

House Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

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

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

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

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

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

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

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

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

31 Sec. 2. Delayed repeal

32 Title 38, chapter 6, Arizona Revised Statutes, as added by this act, is  
33 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.

Passed the House February 23, 2012

Passed the Senate April 12, 2012

by the following vote: 56 Ayes,

by the following vote: 30 Ayes,

0 Nays, 3 Not Voting  
1 vacant

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

16 day of April, 2012

at 3:10 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 18<sup>th</sup> day of

April

at 12:22 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18<sup>th</sup> day of April, 2012

at 3:46 o'clock P M.

[Signature]  
Secretary of State

H.B. 2643