

Fire Department Progressive Discipline – AB 220 Firefighter Bill of Rights Summary

Firefighter Bill of Rights

AB 220: Protections for firefighters, paramedics and EMT's
You cannot face discipline or retaliation for exercising any of your rights under this measure. Employers face civil penalties for maliciously violating this act.

Privacy Rights

- Prohibits forced disclosure of personal financial information unless required by law or a court order
- Prohibits forced submission to a lie detector test, or discipline for refusing to submit to one
- Prohibits search of your locker or private space without your consent (except under certain circumstances)
- Protects your right to participate in off-duty political activity
- Protects your right to serve on school or local agency board (other than your employer)

Investigative Procedures

- Prohibits physical or psychological intimidation, offensive language, threats or extortion during interrogation
- Advance notice required of the nature of any investigation and who is doing the interrogation
- Interrogations may be recorded, and employee must be provided copies of all recordings and transcripts
- Interrogations must take place on-duty, at a reasonable time (or compensated, if it takes place off-duty)
- In possible criminal investigation, employee must be advised of constitutional rights
- Employee is entitled to representation prior to being questioned on any potential case involving charges or a criminal probe
- Testimony can't be compelled on potentially incriminating questions without a *written* offer of immunity from criminal prosecution

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Due Process Requirements

- Employee can't be punished if investigation isn't finished within a year
- Employee can only be reassigned to other normal departmental jobs
- Fire Chief required to provide written notice of removal, including reasons and appropriate administrative appeal
- Firefighter must have access to any adverse comment in personnel records before it is submitted.
- Adverse comments must be signed by firefighter before going into personnel record. Employee response must also go in record
- Fire chief must provide opportunity for administrative appeal before removing an individual from their job
- Appeals process must conform with protections contained in Administrative Procedures Act

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Knowing Your Rights Can Save Your Job.

If you find you're being asked questions that might result in disciplinary action or criminal prosecution:

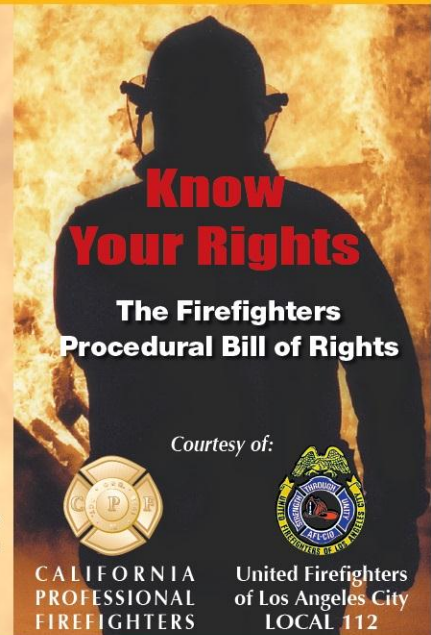
1. Ask if you are at risk of disciplinary action.
2. Ask for union representation before responding to any questions.
3. Insist that any statement be tape recorded.
4. Don't volunteer to take a lie-detector, alcohol or drug test.
5. Don't reveal any personal financial information without a court order.
6. Make note of physical or verbal abuse, threats, extortion or any other attempt to compel your answers.

Non-Waiver Statement

If you're compelled to make a statement or answer questions in violation of your right to representation or any of the rights listed above, demand that it be recorded and read the following:

I am making this statement involuntarily, in compliance with a direct order made under penalty of sanction and/or termination. In compelling my statement without representation, you are in violation of the California Government Code, Sections 3250 through 3262, and are subject to civil penalties prescribed by law. I do not waive any of my rights under this law, our current union contract, any other local, state or federal law, or my right to remain silent under the Fifth and Fourteenth Amendments of the United States Constitution.

United Firefighters of Los Angeles City
Local 112, International Association of Fire Fighters
1571 Beverly Boulevard, Suite 201
Los Angeles, California 90026-5704



You Have The Right ...

- To know if you are under investigation
- To representation before answering any questions
- To tape record any questioning
- To have copies of all recordings and transcripts
- To a written offer of immunity from criminal prosecution
- To be questioned on-duty at a reasonable time
- To be reassigned only to another normal department job during any probe
- To review and sign adverse comment in any personnel-related file before it's submitted
- To attach a response to any adverse comment before it's submitted

Never Answer Questions Without Representation

Before Any Questioning, The Department Must ...

- Tell you if you're under investigation for misconduct
- Tell you if your responses could result in discipline
- Tell you the nature of any possible charges
- Tell you who will be conducting any investigation
- Tell you who will be interrogating you
- Offer you written immunity from criminal prosecution
- Authorize tape recording of any inquiry

The Firefighters Procedural Bill of Rights gives first responders the strongest on-the-job protections in California. Its signing in 2007 caps a two-decade fight by CPF to bring firefighters the same workplace protections enjoyed by law enforcement.

The Department May Not ...

- Force you to answer questions without representation
- Interrogate you off-duty without compensation
- Subject you to physical or verbal abuse
- Subject you to threats or promise of reward
- Compel you to take a lie-detector test
- Discipline you for refusing to take a lie-detector test
- Search your private space without court order, unless you are present or give consent
- Force you to reveal personal financial data, except by law or court order

Always Ask: "Can This Lead To Disciplinary Action?"

If The Answer Is "Yes," Ask For Representation