

CALIFORNIA WILDLAND FIRE COORDINATING GROUP



2022 California Interagency Incident Management Teams Operating Guidelines

February 24, 2022

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Anthony Masovero, Chair
CWCG Operations Committee

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California Interagency Incident Management Teams Operating Guidelines

I. Mission Statement

The mission of the California Interagency Incident Management Teams (IMTs) is first and foremost to provide for firefighter and public safety. In addition, the IMTs are to provide Agency Administrators with organized, highly skilled and qualified personnel to implement land management-based objectives on wildland fires. All hazard incidents will be supported as appropriate.

The CWCG Operations Committee is comprised of one representative from each State and Federal Agency represented on the CWCG. The representative will be assigned by their respective Agency.

II. Purpose and Guidelines

- A. The California Wildland Fire Coordinating Group (CWCG) provides oversight of the California Incident Management Teams.
- B. This guide is intended for use by the California Interagency Incident Management Teams (IMTs).
- C. The CWCG Operations Committee will provide specific direction and guidance to the IMTs on an ongoing basis.
- D. IMT status, availability, and mobilizations are coordinated through the Northern and Southern California Geographic Area Coordination Centers (GACC) and in compliance the California and National Mobilization Guide.

III. CWCG Expectations of the California Interagency Incident Management Teams

- A. Incident Management Team competency and team succession planning are the primary expectations of CWCG. IMT succession includes an inclusive environment, recruiting employees to IMTs, and proactively facilitating quality assignments for trainees. The CWCG Operations Committee will work with the Incident Commanders (ICs) to ensure IMT succession planning is ongoing.
- B. Individuals who wish to apply as an official IMT member for out-of-California IMTs will be approved on a case-by-case basis by the CWCG Operations Committee. These applicants must notify the chair of the CWCG Operations Committee who will be in contact with the out-of-California GACC Operations Committee with an approval or disapproval to participate.

- C. Team members from out of the California GACCs will follow their home geographic area process for out of GACC nominations to CA IMTs.
- D. IMTs are a resource with national commitment expectations.
- E. IMTs will ensure that a thorough risk analysis process is utilized for all incidents.
- F. IMTs will meet mobilization criteria as referenced in the CA Mobilization Guide.
- G. IMT assignments are generally up to 14 days excluding travel but may be extended.
- H. The hosting Agency Administrator should coordinate and interact with the Incident Commander and provide guidance utilizing a delegation of authority.
- I. As appropriate, and in coordination with the unit fire staff, IMTs will provide opportunities for local unit personnel to serve as trainees on the incident.
- J. Type 1 and Type 2 IMT rotations include all 12 months of the year. When IMTs become unavailable, it is the ICs responsibility to work with their respective GACC Duty Chief regarding the team status.
- K. Each IMT that is deployed is required to complete an Incident Narrative upon the fire close-out and submit a copy of the narrative to the USFS AD Operations or GACC DOI Emergency Operations Coordinator (DOI EOC) within two weeks of the closeout of the incident (see XIV. Incident Closeout).
- L. All IMTs are responsible for developing Incident Emergency Plans. IMTs are encouraged to review the local unit's emergency plan. These Incident Emergency Plans will be identified in the Incident Action Plan for the purpose of managing unforeseen incidents, including severe accidents that require a rapid response.
- M. The IC is expected to immediately address conduct and performance issues of team members.
- N. Team performance evaluations will be based on the CWCG evaluation template and be presented in conjunction with the delegation of authority (Appendix B)
- O. CWCG provides oversight to the IMTs and reserves the right to approve team complement.
- P. When IMTs from outside of the two CA GACCs are assigned to an incident in California, consideration will be given to assigning liaison(s) with subject matter expertise in the local area.

