
THIRD READING

Bill No: SB 206
Author: McGuire (D), et al.
Amended: 3/25/21
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 3/8/21
AYES: Cortese, Ochoa Bogh, Durazo, Laird, Newman

SENATE JUDICIARY COMMITTEE: 11-0, 3/23/21
AYES: Umberg, Borgeas, Caballero, Durazo, Gonzalez, Hertzberg, Jones, Laird, Stern, Wieckowski, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/20/21
AYES: Portantino, Bates, Bradford, Jones, Kamlager, Laird, Wieckowski

SUBJECT: Firefighters Procedural Bill of Rights Act

SOURCE: Author

DIGEST: This bill provides Department of Forestry and Fire Protection (CAL FIRE) seasonal firefighters holding a temporary appointment to a firefighter position with the workplace protections contained in the Firefighters Procedural Bill of Rights if CAL FIRE employs the firefighter in the same classification for a second temporary appointment immediately subsequent to the first.

ANALYSIS:

Existing law:

- 1) Provides firefighters, pursuant to the Firefighters Procedural Bill of Rights (FPBOR), with enhanced procedural rights in relation to political activity, interrogation, punitive action, and administrative appeals. (Gov. Code § 3250 *et seq.*)

- 2) Defines “firefighter,” under FPBOR, to mean any firefighter employed by a public agency, including, but not limited to, any firefighter who is a paramedic or emergency medical technician, irrespective of rank. (Gov. Code § 3251(a).)
- 3) Excludes from FPBOR’s definition of “firefighter” both:
 - a) An inmate of a state or local correctional agency that performs firefighting or related duties; and
 - b) Any person covered by the Public Safety Officers Procedural Bill of Rights Act. (Gov. Code § 3251(a).)
- 4) Excludes from FPBOR’s protections any employee that has not completed a probationary period established by the employer as a condition of employment. (Gov. Code § 3251(a).)

This bill:

- 1) Provides that temporary, seasonal firefighters employed by CAL FIRE are protected by FPBOR upon successful completion of their probationary period.
- 2) Deems 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 temporary appointment immediately subsequent to the first.

Comments

Need for the bill? According to the author, “As California faces longer and longer fire seasons every year, it is only becoming more crucial to take care of the important service members who are putting their lives on the line to fight fires. [...] Over 4 million acres of California land burned in 2020 alone due to devastating wildfires. As these threats become increasingly common, the State depends more and more on seasonal firefighters, with 350 additional hired in 2020 and funding to hire 640 in the Governor’s 2021 Budget Proposal [...]. Seasonal firefighters are on the frontline, protecting Californians from the devastating fires that continue to ravage our State. It is past time for the State to protect them, as much as they protect us.”

Related/Prior Legislation

AB 2941 (Flora, 2020) was identical to this bill. The bill died in the Assembly Governmental Organization Committee.

AB 220 (Bass, Chapter 591, Statutes of 2007) established the FPBOR.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, 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 this bill (General Fund).

SUPPORT: (Verified 5/20/21)

CAL FIRE Local 2881
California Labor Federation
California Professional Firefighters
United Public Employees

OPPOSITION: (Verified 5/20/21)

None received

ARGUMENTS IN SUPPORT: California Professional Firefighters write, “[FPBOR’s] important and hard-won protections are not available to all firefighters. Temporary or seasonal firefighters employed by the California Department of Forestry and Fire Protection are not currently covered by the existing law. Those dedicated firefighters [...] perform work that is just as important and necessary for the state’s ongoing battle against increasingly dangerous wildfires, and yet are at risk of unfair employment practices with little to no recourse or protection. It is plainly unfair for one group of firefighters to be left without these protections even though they are doing similarly important and dangerous work.”

In further support of this bill, CALFIRE Local 2881 writes, “As hard as these seasonal firefighters work, they do not qualify under the Firefighters Procedural Bill of Rights Act, which means that they can be dismissed virtually without consequence at any time. This legislation would allow temporary, seasonal firefighters to have an evidentiary hearing in response to a dismissal. Presently, the standard response is a meeting with the person who has fired them and there is very little recourse in terms of mounting a defense to protect their integrity and their future with CAL FIRE.”

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