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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2021 - 2022 Regular Session

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### SB 206 (McGuire) - Firefighters Procedural Bill of Rights Act

**Version:** March 25, 2021

**Policy Vote:** L., P.E. & R. 5 - 0, JUD. 11 -  
0

**Urgency:** No

**Mandate:** No

**Hearing Date:** April 19, 2021

**Consultant:** Robert Ingenito

**Bill Summary:** SB 206 would provide temporary, seasonal firefighters with the workplace protections contained in the Firefighters' Procedural Bill of Rights once they have successfully completed work on one fire season.

**Fiscal Impact:** The California Department of Forestry and Fire Protection (CAL FIRE) indicates that it would incur first-year costs of \$2.6 million, and \$2.3 million annually thereafter, to implement the provisions of the bill (General Fund, See Staff Comments).

**Background:** Enacted in 2007, the Firefighters' Procedural Bill of Rights (FPBOR) enhances the workplace rights that firefighters can exercise in relation to political activity, interrogation, punitive action, and administrative appeals. Not all firefighters qualify for FPBOR's protections, however. Specifically, current law excludes from FPBOR firefighters who have not completed their "probationary period." Based on that exclusion, a California court recently ruled that temporary, seasonal firefighters are not protected by FPBOR, since they do not have a "probationary period," and therefore cannot, according to the Court, "complete" that period. The ruling is currently on appeal.

**Proposed Law:** This bill would (1) provide that temporary, seasonal firefighters employed by CAL FIRE are protected by FPBOR upon successful completion of their probationary period, and (2) deem a temporary, seasonal firefighter to have successfully completed the requisite probationary period if CAL FIRE employs the firefighter in the same classification for a second fire season immediately subsequent to the first.

#### Related Legislation:

- AB 2941 (Flora, 2020) was substantially similar to this bill. The bill died in the Assembly Governmental Organization Committee.
- AB 220 (Bass, Chapter 591, Statutes of 2007) established FPBOR.

**Staff Comments:** As noted above, CAL FIRE would incur first-year costs of \$2.6 million, and ongoing costs of \$2.3 million as a result of the bill, for additional staff and equipment.

CAL FIRE hired 2,580 temporary, seasonal firefighters in 2020, and the department proposes to add another 500 as part of the 2021-22 budget. Overall, CAL FIRE notes that this bill would result in a 30 percent increase in the number of employees provided extended rights and access to an evidentiary hearing.

The precise number of additional evidentiary hearings/appeals that would be filed as a result of the bill cannot be determined in advance. If the department provided full appeal rights for all permanent, seasonal, and limited-term employees, it anticipates an increase of 38 adverse actions and 20 potential appeals annually, based on the additional employee eligibility. In addition, the bill would result in increased workload related to the administrative investigation process, which is required in order to appropriately determine if any alleged behavioral or performance deficiencies are sustained. Overall, CAL FIRE estimates that it would require 10 additional staff to administer the bill's provisions.

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