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Circulation among California's private ambulance providers, elected officials and EMSA administrators.

President's *Message*



Todd Valeri | President

2019/2020 CAA Executive Board

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King American Ambulance Company

I am optimistic for the future of the CAA and you should be too. At our recent Annual Convention & Reimbursement Conference in San Diego, I came in contact with so many people who seemed to have a renewed enthusiasm for the CAA. I would like to see that energy continue to grow throughout 2020 for the betterment of the CAA and its members.

Central to that goal is a commitment to collaborate with external EMS stakeholders. Frankly, the CAA has tended to operate in a silo over the years, which can lead to suboptimal results. We have had several worthy CAA-sponsored legislative and regulatory initiatives that failed to gain traction because we didn't have adequate stakeholder engagement. In the past the CAA has taken adverse positions on issues important to some EMS stakeholder partners, which has led to an erosion of some relationships. It's time for a different approach.

Many times, we have far more in common with our EMS stakeholder partners than we have differences. Yes, we will disagree on some issues, but that doesn't mean we can't

better explore collaboration opportunities. In the coming months, I intend to meet with representatives from various EMS stakeholder groups to identify ways we can collaborate on our legislative agenda, build relationships and work together to improve ambulance service in California. My hope is to use the information from these meetings to help develop our association's work plan for 2020. We all know the value of working as a TEAM – Together Everyone Achieves More – and that's what we will do in 2020.

Another focus for the CAA next year will be the interfacility transport (IFT) segment of our industry. For years the CAA's emphasis has been disproportionately focused on prehospital work. We won't lose sight of that; however, many of the issues faced by IFT providers need to be addressed by the association. Our board will be forming a dedicated IFT Committee to identify issues and develop strategies to address them.

I'm energized and excited for what the CAA can accomplish in 2020. With your participation, I am certain we can make great things happen for our association, the ambulance industry and your business. 🌟



Myron Smith, Chair
Legislative & Agency Relations Committee

Legislative & Agency Relations Committee

Your California Ambulance Association (CAA) Legislative and Agency Relations Committee meets on a monthly basis with the intent to create a legislative agenda that promotes an improved business climate for the medical transportation community through a unified voice.

During the recent legislative session, the CAA Legislative and Agency Relations Committee has followed, opposed and supported numerous bills. Listed below are several bills, including excerpts of their language that could potentially affect the manner and scope in which we operate.

SB 438, Hertzberg. Emergency Medical Services: dispatch. This bill would prohibit a public agency from delegating, assigning, or contracting for "911" emergency call processing services for the dispatch of emergency response resources unless the delegation or assignment is to, or the contract or agreement is with, another public agency. The bill would exempt from that prohibition a public agency that is a joint powers authority that delegated, assigned, or contracted for "911" call processing services on or before January 1, 2019, under certain conditions. The bill would also authorize a public agency that delegated, assigned, or contracted for "911" call processing services on or before January 1, 2019, to

continue to do so with the concurrence of the public safety agencies that provide prehospital emergency medical services. If a public safety agency does not concur with the public agency to continue to delegate, assign, or contract for those services, the bill would authorize the public agency to continue to delegate, assign, or contract for those services for the remaining concurring public safety agencies. The bill would state the Legislature's intent to affirm and clarify a public agency's duty and authority to develop emergency communication procedures and respond quickly to a person seeking emergency services through the "911" emergency telephone system.

SB 778, Committee on Labor, Public Employment and Retirement. Employers: sexual harassment training: requirements. This bill would instead require an employer with five or more employees to provide the above-described training and education by January 1, 2021, and thereafter once every two years. The bill would require new nonsupervisory employees to be provided the training within six months of hire and new supervisory employees to be provided the training within six months of the assumption of a supervisory position. The

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Member News

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bill would also specify that an employer who has provided this training and education in 2019 is not required to provide it again until two years thereafter. The bill would make other related changes to those provisions requiring sexual harassment training.

