



# FRESNO COUNTY FIRE

PROTECTION DISTRICT

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## **RESOLUTION No. 2019-02**

### **BEFORE THE BOARD OF DIRECTORS OF THE FRESNO COUNTY FIRE PROTECTION DISTRICT WITHIN THE COUNTY OF FRESNO, STATE OF CALIFORNIA**

#### **RESOLUTION NO: 2019-02**

#### **APPROVING ADMINISTRATIVE DISCIPLINARY APPEAL PROCEDURES FOR DISTRICT-EMPLOYED FIREFIGHTERS**

**WHEREAS**, the Firefighters Procedural Bill of Rights Act (“FBOR,” Government Code Section 3250 *et seq.*) provides firefighters employed by a public agency with procedural protections related to the investigation of misconduct and imposition of discipline; and,

**WHEREAS**, when an investigation could lead to punitive action including dismissal, demotion, suspension, reduction salary, written reprimand, or transfer for the purposes of punishment, the FBOR’s protections include, among other things, conducting interrogations only at reasonable hours, authorizes the presence of legal counsel or labor group representation during questioning, and proper notice of the nature of the investigation; and,

**WHEREAS**, the FBOR also includes the requirement of providing non-probationary firefighters with the opportunity for an administrative appeal when punitive action is taken against them; and,

**WHEREAS**, such appeals are conducted under the Administrative Procedures Act sections governing adjudicatory hearings and conducted by a state Administrative Law Judge; and,

**WHEREAS**, while some District firefighters are employed by the District, others are California Department of Fire and Forestry (“CAL FIRE”) employees serving the District under contract; and,

**WHEREAS**, while CAL FIRE firefighters serving the District are subject to the FBOR, they are also subject to the policies of CAL FIRE and the terms of the employment contract between the District and CAL FIRE; and,

**WHEREAS**, in an effort to clarify and summarize the application of the FBOR’s Administrative Appeal Procedures to firefighters employed directly by the District (*i.e.*, non-CAL FIRE employees), an administrative appeals policy has been prepared for District-employed firefighters, as set forth in Exhibit A.

**THEREFORE, BE IT RESOLVED** by the Board of Directors of the Fresno County Fire Protection District, the said Board does hereby approve Administrative Disciplinary Appeal Procedures for District-Employed Firefighters as set forth in Exhibit A.

The foregoing Resolution was duly passed and adopted by the Board of Directors of the Fresno County Fire Protection District at a regular meeting thereof, held on the 20th day of February, 2019 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
**Michael Del Puppo**  
**President**  
**Fresno County Fire Protection District**

ATTEST:

I **Maribel Hauff**, Clerk of the Fresno County Fire Protection District, does hereby certify that this is a true and correct copy of the original.

\_\_\_\_\_  
Signature  
Clerk to the Board