IV. Selections and Qualifications

- A. All applicants for California IMTs are required to apply electronically through the Incident Command Application System (ICAP) or identified alternate system. Instructions on how and when to apply will be published annually.
- B. All IMT members must meet one of the following agency specific requirements depending on the agency policy where the applicant is employed:
- NWCG 310-1, or
 - California Incident Command Certifications System (CICCS), or
 - FSH 5109.17/ FSFAQG, or
 - CAL FIRE 4039 qualification systems.
 - Additionally, there may be agency/department qualification requirements that are more stringent than the documents above.

Type 1 level certification requires successful completion of S-520 Advanced Incident Management or the equivalents, Complex Incident Management Course (CIMC) or Advanced All-Hazard Incident Management (AAIM).

- C. Individuals who are interested in being considered as an Incident Commander (IC), a Deputy Incident Commander (DIC), or an Incident Commander trainee for CWCG sponsored IMTs will need to follow this process.
- a. If the requirements are met, submit the application in the ICAP or identified alternate system by the closing deadline.
 - b. After reviewing the applications submitted and/or conducting interviews, the CWCG Operations Committee will make recommendations to CWCG.
 - c. The CWCG will make the final selections.
- D. ICs will have the opportunity to provide input to the CWCG Operations Committee when selecting Deputy IC's. Selection of other IMT members will occur at the annual IMT selection meeting by the ICs and their staff in conjunction with the CWCG Operations Committee and CA Training Working Team.
- E. Individuals may be assigned to only one Interagency Incident Management Team at a time; this includes both in and out of GACC IMTs. There will be generally no shared positions on signed rosters. Although, there may be a specific incidents where CWCG Operations Committee in agreement with an IC, allow a shortage position to be shared on a case by case basis.
- F. All CA IMT rosters will be approved by the CWCG, through the CWCG Operations Committee after the team selection meeting. The ICs will provide the approved standardized team rosters to the respective GACCs for use as the official team roster for the year.

- G. IC applicants from California will be given first priority. Applicants from out of California will be considered on a case by case basis by CWCG Operations Committee.
- H. IMT applicants who are out of GACC will be considered on a case-by-case basis by the CWCG Operations Committee; priority will be given to California resources. Priority will follow VII.C.
- I. All IMT members must reapply annually.
- J. It is the responsibility of the Incident Commanders to notify the selected applicants.
- K. An open and continuous application process will be used for Incident Commanders, Deputy Incident Commanders, Incident Commander Trainees, and all Command and General Staff positions. If a vacancy occurs for one of these positions after the initial selection process, the position can be filled from the available pool of applicants. This would be considered a permanent change to the team's roster.

V. Incident Management Team Configuration and Oversight

- A. IMT configuration will follow the National standard (Appendix D). Any variation from this configuration is at the discretion of the requesting unit and the AD Operations.
- B. IMTs will not mobilize with more than 58 persons on an IMT's roster. Additional positions may be requested through normal ordering processes once the IMT has a delegation of authority. The IC should coordinate with Agency Administrator, Unit Fire Staff or outgoing IMT on additional needs during mobilization. If there are unique instances where there is a need to mobilize additional positions beyond the 58 person roster, they must be specific positions approved by the IC, Agency Administrator and communicated to the GACC and AD Operations for Forest Service Incidents or DOI Emergency Operation Coordinator for DOI incidents.
- C. The CWCG Operations Committee has the responsibility to manage the CA IMTs and implement the direction from CWCG. This committee will serve as the IMTs primary point of contact.
- D. Two representative Incident Commanders will be assigned to the CWCG Operations Committee for a period of two years. The primary IC will be the designated host team IC for the IMT workshop. The vice IC will shadow the primary IC and then become the primary IC to the CWCG Operations Committee following the IMT workshop. This time period will be from the week after the IMT Workshop and conclude when the workshop is complete. See section XVI for IMT workshop rotation.

