

ORDINANCE NO. _____

An ordinance amending Section 4.104 of the Los Angeles Administrative Code, pertaining to compensation paid to City employees who are disabled in the performance of their duties, to provide updated language reflecting benefit coverage under California State Labor Code Section 4850, provide gender-neutral language, and delete obsolete language.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The first paragraph of Subsection (a) of Section 4.104 of the Los Angeles Administrative Code is amended to read as follows:

(a) Except for those employees covered by Subsection (i) herein, any employee in the City service who sustains illness or injury proximately caused by, arising out of, and in the course of his/her employment shall receive, from the date the employee is certified off duty for temporary total disability as a result of such illness or injury by either a physician or surgeon duly authorized under Subsection (d) of this section to administer treatment therefor or by the General Manager of the Personnel Department, an amount equal to: (1) the employee's regular biweekly, take-home pay at the time of incurring the disability condition (operative July 1, 1994, for non-represented employees and operative as specified by Council-approved ordinance implementing each MOU for those represented employees who have negotiated the take-home pay formula); or (2) 90 percent of his/her regular salary at the salary rate at the time of incurring the disability condition (operative July 1, 1994, for those represented employees who have not negotiated the take-home pay formula), as workers' compensation in satisfaction of the obligation of the City of Los Angeles under Division IV of the Labor Code of the State of California and not as salary or wages for services rendered. For purposes of Subsection (a)(1), take-home pay shall be defined as an employee's biweekly gross salary rate less the mandatory deductions for Federal and State income tax withholding and employee retirement contributions.

Sec. 2. Subsection (e) of Section 4.104 of the Los Angeles Administrative Code is amended to read as follows:

(e) If at any time an employee, or a dependent spouse, child, or parent of an employee, or any other person shall be granted or shall make claim for any benefit, compensation or award under Division IV of the Labor Code of the State of California or any general law providing for compensation or indemnity for illness or injury or death arising out of employment, then and in that event all payments made pursuant to the provisions of Subdivision (a) of this section shall be construed to be and shall be payments of such benefit, compensation or award, and all payments made under the provisions of this section shall be

applied first to the payment of such benefit, compensation or award and only the balance remaining, if any, shall be applied as payment under this section.

Sec. 3. A new Subsection (i) is added to Section 4.104 of the Los Angeles Administrative Code to read as follows:

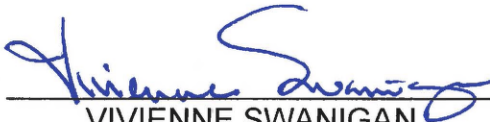
(i) Any employee of the City service who becomes entitled to a leave of absence without loss of salary pursuant to California State Labor Code Section 4850 as amended effective January 1, 2010, shall be entitled to such benefit exclusively, and shall not be entitled to any temporary disability payments pursuant to Section 4.104 of this Code.

Sec. 4. This ordinance shall be operative upon publication pursuant to Charter Section 252(g).

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
VIVIENNE SWANIGAN
Assistant City Attorney

Date 11/27/17

File No. _____

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____