



Bill Number: H.B. 2056

Yarbrough Floor Amendment

Reference to: House engrossed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

For purposes of worker's compensation, adds a retired member of the Public Safety Personnel Retirement System who is a certified peace officer to the definition of "member."

Amendment explanation prepared by Carolyn Speroni

3/25/2013

YARBROUGH FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2056
(Reference to House engrossed bill)

1 Page 32, after line 11, insert:

2 "Sec. 12. Section 38-961, Arizona Revised Statutes, is amended to
3 read:

4 38-961. Public safety officer; duty-related injury; supplemental
5 benefits plan; definitions

6 A. This state or a political subdivision of this state that employs a
7 public safety employee on a full-time basis shall establish a supplemental
8 benefits plan for a public safety employee who is injured while on duty to
9 the extent that the public safety employee cannot perform the functions of
10 the position. To become eligible for the supplemental benefits plan, the
11 public safety employee must be receiving workers' compensation benefits
12 pursuant to title 23, chapter 6. This state or a political subdivision of
13 this state shall design the supplemental benefits plan so that, with the
14 addition of other benefits being paid ~~by the worker's compensation fund~~ to
15 the public safety employee **PURSUANT TO TITLE 23, CHAPTER 6**, the public safety
16 employee will receive approximately the identical base salary less the amount
17 of taxes the public safety employee was paying.

18 B. If a public safety employee is accepted into the supplemental
19 benefits plan, the public safety employee's employer shall continue to pay
20 the employer portion of the health care benefits that ~~were~~ **WAS** being paid to
21 the public safety employee on the date of the employee's injury.

22 C. If a public safety employee is accepted into the supplemental
23 benefits plan, the public safety employee's employer shall pay the employee
24 contribution to the public safety personnel retirement system or corrections
25 officer retirement plan, as applicable, and shall continue to pay the
26 employer contribution to the respective retirement system or plan. The

1 public safety employee is entitled to accrue credited service for the period
2 of time enrolled in the supplemental benefits plan.

3 D. A public safety employee who is eligible for the supplemental
4 benefits plan shall apply for benefits to this state or a political
5 subdivision of this state. This state or a political subdivision of this
6 state, on an individual basis, shall determine if the public safety employee
7 is entitled to the benefits in the plan. This state or a political
8 subdivision of this state may establish injury standards for eligibility into
9 the plan that may include the exclusion of a public safety employee whose
10 injury is a result of the public safety employee's gross negligence, or any
11 other condition that this state or the political subdivision chooses to
12 consider within the plan.

13 E. A public safety employee who is accepted into the plan shall comply
14 with all risk management requirements, including evaluation for light duty
15 options and rehabilitation programs. If a public safety employee fails to
16 comply with risk management decisions, the public safety employee's
17 participation in the supplemental benefits plan will be terminated. The
18 public safety employee who is accepted into the plan is responsible for the
19 public safety employee's portion of the health care benefit costs the public
20 safety employee was paying on the date of the injury. The public safety
21 employee remains responsible for any elective health care plan deductions,
22 health related optional deductions or optional life insurance deductions.

23 F. If a public safety employee is accepted into the supplemental
24 benefits plan, the public safety employee shall not accrue any additional
25 sick or annual leave and any sick or annual leave amount on the public safety
26 employee's account shall not be decreased while the public safety employee is
27 participating in the plan.

28 G. A public safety employee who is accepted into the supplemental
29 benefits plan is not precluded from disciplinary action, including
30 termination of employment, pursuant to chapter 8 of this title or any
31 agreements that supplant, revise or otherwise alter the provisions of this

1 title, including preexisting agreements between the employer and the public
2 safety employee's lawful representative association.

3 H. This section shall not supersede any plan or policy that provides a
4 greater benefit being offered by this state or a political subdivision of
5 this state to a public safety employee who is injured while on duty. This
6 state or a political subdivision of this state shall offer the supplemental
7 benefits plan for an initial six-month period. This state or the political
8 subdivision may determine if the plan shall be extended, on an individual
9 basis, an additional six months, for a maximum of one year.

10 I. For the purposes of this section: ~~;~~

11 1. "MEMBER" INCLUDES A RETIRED MEMBER OF THE PUBLIC SAFETY PERSONNEL
12 RETIREMENT SYSTEM WHO IS A CERTIFIED PEACE OFFICER.

13 2. "Public safety employee" means:

14 ~~1.~~ (a) An individual who is a member of the public safety personnel
15 retirement system or the corrections officer retirement plan.

16 ~~2.~~ (b) A probation officer, surveillance officer or juvenile
17 detention officer who is employed by this state or a political subdivision of
18 this state."

19 Amend title to conform

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