

LEGISLATIVE DIGEST

[Administrative Code - Retirement System Disability/Death Presumptions for Sheriff Members]

Ordinance amending the Administrative Code to add cancer and heart/pneumonia presumptions for industrial disability and death in the line of duty retirement benefits for Sheriff members of the San Francisco City and County Employees' Retirement System.

Existing Law

Deputized personnel of the Sheriff's Department hired before January 7, 2012 are members of the California Public Employees' Retirement System ("CalPERS"). Sheriffs assuming office thereafter, and undersheriffs and all deputized personnel of the Department hired thereafter (collectively "Sheriff Members"), are members of the San Francisco City and County Employees' Retirement System ("SFERS"). (See Charter §A8.608.)

Under state law, sworn sheriff personnel are entitled to cancer, heart, and pneumonia presumptions for workers' compensation claims. (Cal. Labor Code §3212, 3212.1.) If these presumptions are satisfied, the injury, illness, disability, or death is presumed industrial, i.e., caused by work. The presumptions are rebuttable. If the cancer, heart trouble, or pneumonia is determined industrial for workers' compensation purposes, that determination is conclusive under CalPERS in an application for an industrial disability retirement or a death as a result of duty benefit. But, by contrast, the Sheriff Members in SFERS are not entitled to a cancer or heart/pneumonia presumption when they or their beneficiaries apply for industrial disability retirement or death as a result of duty benefits.

Uniformed members of the Police and Fire Departments who are SFERS members are entitled to cancer and heart/pneumonia presumptions when certain eligibility requirements are satisfied, in connection with applications for an industrial disability retirement or a death as a result of duty benefit. (See Administrative Code §§16.72, 16.85, and 16.86.) Again, by contrast, the Sheriff Members in SFERS are not.

Amendments to Current Law

The proposed ordinance would create cancer and heart/pneumonia presumptions for Sheriff Members or their beneficiaries applying to SFERS for industrial disability retirement or death as a result of duty benefits. A Sheriff Member meeting certain eligibility requirements who has cancer, heart trouble or pneumonia that develops or manifests itself while the member is in the service of the Sheriff Department would be entitled to a presumption that the cancer, heart trouble or pneumonia arose out of and in the course of his or her employment. The presumptions are disputable as specified in the ordinance.

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