AB 51, Gonzalez. Employment discrimination: enforcement. This bill would prohibit a person from requiring any applicant for employment or any employee to waive any right, forum, or procedure for a violation of any provision of the California Fair Employment and Housing Act (FEHA) or other specific statutes governing employment as a condition of employment, continued employment, or the receipt of any employment-related benefit. The bill would also prohibit an employer from threatening, retaliating or discriminating against, or terminating any applicant for employment or any employee because of the refusal to consent to the waiver of any right, forum, or procedure for a violation of specific statutes governing employment. The bill would establish a specific exemption from those prohibitions. Because a violation of these prohibitions

would be a crime, the bill would impose a state-mandated local program.

AB 171, Gonzalez. Employment: sexual harassment. The bill would provide that "sexual harassment" has the same meaning as in a specified provision of the California Fair Employment and Housing Act. The bill, commencing July 1, 2020, would establish a **rebuttable presumption** of unlawful retaliation based on the employee's status as a victim of domestic violence, sexual assault, sexual harassment, or stalking if an employer takes specific actions within 90 days following either the date when the victim provides notice to the employer or when the employer has actual knowledge of the status. The bill would allow the presumption to be rebutted by evidence that the employer has a nonretaliatory business reason for the adverse action taken. By expanding the definition of a crime, this bill would impose a state-mandated local program.

AB 9, Reyes. Employment discrimination: limitation of actions. California Fair Employment and Housing Act, makes specified employment and

housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Existing law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the above-described period to three years for complaints alleging employment discrimination.

AB 749, Mark Stone. Settlement agreements: restraints in trade. AB 749 states an agreement to settle an employment dispute shall not 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, or any parent company, subsidiary, division, affiliate, or contractor of the employer. A provision in an agreement entered into on or after January 1, 2020, that violates this section is void as a matter of law and against public policy. *

The California Ambulance Association is now welcoming non-members to subscribe to the *Siren* magazine. Published quarterly, the *Siren* is a comprehensive source of information on issues that are important to the ambulance industry. Contents include feature articles, association educational and networking events, legislative updates and analysis, member news and much more.



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Steve Grau, Chair
Membership Development & Services
Committee

Membership Development & Services Committee

Dear Board Association Members and the Members of the EMS community,

I was humbled and honored to receive the first Harvey L. Hall President's Award of Excellence.

Being a new association member back in 2008 and watching Mr. Hall's resolute, focused approach to leading our industry to rise above challenges and unite in purpose has inspired me to be involved and committed today.

Knowing how he brought excellence to everything that he's done in politics, philanthropy and the ambulance industry has set an incredibly high bar for me, which I aspire to reach one day.

Today, I will continue doing my best to support the evolution of our association to meet the progressive demands of the ever-changing healthcare environment.

Thank you for your recognition and challenging me to be better.

I am also very excited and optimistic about our future at CAA. With resolute leadership and foresight from our new

President Todd Valeri, the vision of the near and long term future is shining bright.

One of the areas I am most interested in developing is a better inclusion and representation of the Interfacility Transportation provider. The focus on the IFT providers will start by establishing a committee that will represent the challenges and opportunity for this essential EMS stakeholder group which will guide CAA to action that will benefit reimbursement, legislative agenda and create best practices.

We will work together on identifying the biggest and boldest opportunities which will further drive the value of the association and our comradery.

On the subject of collaboration, I am also thrilled to learn about our objectives to build bridges with all EMS stakeholders. It starts with an open dialogue and I look forward to seeing progress in that area.

Only together we will be able to function as a true EMS system which brings value to each other and most importantly the communities and patients we serve.

My vision is 2020 and I hope that we will help you see the same. ✱

Member News



Steve Melander, Chair
Content Committee

Content Committee

The CAA's Content Committee (formerly known as the Data, Operations & Quality Committee) specializes in the delivery of timely, relevant, and high-quality content to ambulance owners, operators and employees throughout the state of California. We are proud of what we have accomplished in 2019, including the hosting of monthly webinars and creation of Annual Convention topics. Looking to 2020, we have received a great deal of valuable feedback from our members, webinar viewers, conference attendees and vendors as to what they would like to see more of in the coming year. In addition to the monthly webinars and Annual Convention education sessions, we are working on the Stars of Life event to deliver a pre-workshop and orientation for the Stars. This will include education on political processes in addition to featuring other content that pertains to our members. In 2020, our focus will be highlighting more content specific to the non-emergency ambulance providers who offer critical services to patients in need of medical transport statewide. In fact, we are currently in the process of collaborating with the Payer Issues Committee to deliver two reimbursement workshops (one in Southern California and one in Northern California) that deal exclusively with non-emergency medical transportation. At this time, we would like to announce that we are currently

seeking motivated, passionate individuals from CAA member companies to join the Content Committee for 2020 and beyond.

