

ASSEMBLY BILL

No. 312

Introduced by Assembly Member Wieckowski

February 12, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 312, as introduced, 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.

This bill would provide that a firefighter's name may remain on the list described above for 60 months. The bill would also make a conforming change.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

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

1 53270. (a) The Legislature hereby finds that the hiring of
2 permanent career civilian federal, state, and local government
3 firefighters by local agencies as specified in this section is in need
4 of uniform statewide regulation and constitutes a matter of
5 statewide concern that shall be governed solely by this section.

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

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

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

20 (3) Was, as a consequence of the closure, downsizing, or
21 realignment of a federal military installation, terminated as a
22 permanent career civilian federal firefighter, or as a consequence
23 of job-elimination, terminated as a permanent career state or local
24 government firefighter, within—48 60 months prior to the
25 appointment.

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

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

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

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

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

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

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

11 (g) To effectuate the purposes of this section, the California
12 Firefighter Joint Apprenticeship Program may administer, prepare,
13 and circulate to local governments a list of permanent career
14 civilian federal, state, and local government firefighters eligible
15 for appointment pursuant to this section. Placement on the list shall
16 be governed by length of service as a permanent career civilian
17 federal, state, or local government firefighter. A permanent career
18 civilian federal, state, or local government firefighter may apply
19 for placement on the list after he or she receives a notice of
20 termination of position or a priority placement notice; and shall
21 remain on the list for a period of ~~48~~ 60 months.