
THIRD READING

Bill No: AB 2092
Author: Rodriguez (D)
Amended: 7/16/20 in Senate
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 4-1, 8/5/20
AYES: Hill, Jackson, Mitchell, Pan
NOES: Morrell

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/20/20
AYES: Portantino, Bradford, Hill, Leyva, Wieckowski
NOES: Bates, Jones

ASSEMBLY FLOOR: 57-15, 6/8/20 - See last page for vote

SUBJECT: Emergency ambulance employees: subsidized protective gear

SOURCE: Author

DIGEST: This bill requires emergency ambulance employers to establish a program to provide stipends to EMT employees who wish to purchase multi-threat body protective gear.

ANALYSIS:

Existing law:

- 1) Requires every employer to furnish employment and a place of employment that is safe and healthful for the employees. (Labor Code §6400)
- 2) Requires every employer to furnish and use safety devices and safeguards, and adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render employment and place of employment safe and

healthful. Every employer must do every other thing reasonably necessary to protect the life, safety, and health of employees. (Labor Code §6401)

This bill:

- 1) Defines “Emergency Ambulance Employee” to mean a person who meets both of the following requirements:
 - a) Is an emergency medical technician (EMT), paramedic, or other licensed or certified ambulance transport personnel who contributes to the delivery of ground ambulance services.
 - b) Is employed by an emergency ambulance provider.
- 2) Defines “Emergency Ambulance Provider” to mean an employer that provides ground ambulance services, but does not include the state or any political subdivision of the state of California.
- 3) Allows an emergency ambulance provider to establish a voluntary protective personal equipment (PPE) program that allows for the purchase of multithreat body protective gear by an emergency ambulance employee pursuant to an employer-funded stipend. An emergency ambulance employee’s participation must be voluntary.
- 4) Defines “Multithreat body protective gear” to mean material or equipment worn by an employee that is bullet, strike, slash, and stab resistant.
- 5) Requires an emergency ambulance provider to inform an emergency ambulance employee, upon initial employment and subsequently on an annual basis, of the opportunity to purchase subsidized multithreat body protective gear through a PPE program.
- 6) Prohibits an emergency ambulance employer from preventing an emergency ambulance employee from wearing protective gear purchased under a PPE program while on duty as an emergency ambulance employee.

Comments

Need for this bill? According to the author:

In California, roughly 80% of EMTs and paramedics are employed by the private sector. In 2015, there were 16,720 ambulance workers in CA. EMTs and paramedics work in a field that is inherently dangerous with high rates of mortality, injury, and mental and physical trauma. Naturally, being an ambulance worker is often physically, emotionally, and mentally demanding. Ambulance workers also face a high risk of injury when on the job, with the most common causes of injury being due to physical exertion, exposure to harmful substances, and patient assaults. According to studies, reports, surveys and anecdotal evidence on the working conditions of ambulance workers, EMTs and paramedics are frequently assaulted by the patients they are trying to help. It occurs so frequently that EMTs and paramedics often decide not to report any incidents of violence, because they consider it as a part of the job.

Staff Comments. According to the Center of Disease and Control, 3,500 EMS workers were injured nationwide as a result of “violence” in 2017. This statistic includes firefighters acting in an emergency medical capacity, who would not be covered under this bill. However, despite this qualifier, this data indicates a high relative injury rate for emergency medical service employees. Lending further credence to this data is a 2018 national survey report titled *Prehospital Disaster Medicine*, which found that ambulance workers are 22 times more likely to experience workplace violence than all other occupations. Finally, a 2019 survey by the National Association of Emergency Medical Technicians reported that approximately 2/3 of respondents had experienced physical assault of some kind while performing their duties. All of the research noted the possibility of underrepresenting the total number of cases, due to a view among EMTs that injuries are part of the job and therefore not worthy of reporting.

Given the above research, there is evidence to suggest that wider utilization of multithread protective gear could have a positive impact on rates of EMT injury and contribute to a greater sense of safety among EMTs. Creation of a stipend program allows employers to subsidize the costs of protective gear for their employee in two ways, by directly reducing the cost via the stipend and by allowing employers to bundle purchases to take advantage of wholesale prices. Both of these result in savings for the employee, increasing the chance that they purchase and utilize the gear.

The author could consider whether steps could be taken to further increase utilization of multi-threat protective gear. Existing law provides that employers must do everything reasonable to protect the life, safety and health of their employees. If this program is shown to be successful, expansion could be considered to further subsidize costs or to cover the remaining 20% of EMTs who work for public entities and are therefore not covered under this bill.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- The Department of Industrial Relations (DIR) indicates that it would incur a one-time cost of \$180,000 to implement the provisions of the bill (Labor Enforcement and Compliance Fund). The bill would not have additional costs to the State, as it only would apply to private sector emergency ambulance providers.

SUPPORT: (Verified 8/21/20)

American Federation of State, County and Municipal Employees, AFL-CIO
International Association of EMTs and Paramedics

OPPOSITION: (Verified 8/21/20)

None received

ARGUMENTS IN SUPPORT: The International Association of EMTs and Paramedics write in support:

In the last six months alone, our members have responded to three active shooter calls in three separate states including the shooting at Saugus High School. In all three cases, none of the responding EMTs and paramedics had protective gear available on their assigned rigs. They braved clear and present dangers to do their jobs, exposing themselves to bodily harm as well as potential post-traumatic stress injuries (PTSI), in the hopes of saving lives. We strongly believe that with this legislation and constructive negotiations with providers on the changes in working conditions created by mandating the provision of this equipment, the safety of our members will be greatly improved.

ASSEMBLY FLOOR: 57-15, 6/8/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Boerner
Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Chu, Cooley,
Cooper, Daly, Eggman, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo
Garcia, Gipson, Gloria, Gonzalez, Grayson, Holden, Jones-Sawyer, Kalra,
Kamlager, Levine, Limón, Low, Maienschein, McCarty, Medina, Mullin,
Nazarian, O'Donnell, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas,
Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone,
Ting, Weber, Wicks, Wood, Rendon

NOES: Bigelow, Brough, Chen, Choi, Cunningham, Megan Dahle, Diep, Fong,
Gallagher, Kiley, Lackey, Mathis, Obernolte, Patterson, Voepel

NO VOTE RECORDED: Flora, Gray, Irwin, Mayes, Muratsuchi, Quirk, Waldron

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8/23/20 7:48:33

**** END ****