VI. Incident Management Team Evaluation

- A. Units will utilize the CWCG standard IMT evaluation form (Appendix B).
- B. The IC will submit a copy of the IC/team evaluation to the hosting USFS AD Operations or DOI EOC within two weeks of the closeout.
- C. If a submitted evaluation needs immediate attention, the Assistant Director for Operations (USFS) or DOI EOC will notify the CWCG Operations Committee, who will work with CWCG to address the issue. Otherwise, the Assistant Director for Operations or DOI EOC will send the evaluations to the chair of the CWCG Operations Committee by December 30th.
- D. Final evaluations will be reviewed by CWCG Operations Committee to address performance issues and maintain consistency in the evaluation process.
- E. AD Operations and/or CWCG Operations Committee will make site visits and attend closeouts whenever possible.

VII. California Incident Management Team Composition

- A. Under CWCG, IMT membership consists of interagency employees representing all NWCG agencies which includes federal, state, local and tribal.
- B. No team member shall be supervised, either directly or at a higher level, by a relative or member of their household.
- C. Federal agency and State/Local full time employees should be used whenever a permanent IMT vacancy occurs. Priority for positions/vacancies:
 - 1. Federal agency, full time - State/Local agency, full time
 - 2. Federal, Administratively Determined employees
 - 3. Part Time Employees, non-full time State/Local
- D. Team members who are ADs or non-full time State/Local Government resources should have a Federal trainee assigned to the position when one is available.

VIII. Tenure

- A. Commitment to all California Incident Management Teams is one year.
- B. IMT members who change agencies or employment status during the year must ask for CWCG Operations Committee approval to remain on the team.

- C. When an Incident Commander vacates the position outside of the normal selection period, changes their employment status from one agency to another agency, becomes employed by a state/local agency or moves to an AD position, the team will be kept intact. The Deputy Incident Commander can become the new Incident Commander until a formal selection process can be initiated. CWCG will follow current national direction in making this determination.

IX. Trainees

Trainees are individuals that have met all agency/department requirements for that position.

- A. Trainees may be assigned or reassigned to other IMTs as team needs or conditions require.
- B. IC trainees will be rostered with a team. Efforts will be made to assign IC trainees with other teams as well, in order to facilitate completion of task books, provide diversity in experience and expedite timeframes for certification.
- C. Every opportunity should be made to provide for quality assignments. IC's should work towards a 1:1 ratio on trainers to trainees.
- D. Type 2 trainees may be evaluated on elements within their position task book while assigned to Type 1 incidents.
- E. Trainees have a one-year commitment. Each team can select 14 trainee positions.
- F. CWCG Operations Committee will manage command and general staff position trainees.
- G. All Trainees selected for IMT positions can be moved to other positions as necessary.
- H. AD and part time persons can only encumber trainee positions on final IMT rosters when there are NO available full-time agency applicants.

X. Mobilization / Replacement

- A. If a team is mobilized as a short team, the remaining members of the IMT will be kept on-call for twenty-four hours after the In brief with the Agency Administrator. After that time, the additional members will be released from on-call and be available for other assignments.
- B. Incident Commanders may initiate removal of team members. The Incident Commander will forward this decision to CWCG Operations Agency Representative and the employee's organizational representatives (for example; Forest Supervisor, Fire Chief and or CWCG Operations Committee member).

- C. Once the official IMT roster has been approved by the CWCG, it will be sent to the GACCs. The IC is responsible for managing their roster and they or their representative will work with GACC to ensure the team roster is current in IROC. The IC has the flexibility to utilize alternates for their roster if primary members are not available. ICs will notify USFS AD Operations and request CWCG Operations Committee approval if more than two of their primary rostered Command and General Staff are not able to mobilize with the team.

XI. Team Rotations

See GACC websites (Intelligence page) and or Chapter 60 of the CA Mobilization Guide.

