



Legislation Text

File #: 09-1316, **Version:** 1

Recommendation to adopt resolution establishing the need to receive summary criminal history information on all Emergency Medical Technicians employed by the City of Long Beach, including any volunteer or contract employees, and establishing the authorization to access local, state and federal level summary Criminal Offender Record Information and Subsequent Arrest Notifications from the Department of Justice for current and newly hired employees. (Citywide)

Assembly Bill (AB) 2917 (Torrico) was signed into law on September 28, 2008. This legislation requires State Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) background checks for all Emergency Medical Technicians (EMTs) working in pre-hospital care and establishes a central database at the State to track the certification status of the more than 60,000 EMTs practicing in California. The law was passed in response to several incidents in the State of California in which EMTs were dismissed from employment because of criminal behavior and subsequently obtained employment as EMTs with other agencies, despite the revocation of their EMT licenses. The new requirements for background checks and a central database are designed to prevent this from occurring.

The California Emergency Medical Services Authority recognizes the Long Beach Fire Department as one of 69 "certifying entities" in the State. As a certifying entity, the Fire Department is approved to provide initial EMT certification to new employees and recertification of EMTs every two years. EMT personnel in the department include: Firefighters, Marine Safety personnel and Ambulance Operators. As a certifying entity, the department is also required to provide background checks on all EMTs prior to certifying them to function in the role of an EMT. Currently, the department only conducts DOJ background checks and does not receive subsequent arrest notifications.

AB 2917 requires certifying entities to conduct both DOJ and FBI background checks on each new EMT certified after July 1, 2010. DOJ and FBI background checks involve the electronic submission of an employee's fingerprints through the Live Scan system. If the background check identifies criminal offender record information, the DOJ will respond by disseminating this confidential information to the agencies that are authorized to receive it. In order for the department to maintain its ability to certify new EMTs, the FBI requires the City Council to adopt a resolution that establishes the need for FBI background checks and the inclusion of subsequent arrest notifications. Adoption of the Resolution will allow the Fire Department to begin the process to receive background check information and subsequent arrest notifications as required by AB 2917 and maintain its status as a certifying entity.

Maintaining status as a certifying entity will also allow the Fire Department to invoke a grandfather clause that eliminates the need for the FBI background check of current EMT certified employees, saving approximately \$20,000 in initial fees to the State of California.

This item was reviewed by Deputy City Attorney Gary J. Anderson on November 24, 2009 and Budget and Performance Management Bureau Manager David Wodynski on November 25, 2009.

City Council action is required at the December 15, 2009 meeting in order to allow the Department sufficient time to meet all the requirements prior to the deadline established in AB 2917.

There is no fiscal impact associated with the recommended action. However, the Assembly Bill creates a recertification fee of \$37 per EMT every two years. These fees will amount to approximately \$10,000 in annual costs.

Approve recommendation.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING
ACCESS TO STATE AND FEDERAL SUMMARY CRIMINAL HISTORY INFORMATION FOR
EMPLOYMENT

ALAN M. PATALANO
ACTING FIRE CHIEF

APPROVED:

PATRICK H. WEST
CITY MANAGER