



# Proposition 11

## Ambulance Employees Paid On-Call Breaks, Training, and Mental Health Services

Placed on the Ballot by Petition Signatures

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### Purpose

Proposition 11 would allow private ambulance providers to continue their current practice of requiring workers to remain on-call during meal and rest breaks, and provide them additional benefits for doing so, including being paid during breaks, as well as compensation if a break is interrupted. It would also provide for additional training and mental health coverage.<sup>1</sup>

### Background

There are 17,000 emergency medical technicians (EMTs) and paramedics in California. They work on 3,600 ambulances, most of which are owned and operated by private companies. They provide about 75 percent of all emergency ambulance rides.<sup>2</sup>

Most private ambulance providers require EMTs and paramedics to be on-call during their entire work shift, which means that their breaks can be interrupted by a 911 call or a request to reposition the ambulance to a new posting location. This makes it difficult for these employees to plan meal and rest breaks, since downtime during an ambulance shift is unpredictable and can be scarce depending on the shift.<sup>3</sup>

In December of 2016, the California Supreme Court held that employers requiring employees to be on-call during rest breaks violated state labor laws, and that rest breaks cannot be interrupted by work.<sup>4</sup> While the case, *Augustus v. ABM Security Services*, applied specifically to rest breaks for security guards, the California Legislative Analyst's Office notes that labor laws and industry practices are quite similar for security guards and ambulance workers. Thus it appears likely that the ruling would be expanded to EMTs and paramedics if litigated. This

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<sup>1</sup> [https://ballotpedia.org/California\\_Proposition\\_11,\\_Ambulance\\_Employees\\_Paid\\_On-call\\_Breaks,\\_Training,\\_and\\_Mental\\_Health\\_Services\\_Initiative\\_\(2018\)](https://ballotpedia.org/California_Proposition_11,_Ambulance_Employees_Paid_On-call_Breaks,_Training,_and_Mental_Health_Services_Initiative_(2018))

<sup>2</sup> <https://lao.ca.gov/ballot/2018/prop11-110618.pdf>

<sup>3</sup> Ibid.

<sup>4</sup> [https://scholar.google.com/scholar\\_case?case=15764375642309732416&hl=en&as\\_sdt=6&as\\_vis=1&oi=scholar](https://scholar.google.com/scholar_case?case=15764375642309732416&hl=en&as_sdt=6&as_vis=1&oi=scholar)

would cause ambulance providers to need to hire 25% more crews to cover for these uninterrupted breaks.<sup>5</sup>

California labor law requires most employers to provide an unpaid 30-minute meal break and a paid 10-minute rest break for every 4 hours of work. However, in practice, EMTs and paramedics are on call for their entire work shift in case they receive an emergency call.<sup>6</sup>

### **Proposal**

Prop 11 would allow private providers of ambulance services to require paramedics and EMTs to be on-call during meal and rest breaks. Workers would be paid while on call during their breaks, and rules would be put in place as to when companies can make workers take the breaks. It would also require that a break that is interrupted by work not be counted as a break, and another break be provided for.

The initiative would also require ambulance provider to provide their employees with training related to active shooters and multiple casualties, natural disasters, violence prevention, and mental health. It would also require workers to be provided with up to 10 mental health services per year and that health insurance plans for employees of ambulance providers (if insurance is provided) must also include long-term mental health care.<sup>7</sup>

### **Fiscal Impact<sup>8</sup>**

The LAO estimates application of the *Augustus* precedent to EMTs and paramedics will force ambulance companies to operate significantly more ambulances in each area in order to meet the terms of their existing contracts. This will increase their costs, potentially by more than \$100 million statewide each year.

Prop 11 would allow ambulance companies to continue their current practice of on call breaks. Local governments would avoid expected increases in costs for ambulance services in the tens of millions of dollars each year.