OUR MISSION AND VISION

Mission: *to create, identify, and disseminate high quality educational content related to executive, operations, and payer issues within the ambulance industry.*

Vision: *to facilitate the delivery of pertinent educational material via webinars, conventions, and other formats leading to improved understanding and knowledge of the ambulance industry, quality measures, and data that are relevant and helpful to ambulance executives, operations leadership, and ambulance billing personnel.*

CURRENT MEMBERS

Steve Melander (chair) – American Ambulance
Donna Hankins – American Ambulance
Haseib Lemar – Royal Ambulance
Brian Meader – Medic Ambulance
Dave Murphy – SEMSA
Josh Nultemeir – King American Ambulance
Mark Reece – American Ambulance
Paul Willette – Patterson District Ambulance

If you'd like to get involved, please contact committee chair Steve Melander at smelander@americanambulance.com. *



Donna Hankins, Chair
Payer Issues Committee

Payer Issues Committee

The goal of the Payer Issues Committee is simple: be the resource for California Ambulance Providers navigating payment concerns. This year, I hope to expand on CAA's reimbursement resources (email listserv and webinars) by adding monthly call ins and a "library" of links and files useful to CAA members. In October, we had a monthly call in where I shared some of our plans. I've highlighted below some items on the horizon in the payer's realm and CAA's plans to help members deal with these challenges.

Medi-Cal: THE QAF reimbursement money is coming in and the next step for ambulance providers is to organize who paid when and where. The Payer Issues Committee will be working on a shared spreadsheet where CAA members can update the status of payment from Medi-Cal HMOs. This resource will be a critical tool to help providers identify Medi-Cal HMOs who are (and are not) reimbursing the QAF add-on payment.

Medicare: As usual, Medicare has a host of changes coming at the first of the year. New reimbursement rates, "cost reporting" requirements, changes to the PCS (physician certification statement), and a targeted review of CCT/SCT transports are a few of the items on the radar. Our

plan is to keep members updated as the changes come through and work with Noridian to host a webinar in 2020 to provide more detail on SCT/CCT audit that are occurring to specifically help IFT transports be more successful.

Commercial Insurances: One of the biggest challenges in reimbursement today is the underpayment of billed claims by commercial insurances and the direct reimbursement of our claims to patients. CAA is working with members to identify insurances practicing improper payment activities and providing tips to navigate these situations. Utilizing our members to keep us updated on what actions insurances are taking helps CAA educate everyone on the reimbursement pitfalls and good practices.

The Payer Issues Committee is dedicated helping members solve reimbursement issues. Please take advantage of the Payer Issues E-mail Listserv by going to our website (www.the-caa.org), pointing to "Join CAA" and clicking "Join the CAA List-Serv."

If you have concerns, questions, suggestions, or thoughts about reimbursement issues in California, please reach out to the CAA to help. 🌟



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71ST Annual Convention & Reimbursement Conference



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September 24-27, 2019

Attendance at the 71st Annual Convention and Reimbursement Conference topped out over 200 people, with a large mix of member companies, governmental agencies, prospective members, and many other vendor entities represented.



This year's conference was held at the Hyatt Regency Mission Bay Resort and Spa, in San Diego's Mission Bay. The amazing property featured conference facilities, restaurants, many other on-site amenities, and rooms with some amazing views. Kick-off festivities included the Raymond Lim/Jim McNeal Memorial Golf Tournament at the Riverwalk Golf Club. This event was followed by the Night Out with the Padres; a major league baseball game with the San Diego Padres and the Los Angeles Dodgers. Seating at the baseball game was on the T-Mobile Homerun Deck; an area just beyond the right field fence, where conference attendees got the opportunity to mingle with colleagues while dodging incoming baseballs throughout the evening. Our very own Ed Guzman caught a Home Run by the Dodgers' Max Muncy!

