employed on a regular, full-time basis by Sacramento County.

SCCJEU oversees a variety of county peace officers in Sacramento County, including park rangers, whose duties often times overlap with those of law enforcement and other peace officer entities who are already rightfully afforded these protections. Extending these protections to Sacramento County Park Rangers ensures parity across the state and protects many of these frontline workers."

Arguments in Opposition

According to the California Coalition on Workers' Compensation, the California Association of Joint Powers Authorities and Public Risk and Innovation, Solutions and Management, "We oppose this expansion of salary continuation benefits as proposed by SB 8 because no objective evidence has been offered to demonstrate that this enhanced benefit is necessary, and there has been no evaluation of the cost. Local agencies typically fund workers' compensation costs out of their general fund, and every dollar spent on special enhanced benefits must come from somewhere. Funding for the special benefits proposed by SB 8 will come out of local government budgets, and our coalition would respectfully urge the legislature to fully examine both the justification and cost related to the proposal.

Prior legislation that similarly expanded application of this benefit has been met with caution. Specifically, AB 346 (Cooper, 2019) expanded the application of salary continuation benefits to officers at local school districts and county offices of education. That bill was vetoed by Governor Newsom, who observed that the bill "would significantly expand 4850 benefits that can be negotiated locally through the collective bargaining process." Similarly, in 2024 Governor Newsom vetoed SB 1058 (Ashby), a version of SB 8 that would have applied statewide, once again noting that the bill would have local fiscal impacts and that could be negotiated through collective bargaining. We believe the same logic applies here."

FISCAL COMMENTS

None.

VOTES

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

ASM INSURANCE: 14-0-3

YES: Calderon, Wallis, Addis, Alvarez, Ávila Farías, Berman, Chen, Ellis, Gipson, Harabedian, Nguyen, Ortega, Petrie-Norris, Michelle Rodriguez

ABS, ABST OR NV: Hadwick, Krell, Valencia

UPDATED

VERSION: March 27, 2025

CONSULTANT: Paul Riches / INS. / (916) 319-2086

FN: 0001098