



# REPORT TO COUNCIL 20

## City of Sacramento

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Staff Report  
April 3, 2007

Honorable Mayor and  
Members of the City Council

**Title:** Report On The Status Of Fire Employees Representation Rights

**Location/Council District:** Citywide

**Recommendation:** Receive and file.

**Contact:** Dee Contreras, Director of Labor Relations, 808-5424 and Ed Takach, Labor Relations Officer, 808-8481.

**Presenters:** Dee Contreras, Director of Labor Relations, 808-5424 and Ed Takach, Labor Relations Officer, 808-8481.

**Department:** Labor Relations

**Division:** Not applicable

**Organization No:** 1610

### **Description/Analysis**

**Issue:** Council recently inquired of staff about the possibility of a bill of rights for fire employees. This report provides a status on discussions between the City and the Sacramento Area Fire Fighters, Local 522 regarding the representation rights for employees represented by Local 522.

Representatives of the City and Local 522 have met regarding the new policy and are in agreement on the Professional Standards and Accountability Manual being implemented by the Fire Department. Attachment 2 provides a comparison of the related MOU and Manual provisions.

**Policy Considerations:** The action by the Fire Department implementing the manual affirms the City policy to operate in a manner of the highest integrity.

**Environmental Considerations:** N/A

**Commission/Committee Action:** N/A





**Rationale for Recommendation:** N/A

**Financial Considerations:** None

**Emerging Small Business Development (ESBD):** N/A

Respectfully Submitted by: Dee Contreras

Dee Contreras  
Director of Labor Relations

Recommendation Approved:

*kr* Ray Kerridge  
Ray Kerridge  
City Manager

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## Attachment 1

### Background

In 1976, legislation at the State level established what is known as the Public Safety Officers Procedural Bill of Rights, (California Government Code 3300 – 3312) or POBOR which regulates personnel investigations and disciplinary procedures relating to peace officers (as defined in California Penal Code) when they are subject to investigation or discipline. Peace officers, by the nature of the work they perform, are exposed to extraordinary complaints such as excessive force, inappropriate use of deadly force, alleged misconduct surrounding apprehension and arrest, and serious consequences related to motor vehicle accidents. Incidents not usually connected to employees without peace officer status. Prior to passage of POBOR, the provision of that legislation which would have afforded those rights to fire employees was removed from the bill. Fire Investigators however, have peace officer status and are therefore covered by POBOR.

During 2005 negotiations, Local 522 proposed, and the City agreed to, many of the provisions provided by POBOR which were included as part of the current memorandum of understanding (MOU) for safety and non-safety Fire employees.

In 2005 the Fire Department began drafting and has now completed a Professional Standards and Accountability Manual. The manual contains a subsection covering Administrative Investigations, which includes MOU provisions as mentioned above, and adds additional provisions which provide an investigatory process essentially mirroring POBOR. The establishment of the MOU language and the provisions of the manual will provide consistency between Fire Suppression, Fire Prevention and Fire Investigation employees.

## **Attachment 2**

### **Provisions provided in the MOU:**

Right to representation and employee to be interviewed is given a reasonable time to contact and obtain representation

Sets limits on when interview and/or interrogation occurs

Allows for employee to be provided the nature of the complaint prior to the interview

Limits to two (2) the number of interviewers present to ask questions

States employee interviewed is not to be threatened except that failure to answer questions related to the interview may result in discipline

Provides for tape recording of the interview by employee

Allows employee to read, sign and provide rebuttal to adverse comment (document)

### **Provisions added or expanded by the manual:**

Prior to the interview, employee is to be informed of the general nature of the complaint

Provides employee with tape or transcript of interview prior to subsequent interview

Provides self-incrimination language regarding refusal to answer questions, and that statement given will not be used in criminal proceeding

States that representative cannot be subject of same investigation, and protects representative from disclosure of information from interview

No compulsion for employee to submit to polygraph examination

No punitive action for exercise of rights provided in manual

One-year time bar after misconduct is reported for implementation of discipline

No compulsion for employee to disclose financial information

Places limitations on searches of employee lockers