XII. Team Support

Financial Support

The federal agencies will provide financial support for miscellaneous team needs at \$3,500 per year. Financial support is not for personnel clothing, hats, pins, and briefcases. ICs shall submit items for purchase to the agency contact and will have to follow agency purchase guidelines. Agency support will be provided by an identified point of contact from the IMT:

CAIIMT 1	Bureau of Indian Affairs
CAIIMT 2	National Park Service
CAIIMT 4	Fish & Wildlife Service
CAIIMT 5	Bureau of Land Management
CAIIMT 10	U.S. Forest Service
CAIIMT 11	National Park Service
CAIIMT 12	Bureau of Land Management
CAIIMT 13	Bureau of Indian Affairs
CAIIMT 14	Bureau of Land Management
CAIIMT 15	U.S. Forest Service

CWCG Operations Committee IMT Representatives

Each voting member of the CWCG Operations Committee will be assigned as a representative to the IMT’s. The purpose of the representative is to:

- Review the IMT rosters annual and check for any issues that needs to be addressed before being forwarded to CWCG.
- Act as an intermediary between the IMT and the GACCs in the event of a rostering issue.
- Gathers information from IMTs on wants and needs of the CWCG Operations Committee.
- Pay site visit to IMT during assignments as appropriate.
- In the event of a poor performance evaluation or issue, representative acts on the behalf of CWCG to the GACC and Agency Administrator for the IMT.

XIII. Team Insignia and Name Badges

- A. Teams may establish an insignia for identification. The insignia will not include the names of vendors or products.
- B. All team members will wear either the official insignia IMT shirts, agency shirts, or agency-specific uniforms while on the incident.
- C. Name badges will be worn to identify IMT members and their position while on duty at an incident.

XIV. Incident Close Out

- At the minimum, IMTs will write a narrative and have a close-out meeting following each incident.
- The team will provide an agenda and time frames for the close-out meeting to all agencies that have been involved with the incident as decided by the IC and host agency.
- The AD Operations and/or DOI EOC and Dispatch center are invited to provide comments for the close-out meeting.
- The hosting unit or IC should provide a closeout package for the USFS AD Operations or DOI EOC.
- Close out packages will be made available to all agencies/departments as determined by the IC/host agency/department. A template for the close-out package is Narrative is in Appendix C.

Cost Share Agreements – Every effort will be made to have Agreements completed and signed prior to release of IMT. In the case where incidents have multiple IMT's transitioning, the outgoing IC will have all of their documents signed and dated prior to release including decisions and operating plans. Agency California Interagency Incident Finance Advisors (CIIFA) shall be provided DRAFT copy of any Cost Share to be completed prior to signing.

XV. Annual Incident Management Team Cycle

Scheduled Event	Date
Incident Commander Nomination Announcement Opens	October 1
Incident Commander and Primary Command and General Staff Nominations Due	October 31
Incident Commander and Primary Command and General Staff/ Operations Committee After Action Review	November 6
Incident Commander and Primary Command and General Staff Selection	November
IMT Nomination Announcement Opens	December 1
IMT Workshop Agenda (including breakouts) and Venue Submitted for Approval to CWCG	January 15
IMT Nominations Due	January 25
CWCG Approve/Deny IMT workshop agenda and Venue	February 15th
IMT Selection	February 20-21
Selection Notifications	Early March
IMT Workshop	Mid to Late April
IMT Workshop After Action Review	Last day of IMT Workshop
S520 Prioritization and Submit to CWCG	First week of May
California Fire Weather Annual Operating Plan Review	End of May

XVI. California Annual Incident Management Team Workshop

Team workshops may be held prior to each fire season to orient, inform, educate, and train team members. These workshops also support the development of team cohesion and provide an opportunity to develop standard operating procedures for the team.

Agency Administrators are invited to participate during the annual IMT workshop. They may communicate any expectations they have during their participation at the team meetings. If unable to attend, they are asked to communicate in advance through their agency representative to CWCG.

