

## Assembly Bill No. 1945

### CHAPTER 68

An act to add Section 8562 to the Government Code, relating to emergency services.

[Approved by Governor September 11, 2020. Filed with Secretary of State September 11, 2020.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1945, Salas. Emergency services: first responders.

Under existing law, the California Emergency Services Act, the Governor is authorized to proclaim a state of emergency, as defined, under specified circumstances. The California Emergency Services Act also authorizes the governing body of a city, county, city and county, or an official designated by ordinance adopted by that governing body, to proclaim a local emergency, as defined. Under existing law, the Office of Emergency Services within the Governor's office is required to, among other things, develop curriculum for first responder training, and to adopt standards and procedures for training first responder instructors. A person who violates any provision of the act is guilty of a misdemeanor.

This bill would, for purposes of the California Emergency Services Act, define "first responder" as an employee of the state or a local public agency who provides emergency response services, including a peace officer, firefighter, paramedic, emergency medical technician, public safety dispatcher, or public safety telecommunicator.

The bill would provide that the definition of first responder described above does not confer a right to, or entitlement upon, an employee or prospective employee to obtain a retirement benefit formula for an employment classification that is not included in, or is expressly excluded from, that formula, as specified. The bill would prohibit an employer from offering, or indicating an ability to offer to an employee or prospective employee a retirement benefit formula for an employment classification that is not included in, or is expressly excluded from, that formula because of the definition of "first responder."

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8562 is added to the Government Code, to read:

8562. (a) “First responder” means an employee of the state or a local public agency who provides emergency response services, including any of the following:

- (1) A peace officer, as defined in Section 830 of the Penal Code.
- (2) A firefighter, as defined in Section 50925.
- (3) A paramedic, as defined in Section 1797.84 of the Health and Safety Code.

(4) An emergency medical technician, as defined in Sections 1797.80 and 1797.82 of the Health and Safety Code.

(5) A public safety dispatcher or public safety telecommunicator. For the purposes of this paragraph, “public safety dispatcher or public safety telecommunicator” means an individual employed by a public safety agency, as the initial first responder, whose primary responsibility is to receive, process, transmit, or dispatch emergency and nonemergency calls for law enforcement, fire, emergency medical, and other public safety services by telephone, radio, or other communication device, and includes an individual who promotes from this position and supervises individuals who perform these functions.

(b) (1) Subdivision (a) shall not confer a right to, or entitlement upon, an employee or prospective employee to obtain a retirement benefit formula for an employment classification that is either not included in, or is expressly excluded from, that formula pursuant to the California Public Employees’ Pension Reform Act of 2013 (Chapter 21 (commencing with Section 7522) of Division 7 of Title 1), the Public Employees’ Retirement Law (Division 5 (commencing with Section 20000)), or the County Employees Retirement Law of 1937 (Chapter 3 (commencing with Section 31450) of Part 3 of Division 4 of Title 3.)

(2) An employer shall not offer, or indicate an ability to offer, to an employee or prospective employee a retirement benefit formula for an employment classification that is not included in, or is expressly excluded from, that formula pursuant to the California Public Employees’ Pension Reform Act of 2013 (Chapter 21 (commencing with Section 7522) of Division 7 of Title 1), Public Employees’ Retirement Law (Division 5 (commencing with Section 20000)), or the County Employees Retirement Law of 1937 (Chapter 3 (commencing with Section 31450) of Part 3 of Division 4 of Title 3), because the employment classification is included in subdivision (a).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime

within the meaning of Section 6 of Article XIII B of the California Constitution.

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