

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**3.112**

The recommendation from the Executive Office regarding Opposition to AB 2451, Expansion of Public Safety Death Benefits, is deleted from the agenda for Tuesday, August 28, 2012.

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# MEMORANDUM

EXECUTIVE OFFICE, COUNTY OF RIVERSIDE

**Jay E. Orr**

County Executive Officer

**George A. Johnson**

Assistant County Executive Officer

**TO:** Kecia Harper-Ihem, COB

**FROM:** Jay E. Orr, CEO

**DATE:** August 28, 2012

**RE: OFF CALENDAR**

Please take the following item off-calendar:

3.112 – **Executive Office:** Opposition to Assembly Bill 2451 (Perez), Expansion of Public Safety Death Benefits.

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**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FROM:** Executive Office

**SUBMITTAL DATE:**  
August 17, 2012

**SUBJECT:** Opposition to Assembly Bill 2451 (Perez), Expansion of Public Safety Death Benefits

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Oppose Assembly Bill 2451, which would extend the statute of limitations for public safety death benefits;
2. Authorize the Chairman of the Board to send a letter in opposition to the bill's author, our local delegation and our legislative advocates; and
3. Authorize the Chairman of the Board to send a letter requesting a veto by the Governor.

**BACKGROUND:** Assembly Bill 2451 would extend the statute of limitations for a presumptive death benefit claim filed on behalf of firefighters or peace officers. During these challenging fiscal times, this would be a detrimental fiscal consequence for cities and counties. The bill would double the current four and a half year statute of limitations on work-related death benefits for public safety employees who die of diseases presumed by law to be job-related (cancer, tuberculosis, or MRSA), to just over nine years.

Continued on Page 2.

*Alex Gann*

ALEX GANN  
Principal Management Analyst

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b> N/A	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** **APPROVE**

BY: *Ivan M. Chand* 8/23/2012  
**Ivan M. Chand**

County Executive Office Signature

Department Recommendation:  Consent  Policy

Per Executive Office:  Consent  Policy

**BACKGROUND continued:**

Employers would likely see an increase in cost for death benefits for injuries that may or may not be job related, but because these are presumptive injuries it would be nearly impossible for the employer to refute the claim.

Current law requires death benefit claims for workers' compensation to be commenced within one year of the date of death when death occurs within one year from the date of injury or the date of the last furnishing of workers' compensation benefits when death occurs more than one year from the date of injury. Current law additionally requires that no claims may commence unless the death has occurred within 240 weeks of the date of injury, except for claims involving death from asbestosis or HIV. Assembly Bill 2451 doubles this timeline to just over nine years for firefighters and peace officers by allowing their beneficiaries to file a death benefits claim up to one year after the date of death between the employee's exposure to and presumable death from cancer, tuberculosis and MRSA.

At a time when all levels of government are struggling to maintain public safety and other vital services, Assembly Bill 2451 would most likely increase workers' compensation costs for counties by doubling the statute of limitations. This bill erodes the original intent of the Worker's Compensation Act and subsequent reforms to the system enacted in 2004 that were designed to provide fair and timely benefits to injured employees at a reasonable cost to employers. Public safety employees' beneficiaries are already compensated in a fair and timely manner.