

November 22, 2017**VIA PERSONAL DELIVERY**

Hon. Xavier Becerra
Attorney General of California
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

RECEIVED**NOV 22 2017**INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for the "Emergency Ambulance
Employee Safety and Preparedness Act," (A.G. No. 17-0043) - Amended
Language

Dear Ms. Johansson:

Pursuant to Section 9002(b) of the California Elections Code, please find attached hereto amendments to the above-captioned initiative measure. I hereby request that a title and summary be prepared for the initiative measure using the amended language. My address as a registered voter, the required proponent affidavits pursuant to Sections 9001 and 9608 of the California Elections Code, and a check for \$2,000.00 were included with the original submission.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Kurt Oneto (telephone: 916/446-6752).

Thank you for your assistance.

Sincerely,



Sean Henschel, Proponent

Enclosure: Proposed Initiative Statute

Section 1. Chapter 7 (commencing with Section 880) is added to Part 2 of Division 2 of the Labor Code, to read:

CHAPTER 7. EMERGENCY AMBULANCE SERVICES

ARTICLE 1. Title.

Section 880. This Act shall be known and may be cited as the Emergency Ambulance Employee Safety and Preparedness Act.

ARTICLE 2. Findings and Declarations.

Section 881. The People of the State of California find and declare the following:

(a) California has the nation's largest population, third largest landmass, and is prone to natural disasters such as earthquakes, wildfires, and floods. These circumstances demand a well-trained emergency ambulance workforce.

(b) In California, private companies provide the primary emergency medical technician (EMT) and paramedic services for 74% of state residents. Unfortunately, catastrophes like natural disasters, active shooters, and mass casualty incidents occur far too frequently throughout the state and nation. Like all other first responders, emergency ambulance employees such as EMTs and paramedics must be adequately trained and available to respond to all types of crises and pleas for help.

(c) Private companies that employ emergency ambulance employees such as EMTs and paramedics should be required to provide compensated yearly training to prepare them to handle active shooter and mass casualty incidents, in addition to natural disasters.

(d) It takes a special type of person to be an emergency ambulance employee like an EMT or paramedic dedicated to serve, protect, and provide life-saving services for their fellow neighbors around the clock. Emergency ambulance employees such as EMTs and paramedics often witness traumatic events. Employers should provide mental health services to emergency ambulance employees.

(e) Emergency ambulance employees such as EMTs and paramedics work hard, and can be called into action at any time during their work shift to provide life-saving care. Therefore, it is important that they receive adequate meal and rest time to remain at their peak performance.

ARTICLE 3. Statement of Purpose.

Section 882. The purpose of the Emergency Ambulance Employee Safety and Preparedness Act is to enhance public health and safety by ensuring that emergency ambulance employees such as EMTs and paramedics receive adequate training, meal and rest time, and mental health benefits, and are available to respond to 911 emergency-type requests for medical assistance at all times.

ARTICLE 4. Emergency Ambulance Employee Safety and Preparedness.

Section 883. Training.

(a) In addition to other minimum employment qualifications and certifications, every emergency ambulance employee shall annually receive employer-paid training in each of the following areas:

- (1) Responding to active shooter and mass casualty incidents;
- (2) Responding to natural disasters; and
- (3) Preventing violence against emergency ambulance employees and patients.

(b) The training required by subdivision (a) shall be provided free of charge to emergency ambulance employees. Emergency ambulance employees shall be compensated at their regular hourly rate of pay while participating in training required by subdivision (a).

(c) The training required to be provided pursuant to this section shall be generally comparable in content, scope, and quality to courses offered by the United States Federal Emergency Management Agency's Emergency Management Institute and/or National Training and Education Division.

Section 884. Mental Health.

(a) Every emergency ambulance employee shall receive employer-paid mental health and wellness education within 30 days of being hired, and shall receive employer-paid mental health and wellness education each calendar year thereafter. Mental health and wellness education shall inform emergency ambulance employees of available mental health treatments and support services, and provide general information regarding common mental health illnesses.

(b) Every emergency ambulance employee shall be entitled to employer-paid mental health services through an employee assistance program (EAP). The EAP coverage shall provide up to 10 mental health treatments per issue per calendar year.

