

Important Update on SLI Benefits

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Attention Corrections and Juvenile Justice Officers

It appears that there is erroneous information concerning the present right of such Officers to receive SLI benefits rather than Workers' Compensation Temporary disability benefits (70% of salary subject to a cap) when injured by direct contact with inmates in the performance of an officer's duties.

Unfortunately, no such SLI benefits currently exist and those who say it does are incorrect. While there is proposed legislation to reinstate the SLI program in these situations, it is not yet an actual law.

On January 9, 2018, Assembly Bill A823 was introduced which, if enacted, will reinstate SLI to any Corrections and Juvenile Justice Officer who "...sustains an injury caused by and arising from direct contact with inmates in the performance of the officer's duties" (Quotation from A823). However, as of February 2018 the Bill is only in the State Assembly and Local Government Committees, and is not law.

The good news is that a revision to the Workers' Compensation Statute that took effect October 2017 provides for full salary for up to 6 months for certain injured officers, including corrections, juvenile detention, parole, and some civilian employees under certain circumstances.

This new law is not an SLI provision, rather it is a workers' compensation provision. It provides that certain officers shall receive full wages for up to 6 months if, in the course of the officer's official duties, that person suffers serious bodily injury as a direct result of an assault by an inmate under the officer's custody. This section of the statute requires the employer to make up the difference between full wages and the workers' compensation rate for the same period of time if the employee meets the above standard.

It is our understanding that claims for full wages under this section are being routinely denied based on the wording of the statute in two key areas: first, that the injury is required to be the "direct result" of an assault by an inmate and second, that a "serious bodily injury" is defined by the statute as that which "creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ."

Fortunately, such serious injuries as defined by the statute are few, since such injuries could very

well lead the employer to conclude that the officer may no longer be capable of performing his or her duties. We do not yet know how the Courts will interpret this section of the statute.

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