



THE
Art
OF RISK

Legislative Update 2019 Review and 2020 Preview

Presented by:

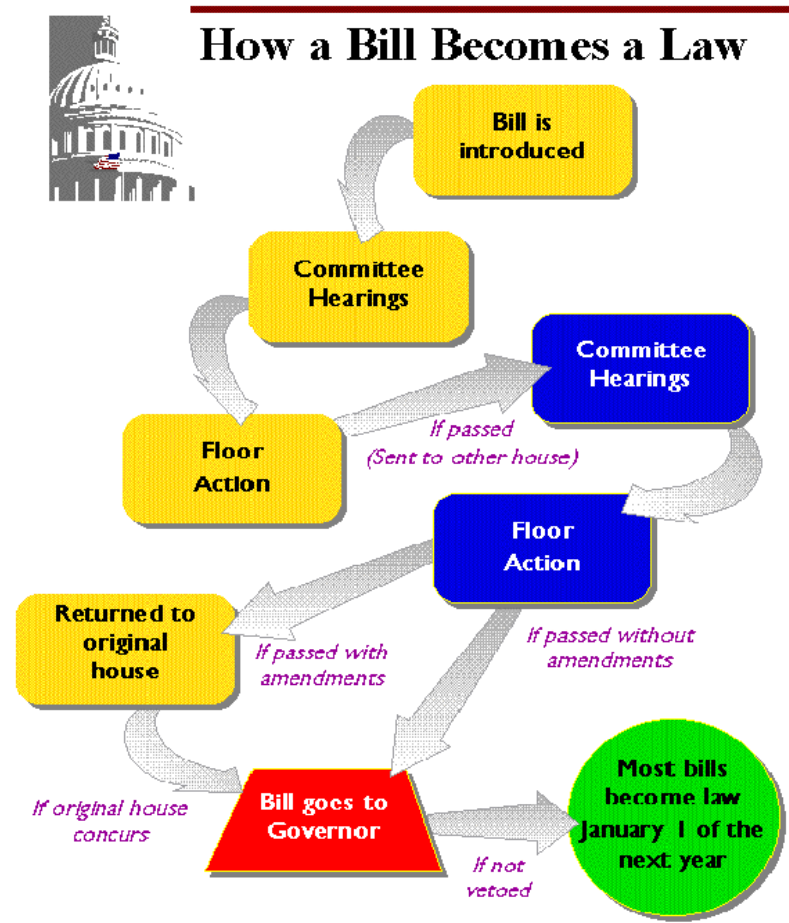
Bill Clayton, Keenan & Associates

Jeff Rush, California JPIA



 **parma**
public agency risk management association
46th Conference & Expo

The Legislative Process





Legislative Power Players

California Constitutional/Statewide Officers



Governor
Gavin Newsom (D)
State Capitol
Sacramento, CA 95814
(916) 445-2841



Lieutenant Governor
Eleni Kounalakis (D)
State Capitol, Room 1114
Sacramento, CA 95814
(916) 445-8994



Attorney General
Xavier Becerra (D)
1300 I Street
Sacramento, CA 95814
(916) 445-9555



Secretary of State
Alex Padilla (D)
1500 11th Street, 6th Floor
Sacramento, CA 95814
(916) 653-6814



Treasurer
Fiona Ma (D)
915 Capitol Mall, Room 110
Sacramento, CA 95814
(916) 653-2995



Controller
Betty T. Yee (D)
300 Capitol Mall, Suite 1850
Sacramento, CA 95814
(916) 445-2636



Insurance Commissioner
Ricardo Lara (D)
300 Capitol Mall, Suite 1700
Sacramento, CA 95814
(916) 492-3500



Superintendent of Public Instruction
Tony K. Thurmond
1430 N Street
Sacramento, CA 95814
(916) 319-0800



Legislative Power Players



Toni Atkins (D), SD 39—Part of San Diego. (916) 651-4039. (2024)



Anthony Portantino (D), SD 25—Part of Los Angeles and San Bernardino. (916) 651-4025. (2024)



Jerry Hill (D), SD 13—Part of San Mateo and Santa Clara. (916) 651-4013. (2020)



Anthony Rendon (D), AD 63—Part of Los Angeles.



Lorena Gonzalez (D), AD 80—Part of San Diego. (916) 651-4025. (2024)



Tom Daly (D), AD 69—Part of San Diego. (916) 651-4025. (2024)



Legislative Climate

State Senate

- 29 Democrats
- 10 Republicans
- 1 Vacancy

State Assembly

- 61 Democrats
- 18 Republicans
- 1 Independent



AB 5 (Gonzalez) Independent Contractors

Independent Contractor or Employee?