The conference format included three tracks: Executive, Operations, and Reimbursement, which allowed attendees to select the topics of most value to them. Day one started with the keynote address given

by Eric Tozer, a world class athlete, founder of the Diabetes Sports Project and a Type 1 Diabetic. Eric shared his story of becoming the first person ever with Type 1 diabetes to complete the World Marathon Challenge, completing seven marathons, in seven straight days on seven continents. His story of perseverance and overcoming the odds was truly inspirational and set a positive tone for the conference.



Matt Zavadsky, Chief Strategic Integration Officer for MedStar Mobile Healthcare was the keynote speaker for Day 2. Zavadsky has been instrumental in advancing the concept of Mobile Healthcare (Community Paramedicine) and modernizing healthcare across the nation. He shared his knowledge and experience with the attendees and gave genuine pearls of wisdom that will directly help to advance community paramedic services in California and what the future of healthcare nationwide has in store.

Several of the break-out sessions in the Operations Track featured the work/products of the CAA's Content Committee. The Committee

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is chaired by Steve Melander of American Ambulance. Attendees found the hands-on information from these sessions to be extremely valuable with tips and insights that can be implemented upon arriving back to work. Donna Hankins, our Payer Issues Committee Chair presented as well as insurance guru Ed Norwood.



The President's reception was a special event this year and included the presentation of several awards. Outgoing CAA President, Alan McNany of American Legion Post 108 Ambulance, formally handed over the gavel to incoming president Todd Valeri. Some of the awards presented during the reception included the recognition and celebration of the length of membership in the CAA. These awards were the brainchild of Harvey Hall. President Valeri announced that the President's

Award of Excellence will now be known at the Harvey L. Hall President's Award of Excellence. A complete listing of all awards presented during the reception can be found in the inset/box. The event continues to provide our industry with vital and useful information that improves business and improves the quality of service.



Please save the dates of next year's conference. The CAA 2020 Annual Convention & Reimbursement Conference will be held from September 22-25, 2020 at Harvey's Lake Tahoe Resort. 🌟

(Photo credits: Janet Smith & On Assignment Studios.)

Award Recipients

Harvey L. Hall
President's Award of Excellence
Steve Grau, Royal Ambulance

Commercial Member of the Year
Phil Shannon, Legal Shield



Feature *Article*

Photos from the 2019 Convention

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Ambulance Companies Receive Statewide Award for Innovation and Quality

The California Ambulance Association is thrilled to announce the recipients of the 2019 California Ambulance Association Service Excellence (CAASE) Awards. The CAASE awards recognize excellence, resourcefulness, and ground-breaking ideas being implemented by California ambulance operators and showcase the best practices of the ambulance business in the state. Award recipients are: American Medical Response, Contra Costa County; Hall Ambulance Service, Bakersfield; Medic Ambulance Service, Solano County; Riggs Ambulance Service, Merced.

A panel of independent judges reviewed the submissions and scored the programs. As a result, seven awards were presented at the CAA Annual Convention and Reimbursement Conference on September 25, 2019 in San Diego.

THE FOLLOWING AWARDS WERE PRESENTED:

Category: Community Impact

American Medical Response, Contra Costa County – Enhanced Bystander CPR

Recognizing that early bystander CPR and AED usage can dramatically reduce morbidity and mortality associated with sudden cardiac arrest, and that often it is a lack of training or comfort with their training that prevents lay rescuers from performing CPR; AMR implemented an enhanced bystander CPR program designed to increase lay rescuer comfort with performing CPR as well as improve

familiarity with how to properly use an AED. In the year prior to EBCPR, bystander CPR rates for Sudden Cardiac Arrest were 41.9% and Public AED usage was 6.6%. Following EBCPR, bystander CPR rates increased to 49%, and Public AED usage increased to 11.3%.