IMT Annual Meeting Host Team Rotation

Host Team	Shadow Team	Year
CIIMT 5	CIIMT 12	2021
CIIMT 12	CIIMT 1	2022
CIIMT 1	CIIMT 13	2023
CIIMT 13	CIIMT 2	2024
CIIMT 2	CIIMT 14	2025

Incident Commander Roster

2022 CWCG IMT Incident Commander Roster						
Team	IC	Deputy	Trainee	Pairing	CWCG Representative	Financial Support Agency
CIIMT1	Jerry McGowan jer.mcgowan@gmail.com C 209-768-9682	Ken Kempster ken.kempster@usda.gov W 909-929-7093 C 626-404-6841	Open Position	CIIMT 14	(BIA) Greg Perry 916-718-8648	BIA
CIIMT2	Nickie Johnny nickie.johnny@usda.gov C 530-409-9210	Curtis Coots curtis.coots@usda.gov W 530-934-1155 C 530-305-9805	Open Position	CIIMT 11 CIIMT 12	(Contract County) Billy Steers C 661-330-0193	NPS
CIIMT4	Rocky Opliger rwopliger@gmail.com C 951-282-1310	VACANT	Mike Nobles mike.nobles@usda.gov W 909-382-2630 C 951-204-0165	CIIMT 13 CIIMT 15	(BLM) Mike Boomer C 775-335-9073	FWS
CIIMT5	Rick Young rick_young@nps.gov W 707-465-7730 C 707-845-4316	Dustan Mueller dustan.mueller@usda.gov W 530-252-6621 C 530-310-3548	Open Position	CIIMT 10	(FS) Anthony Masovero C 530-228-9780	BLM
CIIMT10	Eric Petterson eric.petterson@usda.gov C 530-227-6717	Todd Mack todd.mack@usda.gov W 530-242-5540 C 530-859-2774	Bill Miller bill.miller@usda.gov W 530-252-6437 C 530-260-6592	CIIMT 5	(FS) Anthony Masovero C 530-228-9780	FS
CIIMT11	Chris Fogle chris.fogle@usda.gov C 951-238-2107	Norm Walker nwalker1@verizon.net C 951-323-6445	James Courtright james.courtright@usda.gov W 530-226-2383 C 707-798-7535	CIIMT 2	(NPS) Juan Martinez 5305156561	NPS
CIIMT12	James Aragon jparagon@blm.gov W 760-240-8540 C 951-903-4019	Alan Taylor alan.taylor@usda.gov W 760-647-3034 C 760-264-5068	James Snow james.snow1@usda.gov C 951-314-6950	CIIMT 2	(NPS) Juan Martinez 5305156561	BLM
CIIMT13	Mike Wakoski mwakoski@sbcfire.org michaeljwakoski@gmail.com W 909-633-8324 C 951-805-5618	Joshua Boehm joshua.boehm@usda.gov C 951-454-5348	Shannon Prather shannon.prather@usda.gov W 530-336-3330 C 530-768-4590	CIIMT 4	(OES) Art Torrez C 916-642-3838	BIA
CIIMT14	Steve Watkins swatkins@blm.gov C 661-529-6335	Mike Strawhun mstrawkkirk@sbcglobal.com C 805-798-0187	Clint Gould clint.gould@usda.gov W 209-288-6242 C 209-283-4558	CIIMT 1	(FWS) Peter Kelly C 209-587-5517	BLM
CIIMT15	Jimmy Harris jim.harris@usda.gov W 805-968-6640 C 805-886-6142	Tom Clemo Tom.clemo@smg.gov.net W 310-458-8666 C 424-280-0490	Stephen Fillmore stephen.fillmore@usda.gov W 619-417-9495 C 619-417-9495	CIIMT 4	(BLM) Mike Boomer C 775-335-9073	FS

Appendix A - CA IMT DELEGATION OF AUTHORITY

Date: MM/DD/YYYY
To: XXX, Incident Commander
From: Agency Administrator
Subject: CA XXX Incident Delegation of Authority

Effective at XXX hours on MM DD, YYYY, you are delegated authority as the Incident Commander for the overall management of the CA XXX Incident on the XXX UNIT. This delegation carries with it the full responsibility for managing the incident. You have full authority and responsibility for managing incident operations within the framework of legal statute, current policy, and the broad direction provided in your oral and written briefing materials. You are expected to do a complete and efficient job, while providing for Safety First. Safety will be the number one priority throughout the incident.

