

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 287
HOUSE BILL 2643

AN ACT

AMENDING TITLE 38, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 6; PROVIDING FOR THE DELAYED REPEAL OF TITLE 38, CHAPTER 6, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; RELATING TO PUBLIC SAFETY EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, Arizona Revised Statutes, is amended by adding
3 chapter 6, to read:

4 CHAPTER 6

5 PUBLIC SAFETY SUPPLEMENTAL BENEFITS PLAN

6 ARTICLE 1. GENERAL PROVISIONS

7 38-961. Public safety officer; duty-related injury;
8 supplemental benefits plan; definition

9 A. THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT EMPLOYS A
10 PUBLIC SAFETY EMPLOYEE ON A FULL-TIME BASIS SHALL ESTABLISH A SUPPLEMENTAL
11 BENEFITS PLAN FOR A PUBLIC SAFETY EMPLOYEE WHO IS INJURED WHILE ON DUTY TO
12 THE EXTENT THAT THE PUBLIC SAFETY EMPLOYEE CANNOT PERFORM THE FUNCTIONS OF
13 THE POSITION. TO BECOME ELIGIBLE FOR THE SUPPLEMENTAL BENEFITS PLAN, THE
14 PUBLIC SAFETY EMPLOYEE MUST BE RECEIVING WORKERS' COMPENSATION BENEFITS
15 PURSUANT TO TITLE 23, CHAPTER 6. THIS STATE OR A POLITICAL SUBDIVISION OF
16 THIS STATE SHALL DESIGN THE SUPPLEMENTAL BENEFITS PLAN SO THAT WITH THE
17 ADDITION OF OTHER BENEFITS BEING PAID BY THE WORKER'S COMPENSATION FUND TO
18 THE PUBLIC SAFETY EMPLOYEE THE PUBLIC SAFETY EMPLOYEE WILL RECEIVE
19 APPROXIMATELY THE IDENTICAL BASE SALARY LESS THE AMOUNT OF TAXES THE PUBLIC
20 SAFETY EMPLOYEE WAS PAYING.

21 B. IF A PUBLIC SAFETY EMPLOYEE IS ACCEPTED INTO THE SUPPLEMENTAL
22 BENEFITS PLAN, THE PUBLIC SAFETY EMPLOYEE'S EMPLOYER SHALL CONTINUE TO PAY
23 THE EMPLOYER PORTION OF THE HEALTH CARE BENEFITS THAT WERE BEING PAID TO THE
24 PUBLIC SAFETY EMPLOYEE ON THE DATE OF THE EMPLOYEE'S INJURY.

25 C. IF A PUBLIC SAFETY EMPLOYEE IS ACCEPTED INTO THE SUPPLEMENTAL
26 BENEFITS PLAN, THE PUBLIC SAFETY EMPLOYEE'S EMPLOYER SHALL PAY THE EMPLOYEE
27 CONTRIBUTION TO THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM OR CORRECTIONS
28 OFFICER RETIREMENT PLAN, AS APPLICABLE, AND SHALL CONTINUE TO PAY THE
29 EMPLOYER CONTRIBUTION TO THE RESPECTIVE RETIREMENT SYSTEM OR PLAN. THE
30 PUBLIC SAFETY EMPLOYEE IS ENTITLED TO ACCRUE CREDITED SERVICE FOR THE PERIOD
31 OF TIME ENROLLED IN THE SUPPLEMENTAL BENEFITS PLAN.

32 D. A PUBLIC SAFETY EMPLOYEE WHO IS ELIGIBLE FOR THE SUPPLEMENTAL
33 BENEFITS PLAN SHALL APPLY FOR BENEFITS TO THIS STATE OR A POLITICAL
34 SUBDIVISION OF THIS STATE. THIS STATE OR A POLITICAL SUBDIVISION OF THIS
35 STATE, ON AN INDIVIDUAL BASIS, SHALL DETERMINE IF THE PUBLIC SAFETY EMPLOYEE
36 IS ENTITLED TO THE BENEFITS IN THE PLAN. THIS STATE OR A POLITICAL
37 SUBDIVISION OF THIS STATE MAY ESTABLISH INJURY STANDARDS FOR ELIGIBILITY INTO
38 THE PLAN THAT MAY INCLUDE THE EXCLUSION OF A PUBLIC SAFETY EMPLOYEE WHOSE
39 INJURY IS A RESULT OF THE PUBLIC SAFETY EMPLOYEE'S GROSS NEGLIGENCE, OR ANY
40 OTHER CONDITION THAT THIS STATE OR THE POLITICAL SUBDIVISION CHOOSES TO
41 CONSIDER WITHIN THE PLAN.