(c) Every emergency ambulance employee that qualifies or is eligible to receive employer-provided health insurance shall have access to health insurance plans that offer long-term mental health treatment services.

(d) For purposes of this section, "issue" means episodes of mental health conditions such as stress, depression, grief, loss, relationship struggles, substance abuse, parenting challenges, and other mental health conditions as described within the EAP.

Section 885. Meal and Rest Periods.

(a) All emergency ambulance employees are hereby entitled to meal and rest periods as prescribed elsewhere by the Industrial Welfare Commission.

(b) Emergency ambulance employees shall be compensated at their regular hourly rate of pay during meal and rest periods.

Section 886. Staffing for Meal Periods.

(a)(1) An emergency ambulance provider shall not require an emergency ambulance employee to take a meal period during the first or last hour of a work shift, and must allow an emergency ambulance employee to space multiple meal periods during a work shift at least two hours apart.

(2) An emergency ambulance provider shall manage staffing at levels sufficient to provide enough inactivity in a work shift for emergency ambulance employees to meet the requirements of this subdivision.

(b) Any meal period that does not comply with paragraph (1) of subdivision (a) shall not be counted towards the meal periods an employee is entitled to during his or her work shift.

Section 887. Communication to Protect Public Health and Safety.

Notwithstanding any provision of law to the contrary:

(a) In order to maximize protection of public health and safety, emergency ambulance employees shall remain reachable by a portable communications device throughout the entirety of each work shift.

(b) If an emergency ambulance employee is contacted during a meal or rest period, that particular meal or rest period shall not be counted towards the meal and rest periods the employee is entitled to during his or her work shift.

(c) If an emergency ambulance employee is not contacted during a meal or rest period, that particular meal or rest period shall be counted towards the meal and rest periods the employee is entitled to during his or her work shift.

Section 888. Definitions.

As used in this Chapter, all of the following definitions shall apply:

(a) "Emergency ambulance employee" means a person who meets both of the following requirements:

(1) Is an emergency medical technician (EMT), dispatcher, paramedic, or other licensed or certified ambulance transport personnel who contributes to the delivery of ambulance services; and

(2) Is employed by an emergency ambulance provider.

(b) "Emergency ambulance provider" means an employer that provides ambulance services; but shall not include the state or any political subdivision thereof, in its capacity as the direct employer of a person meeting the description contained in paragraph (1) of subdivision (a).

(c) “Contacted” means receiving a message or directive over a portable communications device which requires a response. A bare requirement to carry a portable communications device and remain reachable does not constitute being “contacted”.

(d) “Portable communications device” means a pager, radio, station alert box, intercom, cellular telephone, or other communications method.

(e) “Work shift” means designated hours of work by an emergency ambulance employee, with a designated beginning time and quitting time, including any periods for meals or rest.

Section 889. Notwithstanding any other provision of law to the contrary, Section 887 and Section 888 are declarative of, and do not alter or amend, existing California law, and shall apply to any and all actions pending on, or commenced after, October 25, 2017 alleging a violation of California Code of Regulations, title 8, section 11090 (Industrial Welfare Commission [IWC] Order No. 9-2001) or any amended, successor, or replacement law, regulation, or IWC order.

ARTICLE 5. Amendment.

Section 890. The Legislature may amend this Chapter by a statute passed in each house of the Legislature by rollcall vote entered into the journal, four-fifths of the membership concurring, provided that the statute is consistent with, and furthers the purpose of, this Chapter. No bill seeking to amend this Chapter may be passed or ultimately become a statute unless the bill has been printed and distributed to members, and published on the Internet, in its final form, for at least 12 business days prior to its passage in either house of the Legislature.

Section 2. Liberal Construction.

This Act shall be liberally construed in order to effectuate its purposes.

Section 3. Conflicting Measures.

(a) In the event that this initiative measure and another initiative measure or measures relating to working conditions of emergency ambulance employees shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of

affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(b) If this initiative measure is approved by the voters but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

Section 4. Severability.

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

Section 5. Legal Defense.

If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(c) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.