Category: Clinical Service/ Patient Outcomes

American Medical Response, Contra Costa County – CPR HD

During 2017, AMR experienced three sentinel events that served as an impetus to do an in-depth review of cardiac arrest management in the county. A drop in cardiac arrest survival percentage was noted in the CARES data from 38.5% (2016) to 28.6% (2017). In addition to the drop-in survival rates, review of the CodeStat analysis showed that as a system, providers lacked a uniform approach to cardiac arrest management. The lack of a uniformed approach put our providers at risk for injury and our patients were not receiving optimal care. The solution brought forth was to create a uniformed approach/ system to cardiac arrest management that could replicated throughout our service area. That system is called CPR Highly Defined or CPR-HD.

Hall Ambulance Service, Bakersfield – HP CPR and AutoPulse

Hall Ambulance's focus on high-performance CPR changed the mindset

of the paramedics, EMTs, RNs, and firefighters. In 2015, their ROSC rate was 16%. CPR was looked at as something that had to be done but didn't really help the patient. Because of the concentrated training and information shared through the report cards, their crews and the firefighters see it as a tool that is useful and actually does save lives. Now their ROSC rates are 34% because they are just doing better! Hall Ambulance's commitment to high-quality CPR did not end with the implementation of the AutoPulse. In August 2019, Hall Ambulance purchased new CPR mannequins that give real-time feedback to the first responders on rate and depth of compressions, as well as the quality of assisted ventilations. Using these mannequins, Hall Ambulance will be able to monitor the effectiveness of every compression and ventilation as it is provided to the mannequin. This will allow students to gain a better feel for correct CPR mechanics. Additionally, the equipment will be able to provide a report card to the student to verify their successful performance in class.

Category: Innovation in EMS

American Ambulance, Fresno – Perfect Posting Software

Each day, PerfectPosting makes roughly 2,000 deployment decisions for the 100+ vehicles online. It uses

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an interface with GoogleMaps API to generate real-time travel estimates in each scenario and delays associated with recent crew downtime, in-motion vs. at post units, and hundreds of other rules in their decision trees. It makes these decisions fairly and consistently, based on a rigorously documented set of rules. When possible, it automatically places units out of service to finish their shift on time, thereby practically eliminating shift holdovers. Key among the benefits is an accurate account of downtime for each crew during their shift. When the activity data shows that a crew was unable to have a required 30-minute meal period, the system automatically generates a one-hour payment for payroll. This system has made a significant impact on their ability to protect their employees from excessive fatigue, to apply consistent rules every

minute of every day and increase their ability to comply with the ever-changing California labor laws.

Hall Ambulance Service, Bakersfield – EMS Academy

To combat the issue of the shortage of EMS workers, Hall Ambulance began exploring methods to expand its career pathways for their recruits to become EMTs and EMTs to become paramedics and establish a standalone training center to enhance their other internal training programs. To accomplish this Hall expanded its long standing private-public partnership with Bakersfield Community College to create a Hall Paramedic Academy in which Hall EMTs would be paid to complete their paramedic education. Hall has operated an EMT Academy partnership with Bakersfield College that has yielded

quality students with extremely high National Registry pass rates.

Medic Ambulance Service, Solano County – CPR Coalition

Beginning in January 2018, Medic Ambulance and Fairfield Fire Department engaged in a clinical outcome project with the goal of improving survival rates and Return of Spontaneous Circulation (ROSC). The agencies' operational and clinical leaders met regularly to review data and determine where they could impact change. They then recruited the only receiving hospital for the City of Fairfield, NorthBay to the team. All three entities agreed to send representatives to the Resuscitation Academy put on by Seattle Fire to learn

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the team approach and physiological understanding of why the approach is successful. Basically, it boils down to high quality CPR, minimal pauses and community approach to CPR from the point of call to on scene to transport to arrival at the hospital. Medic Ambulance had had a total of 8 patients from March 1, 2019 to August 31, 2019 experience Return of Spontaneous Circulation or ROSC, as compared to three patients during the same time frame last year.

Riggs Ambulance, Merced – BLS Tiered Response System

According to the EMS Agenda of 2050 one of the most important principles of an EMS system is that it be innovative. On May 1, 2018, after many discussions and planning sessions, under the direction of Carly Alley, the Executive Director of Riggs Ambulance Service, Riggs launched a BLS tiered response system. This new BLS tiered response has increased the quality of care that EMTs began providing and it also inspired more than a handful of EMTs to begin Paramedic school. This also helped Band-Aid staffing issues with the addition of BLS cars to a very busy ALS system.