I expect open communication during all phases of management under this delegation. Please ensure the immediate notification of any significant concerns, issues or events as they arise.

Incident Commander

Agency Administrator

Attachment B – CWCG INTERAGENCY TEAM EVALUATION – April 2018

Team IC		Incident Type	
Incident Name		Incident Number	
Assignment Dates		Total Acres	
Host Agency		Evaluation Date	
Administrative Unit		Sub-Unit	

1.	Objectives and Environmental Resources: How well did the IMT accomplish strategic direction, the objectives and meet resource concerns? Did the Team meet the Delegation of Authority and address items from Agency Administrator Briefings? Did the IMT engage with the WFDSS components as requested/required? Other?
Evaluation Criteria:	
Results:	
2.	Finance: How well did the IMT manage the cost of the incident? Did the IMT follow incident business guidelines? Were follow-up issues identified and documented for the Agency Administrator, i.e. invoices, OWCP and vendor issues? Was a complete documentation package left for the unit? Other?
Evaluation Criteria:	
Results:	
3.	Political and Social: How well did the IMT deal with sensitive political and social concerns? Was public information timely and accurate? Did the IMT develop partnerships with local cooperators? Other?
Evaluation Criteria:	
Results:	
4.	IMT Dynamics: Did the IC provide the leadership required? Was the IMT professional? Did they transition in and/or out effectively and efficiently per Agency Administrator direction? Was the IMT sensitive to local needs? Other?
Evaluation Criteria:	
Results:	

5.	<u>Risk Management:</u> Were safety measures appropriate and adequate? Were notifications made properly? Were follow up actions completed? Other?		
Evaluation Criteria:			
Results:			
6.	<u>Mobilization and Demob:</u> Did the IMT manage resources timely and cost effectively? Did the IMT use local resources, trainees and closest available forces? Did they work well with unit and GACC counterparts? Other?		
Evaluation Criteria:			
Results:			
7. Agency and/or GACC feedback: Did the IMT engage in effective communication, prioritization and provide feedback? Did IMT members communicate effectively with GACC and Cache personnel?			
Evaluation Criteria:			
Results:			
Notes:			
<ul style="list-style-type: none"> • Agency Administrators may provide additional feedback relating to the financial package to Incident Commanders and GACCs following the IMT close-out and upon receipt of the Use/Loss Report. • Additional information can be provided as an attachment for feedback specific to your incident. • All IMT's must leave the incident with a signed evaluation by both the Agency Administrator and the IC. 			
Agency Administrator or Agency Representative:		Date:	
Incident Commander:		Date:	

Appendix C – NARRATIVE TEMPLATE

Incident Name

Final Incident Narrative Format

The Final Incident Narrative focuses written documentation on how the Command and General Staff (and relevant Units) accomplished the objectives as described in the Agency Administrator Briefing and documented in the Delegation of Authority and the Wildland Fire Decision Support System (WFDSS).

The Narrative will include:

- Front Cover: Dates of Assignment; Team Name/Number/Logo; Incident Number
- Incident “Vital” Statistics (somewhere in the front of the document)
- Incident Objectives
- A brief “executive” summary (mobilization, in briefing, transition, transfer of command)

Your C&G Section Narrative should include: A chronological summary or brief descriptions with a focus on how objectives were achieved (can be in bullet or paragraph format) with focus on notable successes, challenges and how they were resolved followed by unresolved issues and recommendations. These specific sections should include the following:

- The Safety Officer will document the risk assessment and mitigation process used to produce the Incident Risk Analysis (ICS 215a) and Medical Plan (ICS-206). Should also include the *usual* “statistics.”
- The Finance Section will provide a summary by unit in addition to a breakdown of costs to date and the *usual* “Pie Chart”. In addition, if there was a cost share—pertinent information should be included.
- The Plans Section (TNSP) will provide documentation of California Priority Trainees along with the number of trainees by section and agency.