42 E. A PUBLIC SAFETY EMPLOYEE WHO IS ACCEPTED INTO THE PLAN SHALL COMPLY
43 WITH ALL RISK MANAGEMENT REQUIREMENTS, INCLUDING EVALUATION FOR LIGHT DUTY
44 OPTIONS AND REHABILITATION PROGRAMS. IF A PUBLIC SAFETY EMPLOYEE FAILS TO
45 COMPLY WITH RISK MANAGEMENT DECISIONS, THE PUBLIC SAFETY EMPLOYEE'S
46 PARTICIPATION IN THE SUPPLEMENTAL BENEFITS PLAN WILL BE TERMINATED. THE

1 PUBLIC SAFETY EMPLOYEE WHO IS ACCEPTED INTO THE PLAN IS RESPONSIBLE FOR THE
2 PUBLIC SAFETY EMPLOYEE'S PORTION OF THE HEALTH CARE BENEFIT COSTS THE PUBLIC
3 SAFETY EMPLOYEE WAS PAYING ON THE DATE OF THE INJURY. THE PUBLIC SAFETY
4 EMPLOYEE REMAINS RESPONSIBLE FOR ANY ELECTIVE HEALTH CARE PLAN DEDUCTIONS,
5 HEALTH RELATED OPTIONAL DEDUCTIONS OR OPTIONAL LIFE INSURANCE DEDUCTIONS.

6 F. IF A PUBLIC SAFETY EMPLOYEE IS ACCEPTED INTO THE SUPPLEMENTAL
7 BENEFITS PLAN, THE PUBLIC SAFETY EMPLOYEE SHALL NOT ACCRUE ANY ADDITIONAL
8 SICK OR ANNUAL LEAVE AND ANY SICK OR ANNUAL LEAVE AMOUNT ON THE PUBLIC SAFETY
9 EMPLOYEE'S ACCOUNT SHALL NOT BE DECREASED WHILE THE PUBLIC SAFETY EMPLOYEE IS
10 PARTICIPATING IN THE PLAN.

11 G. A PUBLIC SAFETY EMPLOYEE WHO IS ACCEPTED INTO THE SUPPLEMENTAL
12 BENEFITS PLAN IS NOT PRECLUDED FROM DISCIPLINARY ACTION, INCLUDING
13 TERMINATION OF EMPLOYMENT, PURSUANT TO CHAPTER 8 OF THIS TITLE OR ANY
14 AGREEMENTS THAT SUPPLANT, REVISE OR OTHERWISE ALTER THE PROVISIONS OF THIS
15 TITLE, INCLUDING PREEXISTING AGREEMENTS BETWEEN THE EMPLOYER AND THE PUBLIC
16 SAFETY EMPLOYEE'S LAWFUL REPRESENTATIVE ASSOCIATION.

17 H. THIS SECTION SHALL NOT SUPERSEDE ANY PLAN OR POLICY THAT PROVIDES A
18 GREATER BENEFIT BEING OFFERED BY THIS STATE OR A POLITICAL SUBDIVISION OF
19 THIS STATE TO A PUBLIC SAFETY EMPLOYEE WHO IS INJURED WHILE ON DUTY. THIS
20 STATE OR A POLITICAL SUBDIVISION OF THIS STATE SHALL OFFER THE SUPPLEMENTAL
21 BENEFITS PLAN FOR AN INITIAL SIX-MONTH PERIOD. THIS STATE OR THE POLITICAL
22 SUBDIVISION MAY DETERMINE IF THE PLAN SHALL BE EXTENDED, ON AN INDIVIDUAL
23 BASIS, AN ADDITIONAL SIX MONTHS, FOR A MAXIMUM OF ONE YEAR.

24 I. FOR THE PURPOSES OF THIS SECTION, "PUBLIC SAFETY EMPLOYEE" MEANS:

25 1. AN INDIVIDUAL WHO IS A MEMBER OF THE PUBLIC SAFETY PERSONNEL
26 RETIREMENT SYSTEM OR THE CORRECTIONS OFFICER RETIREMENT PLAN.

27 2. A PROBATION OFFICER, SURVEILLANCE OFFICER OR JUVENILE DETENTION
28 OFFICER WHO IS EMPLOYED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS
29 STATE.

30 Sec. 2. Delayed repeal

31 Title 38, chapter 6, Arizona Revised Statutes, as added by this act, is
32 repealed from and after September 30, 2014.

APPROVED BY THE GOVERNOR APRIL 18, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2012.