Details about each award-winning program are posted on the CAA's website at www.the-caa.org/CAASEAWinners.asp. Congratulations goes out to the winners of the CAASE Awards! Each of these companies are deserving of recognition for their innovation, commitment to their communities, and extraordinary service.

Ambulance companies willing to share their knowledge and ideas with their colleagues is the ideal way to demonstrate a company's commitment to excellence. By sharing these achievements, these companies help to set the bar for everyone else in California. Sharing this information improves California's ambulance industry and strengthens the profession. *



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Give Mom a Break: New Lactation Accommodation Rules for 2020

Gail Cecchetti Whaley, J.D. | California Employers Association

Since 2002, California law has required employers to provide reasonable break time and a location, other than a bathroom, for employees to express breast milk in private. Now, a new California Law for 2020, SB 142, imposes important new employee lactation accommodation requirements. This new law requires the location to have certain mandatory features; requires employers to have a lactation accommodation policy; changes the ability to claim an exemption and expands the available penalties.

EXPANDED LOCATION REQUIREMENTS

SB 142 continues the current requirement for employers to provide a lactation location *other than a bathroom, in close proximity to the employee's work area* and allow the employee to express milk in *private*.

The new law specifies additional requirements. The room or location must:

- Be shielded from view and free from intrusion while the employee is expressing milk.
- Be safe, clean, and free of hazardous material.
- Contain a surface to place a breast pump and personal items.
- Contain a place to sit.
- Have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump.

The employer must also provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If a refrigerator cannot be provided, an employer may provide another cooling device suitable for storing milk, such as an employer-provided cooler.

An employer may comply with SB 142 by designating a lactation location that is *temporary*, due to operational, financial, or space limitations. These temporary spaces must not be a bathroom and must be in close proximity to the employee's work area, shielded from view, free from intrusion while the employee is expressing milk, and otherwise meet the legal requirements.

When a multipurpose room is used for lactation, lactation purposes must take precedent over the other uses for the room. Keep this in mind if you designate a meeting room as a lactation location.

NUMBER OF BREAKS

Today the law states that an employer must provide a reasonable amount of break time to allow employees to express breast milk. The break time, if possible, should run concurrently with any break time already provided to the employee. In other words, if possible, non-exempt employees will use their rest breaks.

Under SB 142, the law specifies that the break time must be provided *each time the employee has need to express milk*. Break time that does not run concurrently with authorized rest time under existing law is unpaid.

MANDATORY POLICY

SB 142 requires an employer to have a policy on "lactation accommodation." The policy must be distributed to all new employees at time of hire and also when an employee inquires about or requests parental leave. The policy must provide:

- A statement about an employee's right to request lactation accommodation;
- The process by which the employee makes the request;
- An employer's obligation to respond to the request; and
- A statement about an employee's right to file a complaint with the Labor Commissioner for any violation of the law.

EXCEPTIONS TO REQUIREMENTS

SB 142 provides some concessions for smaller employers and for multi-tenant/multi-employer sites.

Under the new law, an undue hardship exception is allowed only if the employer has *fewer than 50* employees. The law as it is currently written allows any size employer to demonstrate an undue hardship exemption. The exemption applies if the employer can show that the accommodation would impose an undue hardship: significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

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Employers with multi-tenant or multi-employer worksites can comply by providing a space shared among multiple employers within the building or worksite if the employer cannot provide a lactation location within the employer's own workspace. SB 142 provides further requirements for employers and general contractors to respond to subcontractor requests.

INCREASED PENALTIES

SB 142 has significantly upped the penalties for violation of the lactation accommodation requirements:

- Denial of reasonable break time or adequate space to express breast milk will be treated the same as a missed meal or rest break under Labor Code sec. 226.7; i.e., one additional hour of premium pay

at the employee's regular rate of pay for each day that the break or location was not provided.