- free from the control and direction
- is outside the usual course of the hiring entity's business
- customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed

(Signed by Governor Gavin Newsom. It took effect January 1, 2020)



AB 51 (Reyes) Employment Discrimination

Prohibition on requiring waiver of rights

- Several parts but would affect mandatory arbitration requirements by employers

(Signed by Governor Gavin Newsom. It took effect January 1, 2020)

Blocked by TRO and being reviewed by Feds



AB 218 (Gonzalez) Sexual Assault

Extends the statute of limitations on childhood sexual assault

Formerly:

- Age 25 (8 years after attaining the age of majority)

Now:

- Age 40 (22 years after attaining the age of majority)

(Signed by Governor Gavin Newsom. It took effect January 1, 2020)



AB 302 (Berman) Parking-Homeless Students

Community Colleges with Parking Facilities

- Provide overnight use for enrolled homeless students

(Inactive file – May be under consideration now)



AB 315 (Garcia) Local Government Lobbying

Would have placed new burdensome financial restrictions and reporting requirements specifically on local government advocacy organizations

Currently inactive



AB 346 (Cooper) 4850

- This bill would have extended Labor Code 4850 benefits to all school district safety officers.
- Governor Newsom vetoed this bill stating:
“Many local school districts face financial stress, and the addition of a well-intentioned but costly benefit should be left to local entities that are struggling to balance their priorities.”



AB 403 (Kalra) DLSE Complaints

Current law for filing discrimination complaint is 6 months, with one year exemption possible in some cases

New law would change exemption to two years.

Vetoed



AB 680 (Chu) Public Safety Dispatchers

Would provide dispatchers with valuable training to help identify a mental health crisis and inform law enforcement how to appropriately approach the situation on the ground and provide important health intervention procedure for the person in crisis.



AB 749 (Stone) settlements

- This bill prevents settlements that “contain a provision prohibiting, preventing, or otherwise restricting a settling party that is an aggrieved person from obtaining future employment with the employer against which the aggrieved person has filed a claim”
- Signed into law by Governor Newsom and took effect 1/1/20



AB 891 (Burke) safe parking programs

Would require cities and counties of a specified size to create a safe parking program and to include a bathroom facility, onsite security among other requirements. Granting overnight access raises strong safety and liability concerns as well as significant costs for limited public dollars.

Vetoed



AB 932 (Low) Firefighters

- This bill would have granted out of state coverage (without geographic limitations) to firefighters injured while performing fire suppression activities
- This bill would also create a 1/1/20 date of injury for any firefighters injured at the 10/1/17 Las Vegas shooting
- This bill was held by the Senate



AB 1107 (Chu) Utilization Review

- Originally precluded the use of UR for:
 - “a serious chronic condition”
 - cases where the employer has previously authorized care
 - cases where treatment is provided by an MPN physician
 - “This bill ensures that injured workers receive prompt medical examinations...and receive the benefits ruled on in a timely manner.”
- Later version provided a penalty of up to 25% when a judge finds an unreasonable delay
- The bill was held by the Senate



AB 1353 (Wicks) Classified Employee Probation

Limits the maximum probationary period for classified school employees six months or 130 days of paid service, whichever is longer.

Shortening the probationary period prevents a district from thoroughly and appropriately vetting the suitability of a new hire and ties the hands of school administrators in quickly removing those who demonstrate questionable behavior with students.

(Signed into law by Governor Newsom)



AB 1400 (Kamlager Dove) fire suppression

- Originally expanded cancer presumption from “active firefighting members” to “Fire service personnel with exposure to active fires or health hazards resulting from firefighting operations”
- Later version called for LA County study into cancer effects on fire mechanics by 1/1/21
- Signed into law by Governor Newsom



AB 1815 (Daly & Salas) QME process

- Calls for bi-annual revisions to medical-legal fee schedule
- May serve as a bill for further QME revisions



SB 142 (Wiener) Lactation Accommodation

- Reasonable amount of time
- Providing a location
- Limited Exception Relating to the Location for Lactation (Less than 50 employees.... Maybe)
- Labor Code violations
- New written policy requirements

(Signed into law by Governor Newsom)



SB 355 (Portantino) Clean Power Alliance

Would ensure that local leaders have appropriate flexibility to meet their elected duties to their primary agency while the vital mission of a JPA is executed in an effective and timely manner.

(Signed into law by Governor Newsom)



SB 416 (Hueso) Presumptive Injuries

- Bill would have expanded the list of employees eligible for a variety of presumptive injuries
- The expansion would have included multiple job classes including welfare investigators
- The bill was held by the Assembly last year



SB 542 (Stern) PTSD Presumption

- This bill creates a presumption for PTSD for safety officers
- This bill also includes a post-employment presumption window
- The bill was signed into law by Governor Newsom and took effect on 1/1/20



SB 567 (Caballero) Hospital Workers

- This bill creates a presumption for PTSD for safety officers
- This bill also includes a post-employment presumption window
- The bill was signed into law by Governor Newsom and took effect on 1/1/20



How Can You Get Involved?





NEW THIS YEAR – Surveys on the App

Find the App, Click on Events, Click on Browse by Day, Click on the Specific Session, Click on Rate Event. See Below for Screen Shots.

