

67-19-27 Leave of absence with pay for employees with a disability who are covered under other civil service systems.

(1) As used in this section:

- (a) "Eligible officer" means a person who qualifies for a benefit under this section.
- (b)
 - (i) "Law enforcement officer" means a sworn and certified peace officer who is an employee of a law enforcement agency that is part of or administered by the state, and whose primary and principal duties consist of the prevention and detection of crime and the enforcement of criminal statutes of this state.
 - (ii) "Law enforcement officer" specifically includes the following:
 - (A) the commissioner of public safety and any member of the Department of Public Safety certified as a peace officer;
 - (B) all persons specified in Sections 23-20-1.5 and 79-4-501;
 - (C) investigators for the Motor Vehicle Enforcement Division;
 - (D) special agents or investigators employed by the attorney general;
 - (E) employees of the Department of Natural Resources designated as peace officers by law;
 - (F) the executive director of the Department of Corrections and any correctional enforcement or investigative officer designated by the executive director and approved by the commissioner of public safety and certified by the division; and
 - (G) correctional enforcement, investigative, or adult probation and parole officers employed by the Department of Corrections serving on or before July 1, 1993.
- (c) "State correctional officer" means a correctional officer as defined in Section 53-13-104 who is employed by the Department of Corrections.

(2)

- (a) A law enforcement officer or state correctional officer who is injured in the course of employment shall be given a leave of absence with 100% of the officer's regular monthly salary and benefits during the period the employee has a temporary disability.
- (b) The benefit provided under Subsection (2)(a):
 - (i) shall be offset as provided under Subsection (4); and
 - (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including all offsets required under Subsection (4).

(3)

- (a) A law enforcement officer or state correctional officer who has a total disability as defined in Section 49-21-102, shall be given a leave of absence with 100% of the officer's regular monthly salary and benefits until the officer is eligible for an unreduced retirement under Title 49, Utah State Retirement and Insurance Benefit Act, or reaches the retirement age of 62 years, whichever occurs first, if:
 - (i) the disability is a result of an injury sustained while in the lawful discharge of the officer's duties; and
 - (ii) the injury is the result of:
 - (A) a criminal act upon the officer; or
 - (B) an aircraft, vehicle, or vessel accident and the officer was not negligent in causing the accident.
- (b) The benefit provided under Subsection (3)(a):
 - (i) shall be offset as provided under Subsection (4); and
 - (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including all offsets required under Subsection (4).

(4)

- (a) The agency shall reduce or require the reimbursement of the monthly benefit provided under this section by any amount received by, or payable to, the eligible officer for the same period of time during which the eligible officer is entitled to receive a monthly disability benefit under this section.
- (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules establishing policies and procedures for the reductions required under Subsection (4)(a).

Amended by Chapter 159, 2012 General Session