

GOVERNOR'S VETO
AB 2092 (Rodriguez)
As Enrolled September 1, 2020
2/3 vote

SUMMARY:

Requires a private emergency medical service ambulance employer to establish a voluntary personal protective equipment (PPE) program that allows emergency ambulance employees to purchase multithreat body protective gear using an employer-funded stipend.

The Senate Amendments:

- 1) Define "multithreat body protective gear" as material and equipment worn by an employee that is bullet, strike, slash, and stab resistant.
- 2) Clarify that an "emergency ambulance employee" means a person who is an emergency medical technician, paramedic or other licensed or certified ambulance transport personnel who contributes to the delivery of ground ambulance services.
- 3) Clarify that an "emergency ambulance provider" means an employer that provides ground ambulance services but does not include the state, or any political subdivision of the state, in its capacity as the direct employer of an emergency ambulance employee.
- 4) Require an emergency ambulance employer to establish a voluntary PPE program that allows emergency ambulance employees to purchase multithreat body protective gear using an employer-funded stipend.
- 5) Provide that an emergency ambulance employee is not required to participate in the PPE purchase program.
- 6) Provide that an emergency ambulance employer may not prevent an emergency ambulance employee from wearing protective gear purchased under a PPE program while on duty.
- 7) Require an emergency ambulance employer to inform an emergency ambulance employee, upon initial employment and on an annual basis, of the opportunity to purchase subsidized multithreat body protective gear through a PPE program.

Governor's Veto Message:

This bill would require private entities providing emergency ground ambulance services to establish a voluntary program that allows employees of private ambulance providers to purchase employer-subsidized multithreat body protective gear.

Existing regulations impose an affirmative obligation on employers to evaluate workplace hazards and provide PPE as appropriate at no cost to employees. This bill would hold employers responsible for only part of the multithreat body protective gear which conflicts with long-standing law requiring employers to furnish and providers [sic] safety devices and safeguards necessary to protect their employees.

I support efforts to maximize the safety of all of California's life-saving EMS personnel, especially those that would prevent life-threatening injury. However, it is unclear how these provisions would effectively contribute toward that goal.

COMMENTS:

Reports suggest that emergency medical services professionals are exposed to great physical stress, which includes working with potentially violent patients. Studies assert that emergency medical services personnel in the United States have a rate of occupational violence injuries that is approximately 22 times higher than the average for all workers. These studies further suggest that there is high turnover among emergency medical services workers with few workers staying with private providers for more than four years. To address the physical safety risks and high turnover rates among emergency service workers, some studies recommend improving working conditions in this sector by minimizing health risks to these workers.

According to the Author:

"The frequent occurrences of violence committed against EMTs and paramedics have been ignored for far too long. Each call that an ambulance worker responds to has the potential of escalating into a dangerous situation, often times with that danger coming from the very same patient they are trying to help. This bill provides these first responders adequate safeguards from hazards associated with their occupation and affirms their right to a safe and protected workplace."

Arguments in Support:

The International Association of EMTs and Paramedics (IAEP) argues, in support, "[i]n 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 (PTSD), in the hopes of saving lives. We strongly believe that with this legislation and constructive negotiations with providers . . . the safety of our members will be greatly improved."

Arguments in Opposition:

None on file.

FISCAL COMMENTS:

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.

VOTES:

ASM LABOR AND EMPLOYMENT: 5-1-1

YES: Kalra, Carrillo, Gonzalez, Jones-Sawyer, Luz Rivas

NO: Diep

ABS, ABST OR NV: Flora

ASM APPROPRIATIONS: 13-5-0

YES: Gonzalez, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Eggman, Gabriel, Eduardo Garcia, Petrie-Norris, McCarty, Robert Rivas

NO: Bigelow, Megan Dahle, Diep, Fong, Voepel

ASSEMBLY FLOOR: 57-15-7

YES: 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

NO: Bigelow, Brough, Chen, Choi, Cunningham, Megan Dahle, Diep, Fong, Gallagher, Kiley, Lackey, Mathis, Obernolte, Patterson, Voepel

ABS, ABST OR NV: Flora, Gray, Irwin, Mayes, Muratsuchi, Quirk, Waldron

SENATE FLOOR: 30-8-2

YES: Allen, Archuleta, Atkins, Beall, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Mitchell, Monning, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk

NO: Bates, Borgeas, Dahle, Grove, Melendez, Moorlach, Morrell, Nielsen

ABS, ABST OR NV: Jones, Stern

ASSEMBLY FLOOR: 58-12-9

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

NO: Bigelow, Brough, Choi, Cunningham, Megan Dahle, Diep, Fong, Gallagher, Kiley, Mathis, Obernolte, Patterson

ABS, ABST OR NV: Chen, Eggman, Flora, Frazier, Gray, Irwin, Mayes, Voepel, Wicks

UPDATED:

VERSION: September 1, 2020

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