Prop 11 would, however, still impose some additional costs on ambulance companies for increased spending on other services and training included in the initiative.<sup>9</sup>

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<sup>5</sup> <https://lao.ca.gov/BallotAnalysis/Initiative/2017-043>

<sup>6</sup> <https://lao.ca.gov/ballot/2018/prop11-110618.pdf>

<sup>7</sup> [https://ballotpedia.org/California\\_Proposition\\_11,\\_Ambulance\\_Employees\\_Paid\\_On-Call\\_Breaks,\\_Training,\\_and\\_Mental\\_Health\\_Services\\_Initiative\\_\(2018\)](https://ballotpedia.org/California_Proposition_11,_Ambulance_Employees_Paid_On-Call_Breaks,_Training,_and_Mental_Health_Services_Initiative_(2018))

<sup>8</sup> <https://lao.ca.gov/ballot/2018/prop11-110618.pdf>

<sup>9</sup> Ibid.

## Supporters

Californians for Emergency Preparedness and Safety is a committee formed to support Prop 11.

- American Medical Response<sup>10</sup>

As of August 12, 2018, Californians for Emergency Preparedness and Safety has raised \$3,650,000. All of the funds have come from American Medical Response, the largest private ambulance service provider in California.

## Arguments of Supporters<sup>11</sup>

Supporters of Prop 11 say that it would

- Codify a longstanding practice of paramedics and EMTs being on call during breaks in case of emergency, just like police officers and firefighters.
- Enhance public safety by not increasing response times, as is likely to be the case if the *Augustus* standard applies.
- Provide essential additional training to ensure that paramedics and EMTs are prepared for anything they may face.
- Provide workplace protections to ensure that paramedics and EMTs are well rested and compensated for breaks that are interrupted.

## Opponents

No committee has been formed to oppose Prop 11.

- California Teachers Association<sup>12</sup>
- SEIU California<sup>13</sup>
- California Labor Federation<sup>14</sup>

No contributions have been reported to any efforts opposing the proposition.

## Arguments of Opponents

- The labor law protections that Prop 11 would be circumventing are in place for employees' own safety.<sup>15</sup>
- Industries should not be able to create exemptions to state labor laws for themselves.<sup>16</sup>

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<sup>10</sup> [https://ballotpedia.org/California\\_Proposition\\_11,\\_Ambulance\\_Employees\\_Paid\\_On-Call\\_Breaks,\\_Training,\\_and\\_Mental\\_Health\\_Services\\_Initiative\\_\(2018\)](https://ballotpedia.org/California_Proposition_11,_Ambulance_Employees_Paid_On-Call_Breaks,_Training,_and_Mental_Health_Services_Initiative_(2018))

<sup>11</sup> <http://yeson11.org/get-the-facts/>

<sup>12</sup> <https://campaign2018cta.org/recommendations/>

<sup>13</sup> <http://www.seiuca.org/2018/07/17/seiu-california-ballot-measure-endorsements/>

<sup>14</sup> <https://calaborfed.org/endorsements/2018-general-election-endorsements/>

<sup>15</sup> <https://www.sfchronicle.com/politics/article/Gas-taxes-cage-free-chickens-and-a-chopped-up-13046954.php>

<sup>16</sup> *Ibid.*

- This is just an attempt by private ambulance providers to avoid millions of dollars in liability they are facing for violating current law.<sup>17</sup>

**Conclusion**

A **Yes** vote on Proposition 11 means private ambulance providers can continue their current practice of requiring paramedics and EMTs to be on call during meal and rest breaks, and employees will receive additional trainings and mental health coverage.

A **No** vote on this measure means private ambulance providers will be subject to current labor law, and will likely be required to provide employees with off-duty meal and rest breaks that cannot be interrupted.

**For more information on Proposition 11, visit:**

**[www.roseinstitute.org](http://www.roseinstitute.org)**

**[www.yeson11.org](http://www.yeson11.org)**

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<sup>17</sup> <https://campaign2018cta.org/wp-content/uploads/2018/07/CTA-Campaign-2018-Presidents-Conference-Power-Point-July-2018-002-002.pptx>