

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-6

Urgent

Routine

AGENDA DATE March 15, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt Official County Position to Support Legislative Bill SB 407 (Cannella)

STAFF RECOMMENDATIONS:

Adopt official County position supporting SB 407 (Cannella) which amends Sections 3370 and 4453 of the Labor Code relating to Worker's Compensation benefits for county jail inmates.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2011-156

On motion of Supervisor DeMartini, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

The State and Federal legislatures have introduced numerous bills that could, if enacted, impact local government programs. Each year, the Board of Supervisors adopts a legislative platform which establishes the Board's position in numerous program areas. County Departments, the County's Lobbyist and CEO staff track legislative activities to determine if legislation is being considered that either fits into one of the groupings identified in the County's Legislative Platform or could otherwise affect County Programs.

If the proposed position of support is approved, correspondence will be drafted for the signature of the Chairman of the Board of Supervisors reflecting the Board's position and forwarded to the appropriate individuals and Committees.

POLICY ISSUES:

This action is consistent with the Board's priority of efficient delivery of public services and supports program areas and individual departmental priorities.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT:

David Jones, Chief Executive Office, 652-1177



CHIEF EXECUTIVE OFFICE
Richard W. Robinson
Chief Executive Officer

Patricia Hill Thomas
Chief Operating Officer/
Assistant Executive Officer

Monica Nino-Reid
Assistant Executive Officer

Stan Risen
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
P.O. Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.525.4033

March 2, 2011

Legislative Position Paper

Bill Number: SB 407 (Cannella)

Proposed Position: *Support*

Bill Summary: SB 407 implements changes to Labor Code section 3370 which currently applies to State Prisoners. This bill will expand this section of the code to include Jail Inmate labor. Temporary Disability benefits will not be paid while a prisoner or inmate is incarcerated. The amount of Temporary Disability and Permanent Disability benefits will not exceed the minimum limits set forth in Labor Code Section 4453. The occupation for an inmate will be limited to a laborer. The Sheriff's Office will have medical control over the inmate allowing Jail medical to provide treatment or the Sheriff may take the inmate out of the facility for treatment. Medical treatment will continue to be paid by the County's Workers' Compensation program. Labor Code Section 4453 would be amended to change the minimum Temporary Disability benefit rate to **the lesser of \$189** a week or actual wages. This bill also changes the Labor Code to consider Jail Inmates the same as State Prisoners in that no Temporary Disability benefits will be paid while an Inmate or Prisoner is incarcerated or re-incarcerated. If the injury causes permanent disability the benefit amount will be based on a "job classification" of a laborer which will result in a lower permanent disability benefit.

Pertinent Issues/Analysis: The County currently provides Workers' Compensation coverage to inmates and volunteers while working on behalf of the County. The Labor Code mandates that Temporary Disability benefits payments of two-thirds an "employee's" average weekly wage subject to a minimum of \$189 a week even if the individual in question has no proof of earned wage history.

Stanislaus County Approved Position: _____

Date of BOS Action: _____



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
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Phone: 209.525.4494 Fax: 209.525.4410

March 15, 2011

The Honorable Ron Calderon
Chairman, Insurance Committee
State Capital, Room 2195
Sacramento, CA 95814

Re: Support SB407 (Cannella) – Workers' Compensation and Jail Inmates

Dear Senator Calderon:

The County of Stanislaus strongly supports SB 407 (Cannella). Because of the overload on State Prisons, the local jails must continue to house inmates that would have previously been moved to the State Prison system. It makes sense that jail inmates should be treated similarly to State prisoners, in that no temporary disability would be payable while they are in custody.

This bill allows the jail facility staff to have medical control over treatment provided to an inmate who becomes injured while incarcerated. This can be a cost-saving measure as currently inmates are taken for treatment outside of the facility, requiring a deputy's time away from other duties. This change would allow the jail medical to provide treatment for the minor injuries and still allow the facility the flexibility to transport inmates to outside medical when appropriate and necessary. We also appreciate this bill will adjust the amount of Temporary Disability paid to inmates to contemplate the inmates past actual paid wage history.

Thank you for your consideration.

Sincerely,

Dick Monteith, Chairman
Stanislaus County Board of Supervisors

DM:DTJ:bb



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March 17, 2011

The Honorable Ted Lieu
Chairman, Senate Labor & Industrial Relations Committee
1020 N Street, Room 545
Sacramento, CA 95814

Re: Support SB 407 (Cannella) – Workers' Compensation and Jail Inmates

Dear Senator Lieu:

The County of Stanislaus strongly supports SB 407 (Cannella). Because of the overload on State Prisons, the local jails must continue to house inmates that would have previously been moved to the State Prison system. It makes sense that jail inmates should be treated similarly to State prisoners, in that no temporary disability would be payable while they are in custody.

This bill allows the jail facility staff to have medical control over treatment provided to an inmate who becomes injured while incarcerated. This can be a cost-saving measure as currently inmates are taken for treatment outside of the facility, requiring a deputy's time away from other duties. This change would allow the jail medical to provide treatment for the minor injuries and still allow the facility the flexibility to transport inmates to outside medical when appropriate and necessary. We also appreciate this bill will adjust the amount of Temporary Disability paid to inmates to contemplate the inmates past actual paid wage history.

Thank you for your consideration.

Sincerely,

Dick Monteith
Chairman

cc: Peterson Consulting