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OFFICE OF  
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June 4, 2001

Law and Legislation Committee  
Sacramento, California

Honorable Members in Session:

**SUBJECT: Opposition to Assembly Bill 417 - Extension of Public Safety Officers  
Procedural Bill of Rights to Civilian Police Department Employees,  
Firefighters, Paramedics, and Emergency Medical Technicians**

**LOCATION AND COUNCIL DISTRICT: All**

**RECOMMENDATION:**

Staff recommends that the Law and Legislation Committee confirm the emergency letters of opposition to AB 417 previously sent.

**CONTACT PERSONS:** Dee Contreras, Director of Labor Relations (264-5424)  
Michon Batipps Johnson, Senior Administrative Services  
Officer (264-5424)

**FOR COMMITTEE MEETING OF:** June 19, 2001

**SUMMARY**

This report provides an update on Assembly Bill 417, which would add civilian employees of a police department to those employees covered by the Public Safety Officers Procedural Bill of Rights. It would also establish the Firefighters Procedural Bill of Rights, extending POBR protections to firefighters, paramedics, and emergency medical technicians, irrespective of rank.

## **BACKGROUND**

On April 13, 2001, the Chair of the Law and Legislation Committee sent to Carl Washington, Chair of the Assembly Committee on Public Safety, an emergency letter opposing Assembly Bill 417. Our opposition was based on the fact that the legislation's extension of the Public Safety Officers Procedural Bill of Rights (POBR) to civilian employees of municipal law enforcement agencies was inconsistent with the original intent of the Act.

The League of California Cities opposed the bill on several grounds, as well. In particular, the League noted that the establishment of the Firefighters Procedural Bill of Rights would create unnecessary and burdensome procedural safeguards. Firefighters are not subjected to investigations and interrogations to the same extent as police officers, and accordingly, do not need the same due process protections that police officers currently enjoy. Moreover, firefighters already have substantial procedural and due process rights in the form of property interest due process rights, civil service or merit protections, as well as collective bargaining rights. AB 417 would add yet another layer of procedural requirements.

On May 2, 2001, the bill moved to the Assembly Appropriations Committee. The Chair of the Law and Legislation Committee sent to Carole Midgen, Chair of the Assembly Appropriations, an emergency letter of opposition to the bill. In that letter, we emphasized the adverse financial impact to the City that would result if this legislation were enacted. Specifically, we noted that for fiscal year 2001, the City of Sacramento Police Department has 691 sworn and 405.36 civilian positions for a total of 1096.36 positions (63% sworn, 37% civilian). The total number of positions in the Fire Department for fiscal year 2001 is 558, with 510 of those positions being sworn and 48 civilian (91.4% sworn, 8.6% civilian). Virtually all of the sworn positions in the Fire Department are staffed with a firefighter who has been certified as a paramedic and/or an emergency medical technician. Consequently, if this bill were signed into law, the remaining 37% of Police Department employees would fall under POBR, and 91.4% of Fire Department employees would be covered by the new Firefighters Procedural Bill of Rights. That would likely result in increased costs to the City in an amount yet to be determined.

Moreover, as pointed out by the League of California Cities, the Commission on State Mandates has adopted a cost estimate for the POBR, which totals nearly \$26 million. Additional mandates to POBR would be paid out of the State general fund, if approved by the Commission, thus increasing further the expense borne by the State.

On May 16, 2001, AB 417 was placed in the suspense file of the Assembly Appropriations Committee because the Committee determined that the bill would appropriate funding from the state budget in an amount greater than \$150,000. Staff will continue to monitor the progress of the bill and report back to the Law and Legislation Committee as appropriate.

## **FINANCIAL CONSIDERATIONS**

Implementation of this bill would likely result in significant but currently undetermined costs

to the City because of the additional number of employees who would be covered by a Procedural Bill of Rights.

#### **ENVIRONMENTAL CONSIDERATIONS**

There are no environmental considerations associated with this report.

#### **POLICY CONSIDERATIONS**

This bill would create unnecessary procedural protections and make human resources management unduly complex.

#### **ESBD CONSIDERATIONS**

There are no ESBD considerations associated with this report.

Respectfully submitted,

  
Dee Contreras  
Director of Labor Relations

#### **RECOMMENDATION APPROVED:**

  
Betty Masuoka  
Assistant City Manager



OFFICE OF THE  
CITY COUNCIL

STEVE COHN

COUNCILMEMBER  
DISTRICT THREE

CITY OF SACRAMENTO  
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May 15, 2001

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The Honorable Carole Migden, Chair  
California State Assembly  
Assembly Appropriations Committee  
State Capitol  
Sacramento, California 95814

**SUBJECT:** Opposition to AB 417 Public safety officers: civilian employees (Cedillo)

Dear Assembly Member Migden:

The City of Sacramento respectfully opposes Assembly Bill 417, as currently drafted. This legislation would add civilian employees of a police department to those covered by the Public Safety Officers Procedural Bill of Rights. It would also establish the Firefighters Procedural Bill of Rights, which would extend POBR protections to firefighters, paramedics, or emergency medical technicians, irrespective of rank.

For fiscal year 2001, the City of Sacramento Police Department has 691 sworn and 405.36 civilian positions for a total of 1096.36 positions (63% sworn, 37% civilian). The number of positions in the Fire Department for fiscal year 2001 is 558, with 510 of those positions being sworn and 48 civilian.

If this bill were to be signed into law, an additional 37% of Police Department employees would fall under the POBR and all 558 Fire Department employees would now be covered. That would likely result in increased costs to the City in an amount yet to be determined. Moreover, as pointed out by the League of California Cities, the Commission on State Mandates has already adopted a cost estimate for the POBR, which totals nearly \$26 million. Additional mandates to POBR would be paid out of the State general fund, if approved by the Commission, thus increasing further the expense borne by the State.

Your opposition of this legislation would be most appreciated.

Sincerely,

STEVE COHN

Chair, Law and Legislation Committee  
Sacramento City Council

cc: Honorable Gil Cedillo, Assistant Majority Leader  
Members of the Appropriations Committee  
Jeff Long, Appropriations Committee Consultant



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STEVE COHN

COUNCILMEMBER  
DISTRICT THREE

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April 13, 2001

Honorable Carl Washington, Chair  
California State Assembly  
Committee on Public Safety  
1020 N Street, #111  
Sacramento CA 95814

**SUBJECT: Assembly Bill 417**

Dear Assembly Member Washington:

As Chair of the Law and Legislation Committee, I am writing this letter to express opposition to Assembly 417 authored by Assembly Member Gil Cedillo. This legislation would extend the protections of the Public Safety Officers Procedural Bill of Rights to civilian employees of police departments and to firefighters, paramedics, or emergency medical technicians.

Specifically, we oppose the extension of Peace Officers' Bill of Rights to civilian employees of city law enforcement agencies. The inclusion of civilian employees is not consistent with original intent of the act.

Your opposition of this legislation would be most appreciated.

Sincerely,

STEVE COHN, CHAIR  
Law and Legislation Committee  
Sacramento City Council