



## Legislation Text

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**File #:** 20-1055, **Version:** 1

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Sheriff's Office recommending the Board instruct County Human Resources to provide dental and vision benefits to Katie Ishmael, widow of Deputy Brian Ishmael, and her children per California Labor Code 4856 for the remainder of Katie's life and until each child turns twenty-one (21).

**FUNDING:** General Fund.

### **DISCUSSION / BACKGROUND**

On October 23, 2019, Deputy Brian Ishmael was murdered in the line of duty. Since then the community and county have continued to support the Ishmael family. The Sheriff's Office and County HR worked together to ensure Katie and the Ishmael children were provided medical insurance through CalPERS under Government Code 22820. However, CalPERS is not providing vision or dental to the Ishmael family.

It is the Sheriff's Office understanding that Labor Code 4856 states the following, "whenever any local employee who is a firefighter, or peace officer as described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a Sheriff's Special Officer of the County of Orange, is killed in the performance of his or her duty or dies as a result of an accident or injury caused by external violence or physical force incurred in the performance of his or her duty, the employer shall continue providing health benefits to the deceased employee's spouse under the same terms and conditions provided prior to the death, or prior to the accident or injury that caused the death, of the employee unless the surviving spouse elects to receive a lump-sum survivors benefit in lieu of monthly benefits. Minor dependents shall continue to receive benefits under the coverage provided the surviving spouse or, if there is no surviving spouse, until the age of 21 years. However, pursuant to Section 22822 of the Government Code, the surviving spouse may not add the new spouse or stepchildren as family members under the continued health benefits coverage of the surviving spouse."

El Dorado County does not allow for staff to piecemeal insurance as three standalone policies (medical, vision, and dental). An employee must elect for all three types of insurance or not be covered at all on the County plan. At the time of his murder, Deputy Brian Ishmael and his family were covered for medical, dental, and vision.

Therefore, based on the language in Labor Code 4856, Katie is entitled to receive all three types of insurance. As previously stated, she is currently covered through CalPERS for medical insurance, but is not covered for vision or dental insurance. In order to make her whole, the County needs to add Katie and the Ishmael children back on the County's insurance plan and continue to pay the employer portion with Katie paying the employee portion.

### **ALTERNATIVES**

N/A

### **PRIOR BOARD ACTION**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Discussions have occurred between the Sheriff's Office, County HR, and County Counsel.

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

It is unknown what the total financial impact will be as there will be a monthly cost for Katie Ishmael's lifetime, and insurance rates vary from year to year. Based on the current rates in effect, the cost is approximately \$1,680 annually.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

Undersheriff Bryan Golmitz