



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
September 5, 2012**

TO: Mayor and City Council
FROM: Sandra Chapek, Executive Assistant
SUBJECT: Expanded Public Safety Death Benefits
DATE: August 27, 2012

RECOMMENDATION:

Direct Mayor to sign a letter of opposition to AB 2451, which would expand public safety death benefits and thereby result in increased local government costs.

BACKGROUND:

The original Workers' Compensation Act and subsequent reforms to the system enacted in 2004 were designed to provide fair and timely benefits to injured employees at a reasonable cost to employers. It is the position of the League of California Cities that public safety beneficiaries are currently compensated in a fair and timely manner.

AB 2451 (Perez, John A.) would extend the statute of limitations for presumptive death benefit claims filed on behalf of firefighters or peace officers at a detrimental fiscal consequence for employers. The bill would eliminate the 4 ½ year statute of limitations on work-related death benefits for public safety employees who die of diseases presumed by law to be job-related. If this bill becomes law, there would be no limit on the period of time between the employee's exposure to and presumable death from heart disease, cancer, tuberculosis or blood borne pathogens. Employers would see a significant increase in cost for death benefits for injuries that may not be job related, but because these are "presumptive" injuries, it would be nearly impossible for the employer to refute the claim.

At a time when all levels of government are struggling to maintain public safety and other vital services, AB 2451 would further stress local budgets. For example, it is estimated that AB 2451 would increase County worker's compensation costs by \$60 million annually. Cities would be similarly affected. In some cases the high costs caused by AB 2451 could result in the elimination of some public safety jobs.

FISCAL IMPACT:

Unknown at this time.

ACTION:

Direct Mayor to sign letter of opposition attached and staff to fax letter to legislative recipients.

Attachment

APPROVED BY:


City Manager



City of Martinez

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September 5, 2012

The Honorable Mark DeSaulnier
California Senate
State Capitol, Room 2054
Sacramento, CA 95814

Re: **AB 2451 (Perez, John A.): Workers' Compensation: firefighters and peace officers**
Notice of Opposition

Dear Senator DeSaulnier:

The City of Martinez is opposed to AB 2451 by Assembly Speaker John A. Perez, which would extend the statute of limitations for a presumptive death benefit claim to be filed on behalf of a firefighter or peace officer.

AB 2451 erodes the original intent of the Workers' Compensation Act and subsequent reforms to the system enacted in 2004, designed to provide fair and timely benefits to injured employees at a reasonable cost to employers.

Under current law, death benefit claims for workers' compensation are to be commenced within one year of: the date of death, when death occurs within one year from the date of injury; the date of the last provision of workers' compensation benefits when death occurs more than one year from the date of injury; or, the date of death when death occurs more than one year after the date of injury and workers' compensation benefits have been furnished. Current law additionally requires that no claims may commence unless the death has occurred within 240 weeks of the date of injury, with few exceptions.

AB 2451 expands the death benefit claims for workers' compensation for public safety by allowing their beneficiaries to file a death benefits claim up to one year after the date of death without a limit on the period of time between the employee's exposure to and presumable death from heart disease, cancer, tuberculosis or blood borne pathogens.

The proposed legislation would dramatically increase workers' compensation costs for local government at a time when we are struggling to provide the most basic services. Moreover, the City participates in a Municipal Pooling for workers' compensation so that an increase in any one agency's workers compensation costs would impact all of the member agencies.

ROB SCHRODER, MAYOR

For all of these reasons, the City of Martinez is opposed to AB 2451 and respectfully requests your vote against the proposed legislation.

Sincerely

Rob Schroder, Mayor
City of Martinez

Cc: The Honorable Jerry brown, Governor of California, FAX: (916) 558-3177
Speaker Perez, FAX: (916) 319-2146
Assembly Member Connie Conway, FAX: (916) 319-2134
Senator Robert Huff, FAX: (916) 324-0922
Assembly Member Susan Bonilla: FAX (916) 319-2111
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