

# FDCA *Alert*

## Timely Information for Fire Departments in California

December 1, 2011

Several new state laws take effect on January 1, 2012. In this edition of **FDCAAlert** we've identified the new laws and changes to existing laws that might have an impact on your fire department. This Alert does not include all of the new legislative changes. In the interest of brevity we have only included a basic description of the new law or change to existing law. Fire departments should analyze their own situation in light of these laws to determine if additional research or information is necessary.

AB 646	Mandates Fact Finding (non-binding) as part of the mediation element of impasse resolution process for local agencies.
AB 195	Specifies that discrimination for exercise of MMBA (Meyers-Milias-Brown Act) rights by an agency is an Unfair Labor Practice (ULP); Specifies that knowingly providing inaccurate information regarding agency financial resources to a recognized employee organization is also a ULP.
SB 857	Limits the damages that the Public Employment Relations Board (PERB) can award to agencies who are the target of an unlawful strike.
SB 609	Establishes timeline for PERB to act on Administrative Law Judge (ALJ) decision in Recognition or Certification proceedings; Specifies that if PERB fails to act timely, the ALJ decision becomes final.
AB 887	Adds 'gender identity' and 'gender expression' as classes protected from discrimination.
SB 559	Expands the prohibition of discrimination to include 'genetic information'.
SB 299	Mandates that employers maintain and pay for group health insurance for employees on pregnancy disability leave.
AB 592	Makes it an unlawful employment practice to interfere with, restrain, or deny the exercise of, or the attempted exercise of any rights guaranteed under the California Family Rights Act (CFRA); Requires employer to maintain and pay for health insurance for female employee on pregnancy disability leave.
AB 210	<b>Commencing July 1, 2012</b> , requires every group health insurance plan to include maternity services.
AB 22	Severely limits the categories of jobs for which an employer may request / use a consumer report. <b>Note: Fire departments should be using consumer reports as part of a routine background check for new employees. Fire departments MUST review the provisions of this new statute and compare it to their current policies and practices to ensure continued compliance with this new law.</b>
AB 23	Adds new reporting requirements regarding the compensation received by local agency legislative bodies (Boards of Directors) engaged in simultaneous or subsequent (back-to-back) meetings. This was a result of the practices by the City Council in the City of Bell and will not affect most Fire Protection Districts; however if the district engages in serial, back-to-back, or simultaneous meetings, it should be certain that it reports compensation pursuant to this new statute.
AB 1344	Limits cost of living adjustments in multi-year employment agreements of local agency executives; Limits local agency executive's contracts that include cash settlements; new requirements for local agency executives who are convicted of certain crimes, requiring repayment of certain benefits paid by

	local agency; Requires local agencies to list notices of meetings on web site if agency maintains one; prohibits special meetings regarding compensation of executives.
AB 182	Extends the pilot program for electronic filing of Statements of Economic Interest until December 31, 2012.
SB 322	Prevents employees of multiple CalPERS employers from exceeding certain limits on annual retirement benefits.
AB 1028	Specifies certain conditions that must be met, or not exceeded, in order for retired employees (collecting CalPERS retirement benefits) to avoid being reinstated from retirement.
AB 469	Authorizes the Labor Commissioner to require employers to pay restitution to underpaid employees; establishes misdemeanor penalties for certain violations; extends the statute of limitations for collection actions to three years.
AB 240	Specifies that employee may recover liquidated damages in a Labor Commissioner complaint, not just in a court action.
AB 506	Places new restrictions on public agencies that become insolvent; must complete 'neutral' evaluation process or declare fiscal emergency, as defined, prior to declaring bankruptcy.
SB 850	Requires an electronic health or medical record system to automatically record any change, including deletion, of electronically stored medical or health information; these records of changes and deletions must be preserved; specifies certain information regarding the change and/or deletion record.
AB 678	Allows local fire departments to submit certified public expenditures for unreimbursed Medi-Cal ground emergency medical transportation services to the Department of Health Care Services (DHCS) for reimbursement by the federal government; Requires participating agencies to reimburse DHCS for related administrative expenses.

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