IF YOU ARE EVER ASKED QUESTIONS THAT MIGHT CONCEIVABLY LEAD TO DISCIPLINE ...

**DO**
- Ask if you are at risk of disciplinary action.
- Ask the nature of any investigation and/or possible charges. Insist on union representation before answering any questions.
- Insist that any statement be recorded. Insist on a written offer of immunity from criminal prosecution.

**DON’T**
- Volunteer to take a lie-detector, alcohol or drug test.
- Reveal any personal financial information without a court order.
- Respond to any verbal abuse, threats or other attempts to compel answers.
- Answer questions off-duty, unless fully compensated for your time.
- Lie, mislead or otherwise fudge the truth during any interrogation.

QUESTIONS AND ANSWERS ABOUT THE FIREFIGHTERS BILL OF RIGHTS

What do I say if I get asked a question that sounds like it’s related to discipline? Ask a simple question: “Is this an issue that could possibly lead to disciplinary action or prosecution?” If the answer is “yes” (or “maybe”, “possibly”, “I don’t know”, “probably not”, “we don’t have to go there, do we?”, etc.), stop the conversation and invoke your right to representation before answering any questions.

What if they say that answering the questions will not lead to disciplinary action? Get the answer on tape, or otherwise on the record. If possible, record the questioning. Leave the tape recorder running during the questioning. NOTE: Even in these circumstances, it’s strongly advisable to have a representative.

Can they just start fishing around and asking me questions without telling me what it’s about? No. Before any questioning, the employer must tell you the nature of any investigation, the specific charges for which you are being investigated and the name(s) of those who are conducting the investigation.

What if I am ordered to answer questions without representation? Get a tape recorder, or insist that one be provided, and read the following statement: “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.”

What if they tell me that I’m not being investigated, but someone else is? Management can compel your testimony against another employee, but only if they confirm, on the record, that the questions will not result in discipline against you. In most cases, you are still entitled to representation, since the very fact that you’re being questioned could put you at risk of discipline if your answers are deemed untruthful. Best practice: get your rep on the phone, and find a tape recorder.

Can management search my locker or personal space? Your locker or “other place for storage” can be searched, but only if it is assigned to you and owned or leased by your employer and you are either notified beforehand or are present. Your employer may search without prior knowledge or consent only if they have a valid search warrant.

Can I be forced to disclose personal financial information? You may not be forced to disclose personal financial data unless it is explicitly required by law, or as a result of a court order.

Can they just string out the investigation indefinitely? No. Under the Firefighters Procedural Bill of Rights, the employer has a year to complete the investigation. If they’re not done in a year, you can’t be punished.

What are my rights of appeal? Under the law, you are entitled to a formal appeals process that conforms with the state Administrative Procedures Act or your local grievance arbitration appeals process. That means that you must have fair representation and have your discipline heard by an impartial 3rd party. For more information on the Administrative Procedures Act, go to www.cpf.org.

Does this apply to what I do off-duty? The Firefighters Bill of Rights strengthens your rights to participate in lawful, off-duty activity, including political action and union activity. In conjunction with existing law and your current MOU, lawful off-duty behavior is protected. If you think off-duty conduct may lead to job-related discipline, contact your representative.

What if I do something wrong while I’m off duty? The Firefighters Bill of Rights is not a “Get Out of Jail Free” card. If you are charged with unlawful conduct off-duty, the law doesn’t shield you from discipline. However, its protections do help guard against being sanctioned multiple times for the same offense.