

Assembly Bill No. 312

CHAPTER 195

An act to amend Section 53270 of the Government Code, relating to firefighters.

[Approved by Governor August 28, 2013. Filed with
Secretary of State August 28, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 312, Wieckowski. Local government: employees: firefighters.

Existing law authorizes the California Firefighter Joint Apprenticeship Program to administer, prepare, and circulate to local governments a list of permanent career civilian federal, state, and local government firefighters eligible for appointment to a local government firefighter position. Existing law permits a permanent career civilian federal, state, or local government firefighter to apply for placement on the list after he or she receives a notice of termination or a priority placement notice and requires his or her name to remain on the list for a period of 48 months. Existing law requires that placement on the list be determined by length of service as a permanent career civilian federal, state, or local government firefighter.

This bill would provide that a firefighter's name may remain on the list described above for 36 months. The bill would also delete the provision relating to determination of placement on the list. The bill would also make a conforming change.

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

SECTION 1. Section 53270 of the Government Code is amended to read:

53270. (a) The Legislature hereby finds that the hiring of permanent career civilian federal, state, and local government firefighters by local agencies as specified in this section is in need of uniform statewide regulation and constitutes a matter of statewide concern that shall be governed solely by this section.

(b) Notwithstanding any other provision of law, upon approval by its governing body, a local government, including, but not limited to, a fire protection district, joint powers agency, or the fire department of a city, including a charter city, county, or city and county, or any political subdivision of one of these agencies, when hiring additional firefighters, may appoint as a member or officer any person who meets all of the following criteria:

(1) Was serving as a permanent career civilian federal firefighter in good standing at any United States military installation or was a permanent career firefighter employed by the state or a local government within the state.

(2) Has satisfactorily completed all firefighter training required for employment as a permanent career civilian federal, state, or local government firefighter.

(3) Was, as a consequence of the closure, downsizing, or realignment of a federal military installation, terminated as a permanent career civilian federal firefighter, or as a consequence of job-elimination, terminated as a permanent career state or local government firefighter, within 36 months prior to the appointment.

(c) The appointment authority created by this section shall take precedence over any provision of, or any condition or circumstance arising from a provision of, a charter, ordinance, or resolution that governs employment of firefighters, that would otherwise frustrate the purpose of this section, including, but not limited to, the following:

(1) The local government maintains a civil service or merit system governing the appointment of firefighters.

(2) The local government has available to it an eligible or regular reemployment list of persons eligible for those appointments.

(3) The appointed person is not on any eligible list.

(d) A local government may not employ a person pursuant to this section if a special reemployment list is in existence for the firefighter position to be filled.

(e) If a local government determines to appoint a person pursuant to this section, it shall give first priority to residents of the jurisdiction, and second priority to residents of the county not residing in the jurisdiction.

(f) The seniority, seniority-related privileges, and rank that a permanent career civilian federal, state, or local government firefighter possessed while employed at a federal military installation or by the state or a local government shall not be required to be transferred to a position in a local government fire department obtained pursuant to this section.

(g) To effectuate the purposes of this section, the California Firefighter Joint Apprenticeship Program may administer, prepare, and circulate to local governments a list of permanent career civilian federal, state, and local government firefighters eligible for appointment pursuant to this section. A permanent career civilian federal, state, or local government firefighter may apply for placement on the list after he or she receives a notice of termination of position or a priority placement notice and shall remain on the list for a period of 36 months.