

AB 2451
Fallen Firefighter and Peace Officer Benefits
INTRODUCED 02/24/2012

SUMMARY

Extends the “one-year from date-of-death” time allowance for an eligible survivor of a fallen firefighter or peace officer to file a workers’ compensation death benefits claim when a firefighter succumbs to diseases like cancer that often take more than five years to become fatal.

EXISTING LAW

Existing law specifies the time period within which various proceedings may be commenced under provisions of law relating to workers’ compensation. With certain exceptions, a proceeding to collect death benefits is required to be commenced within one year from the date of death or, in some cases, from the last furnishing of benefits. However, no proceedings may be commenced more than 240 weeks from the date of injury.

There are two exceptions to the five year limitation. A survivor may commence a benefit proceeding within one year from the date of death if the firefighter or peace officer dies as a result of mesothelioma, an asbestosis related cancer, -- or, in the case of a health care worker, peace officer or firefighter who dies of an HIV-related disease.

BACKGROUND

If a firefighter or peace officer dies as a result of an occupational illness -- other than the asbestosis-related cancer or an HIV-related disease -- more than five years after being diagnosed with the fatal disease, existing law precludes his or her eligible surviving family members from applying for death benefits. AB 2451 would provide consistency amongst occupational diseases by extending the “one year from date of death” provisions in Labor Code Section 5406.6 to diseases that can take longer than 5 years to become fatal, such as cancer. This would allow family members to receive benefits, rather than being excluded simply because the progression of the disease was delayed beyond 5 years, which is increasingly the case.

This bill simply modifies the time frame of an existing workers’ compensation benefit and costs will be absorbed by the existing system. The bill does not create any new programs or impose a state mandate.

The California Professional Firefighters compiled 56 separate studies that show a strong correlation between these presumptive diseases, particularly cancer, and exposure to chemicals which firefighters regularly encounter. Due to medical advances, living 5 years

beyond a cancer diagnosis is increasingly the case, which necessitates the extension of the 5 year time frame.

AB 2451 does not change the time frame in which a disease is presumed to be actually work-related, or any other causation statutes.

PREVIOUS LEGISLATION

AB 3051 (Nation/Vargas, 2004) Extends the statute of limitations for claims for workers' compensation death benefits in the case of firefighter and peace officers whose death results from various medical conditions or diseases. *Vetoed by Governor Schwarzenegger*

SPONSOR

California Professional Firefighters

SUPPORT

AFSCME
Association of Orange County Deputy Sheriffs Association
California Fraternal Order of Police
California Applicant Attorneys Association
Long Beach Police Officers Association
LA County Probation Officers Union
Association of Los Angeles Deputy Los Angeles County Professional Peace Officers Association
Los Angeles Police Protective League
Peace Officers Research Association of California
Riverside Sheriffs Association
Sacramento County Deputy Sheriffs Association
Santa Ana Police Officers Association

OPPOSITION

California Coalition on Workers' Compensation
County of Los Angeles

VOTE HISTORY

None received.

CONTACT INFORMATION

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