- SB 142 allows for an employee to bring PAGA claims just like for other meal/rest break violations – a favorite tool of class action lawyers.
- An employer can be hit with a penalty of up to \$100 for each day that an employee is denied reasonable break time or adequate space to express milk.
- A new provision prohibits discrimination or retaliation against an employee for exercising or attempting to exercise any lactation accommodation right. Complaints can be brought to the Labor Commissioner and there are additional penalties for retaliation/discrimination.

LET CALIFORNIA EMPLOYEES ASSOCIATION HELP

CEA can help employers understand and meet these new requirements.

- Membership gives you access to our experienced HR Directors and unlimited HR Phone Support.
- CEA's employee handbook service will keep you up-to-date with the new 2020 laws, including this new lactation policy requirement.
- Our state-wide 2020 Labor Law Update Employer Symposiums will help bring 2020 into focus for you. Register today! *

Highlights of New California Laws – 2020 in Focus

Bill Number	Summary	Next Steps?
AB 5	Independent Contractor. Makes <i>Dynamex</i> ABC test law. Creates industry and other exceptions to test. Expands who will be considered an employee under various laws.	<ul style="list-style-type: none"> ✓ Update hiring practices ✓ Have counsel review IC agreements
AB 9	FEHA Statute of Limitations. Gives employees three years to file a complaint of unlawful discrimination or harassment with the California Department of Fair Employment and Housing (DFEH) – currently one year.	<ul style="list-style-type: none"> ✓ Ensure your policies and practices are up to date ✓ Train supervisors and managers to follow and implement policies consistently
SB 142	Lactation Accommodation. Requires that a lactation room (1) be safe and free of toxic or hazardous materials, (2) contain a surface to place a breast pump and personal items as well as a place to sit, (3) have access to electricity, running water and a refrigerator, (4) not be a bathroom, and (5) be in proximity to an employee's work area. Provides that failure to provide a lactation break constitutes a violation of Labor Code Section 226.7.	<ul style="list-style-type: none"> ✓ This new law <i>requires</i> an employer lactation accommodation policy ✓ Review your facility to determine if adjustments will be necessary
SB 188	Hairstyle Discrimination. The "CROWN" Act provides that the definition of "race" for employment discrimination purposes under FEHA also include traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.	<ul style="list-style-type: none"> ✓ Review your policy ✓ Hire based on ability to perform job and not on any protected characteristic ✓ Keep an eye out for a new poster
SB 778	Sexual Harassment Prevention Training. Extends the effective date of last year's SB 1343 to January 1, 2021 and makes clarifying changes to the law.	<ul style="list-style-type: none"> ✓ Ensure your training is up to date ✓ Training req'd every 2 years ✓ Temps/short term: train within first 30 days or 100 hours of work
SB 83	Paid Family Leave. Extends PFL to 8 weeks effective July 1, 2020.	<ul style="list-style-type: none"> ✓ New pamphlets and posters forthcoming ✓ No obligation to extend amount of leave – just additional 2 weeks of pay from the state available
AB 1554	Flexible Spending Accounts: Notice to Employees. Requires an employer to notify an employee who participates in a flexible spending account of any deadline to withdraw funds before the end of the plan year. (Labor Code 2810.7)	<ul style="list-style-type: none"> ✓ Two different forms of communication req'd ✓ Electronic delivery may be one form
AB 51	Mandatory Arbitration Agreements. Prohibits employers from requiring employees, as a condition of employment, to sign an agreement to arbitrate claims arising under FEHA or the Labor Code.	<ul style="list-style-type: none"> ✓ Consult legal counsel before adopting any arbitration agreement ✓ Do not include arbitration agreements in employee handbook
AB 1223	Organ Donation. An additional 30 days unpaid leave.	<ul style="list-style-type: none"> ✓ Currently 30 days paid leave required ✓ Update policies/handbook to reflect change



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Calendar of Events Save the Dates!

April 13-14, 2020	2020 Stars of Life Celebration & Legislative Summit	Sheraton Grand, <i>Sacramento, CA</i>
September 22-25, 2020	2020 Annual Convention & Reimbursement Conference	Harvey's Resort, <i>Lake Tahoe, NV</i>

Please visit the Events section on the CAA website – www.the-caa.org – for continuous calendar updates.