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HOUSE OF REPRESENTATIVES

HB 2643

duty related injury; police officer
Sponsors: Representative Kavanagh

DPA S/E Committee on Employment and Regulatory Affairs

DPA Caucus and COW

X As Transmitted to the Governor

OVERVIEW

HB 2643 establishes a Supplemental Benefit Plan (SBP) for Public Safety Employees (Employees) who are injured while on duty, and mandates the State and its political subdivisions to design an SBP that allows Employees to receive approximately their identical base salaries.

HISTORY

The Public Safety Personnel Retirement System (PSPRS) is a retirement system offered to employees of the State of Arizona as outlined in Arizona Revised Statutes (A.R.S.) Title 38, Chapter 5, Article 4. PSPRS is offered to employees involved in state, municipal, tribal, and county governments and special districts.

The Corrections Officer Retirement Plan (CORP) is a retirement system administered by PSPRS and offered to employees of the State of Arizona as outlined by A.R.S. Title 38, Chapter 5, Article 6. CORP is offered to employees involved in the Administrative Office of the Courts, as well as state, county, and municipal detention officers and dispatchers.

PROVISIONS

- Defines “*Public Safety Employee*” as an individual who is a member of the Public Safety Personnel Retirement System or the Corrections Officer Retirement Plan.
 - Includes a probation officer, surveillance officer or juvenile detention officer who is employed by this State or a political subdivision of this State.

Supplemental Benefit Plan

- Requires this State or a political subdivision of this State, that employs Employees on a full-time basis, to establish an SBP for Employees who are injured while on duty, to the extent that they cannot perform the functions of the position.
- Stipulates that the SBP must be designed so that, with the addition of other benefits being paid to the Employees, the Employees will receive approximately their identical base salary that was received prior to the injury.
- Requires that once an Employee is accepted into the SBP, the employer of the Employee shall pay the employee contribution to PSPRS or CORP, and shall continue to pay the employer contribution to the respective retirement system or plan.
- Allows an Employee to accrue credited service for the period of time they are enrolled in the SBP.
- Establishes that this State or a subdivision of this State will determine, on an individual basis, if an Employee is entitled to benefits in the plan, and may include the exclusion of an Employee whose injury is a result of gross negligence.

HB 2643

- Designates that an Employee who is accepted into the SBP is not precluded from disciplinary action, including termination of employment.
- Specifies that revision or alteration of preexisting agreements between the employer and the Employees lawful representative association will not be accepted.
- Specifies that this section shall not supersede any plan or policy that provides a greater benefit being offered by this State or a political subdivision of this State to an Employee who is injured while on duty.
- Creates a pilot program for this State or a political subdivision of this State to offer the SBP for an initial six-month period, and allows this State or a political subdivision of this State to determine if the plan shall be extended an additional six months to a maximum of one year.

Workers' Compensation

- Requires Employees to receive workers' compensation benefits in order to be eligible for the SPB.

Health Care

- Mandates that if an Employee is accepted into the SBP, the employer of the Employee shall continue to pay the employer portion of the health care benefit that was being paid to the Employee on the date of the employee's injury.
- Instructs the Employee to comply with all risk management requirements, including evaluation for light duty options and rehabilitation programs once accepted into the SBP.
- Eliminates the Employee from the SBP if the Employee fails to comply with risk management decisions.
- Clarifies that once the Employee is accepted into the plan, they are responsible for their portion of the health care benefit costs that they were paying on the date of the injury.
- Mandates that Employee is also responsible for any elected health care plan deduction and any other health related optional deductions, or optional life insurance deductions.
- Includes a delayed repeal date, from and after September 30, 2014.