Documents for the Appendix:

- Total Cost Chart (Finance)
- Final Fire Behavior and Weather Summary
- Table listing any Strategic & or Contingency Plans developed and their location if not uploaded in the WFDSS
- Final Fire Progression Map (SITL / GISS)
- Final Fire Perimeter Map (SITL / GISS)
- Final Acres burned by Jurisdiction & or Ownership Map (SITL / GISS)

Formatting and Style for written narrative parts:

Label your document file by Section / Unit, Incident Name Date

For Example: **Safety Narrative Whiskey Complex 27 July 2014**

Narratives should be written in the 3rd person, and in paragraph form, table format, or as bulleted lists.

Use Times New Roman Font in type size 12.

Appendix D: Team Configuration

Type 1 and Type 2 Incident Management Team Configuration – June 13, 2016

Short Team Configuration (20 positions + 6 trainees)	Long Team Configuration (44 positions + 14 trainees)
Incident Commander	Incident Commander
Deputy Incident Commander	Deputy Incident Commander
Safety Officer	Safety Officer (2)
Public Information Officer	Public Information Officer
Operations Section Chief (2)	Operations Section Chief (2)
Air Operations Branch Director	Air Operations Branch Director
Planning Section Chief	Planning Section Chief
Logistics Section Chief	Logistics Section Chief
Finance Section Chief	Finance Section Chief
Operations Branch Director or Division/Group Supervisor (2)	Operations Branch Director (2)
Geographic Information System Specialist	Liaison Officer
Computer Technical Specialist	Facilities Unit Leader
Discretionary Positions (6)	Supply Unit Leader
IMT Trainee Positions (6)	Food Unit Leader
	Communications Unit Leader
	Medical Unit Leader
	Ground Support Unit Leader
	Ordering Manager
	Communications Technician or Incident Communications Center Manager
	Resource Unit Leader
	Geographic Information System Specialist
	Computer Technical Specialist
	Situation Unit Leader
	Fire Behavior Analyst
	Division/Group Supervisor (2)
	Air Support Group Supervisor
	Cost Unit Leader
	Time Unit Leader
	Procurement Unit Leader
	Discretionary Positions (11)
	IMT Trainee Positions (6)
	GAC Priority Trainees (8)

Appendix E: California Firefighter Bill of Rights

GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7914]

(Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599]

(Division 4 enacted by Stats. 1943, Ch. 134.)

CHAPTER 9.6. Firefighters [3250 - 3262]

(Chapter 9.6 added by Stats. 2007, Ch. 591, Sec. 2.)

3250.

This chapter shall be known, and may be cited, as the Firefighters Procedural Bill of Rights Act.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3251.

For purposes of this chapter, the following definitions apply:

(a) "Firefighter" means 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. However, "firefighter" does not include an inmate of a state or local correctional agency who performs firefighting or related duties or persons who are subject to Chapter 9.7 (commencing with Section 3300). This chapter does not apply to any employee who has not successfully completed the probationary period established by his or her employer as a condition of employment.

(b) "Public agency" has the meaning given that term by Section 53101.

(c) "Punitive action" means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3252.

(a) Except as otherwise provided in Chapter 9.5 (commencing with Section 3201), or whenever on duty or in uniform, no firefighter shall be prohibited from engaging, or be coerced or required to engage, in political activity.

(b) A firefighter shall not be prohibited from seeking election to, or serving as a member of, the governing board of a school district, or any local agency where the firefighter is not employed, including, but not limited to, any city, county, city and county, or special district, or political subdivision thereof.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3253.

When any firefighter is under investigation and subjected to interrogation by his or her commanding officer, or any other member designated by the employing department or licensing or certifying agency, that could lead to punitive action, the interrogation shall be conducted under the following conditions:

(a) The interrogation shall be conducted at a reasonable hour, at a time when the firefighter is on duty, unless an imminent threat to the safety of the public requires otherwise. If the interrogation does occur during off-duty time of the firefighter being interrogated, the firefighter shall be compensated for any off-duty time in accordance with regular department procedures. The firefighter's compensation shall not be reduced as a result of any work missed while being interrogated.

- (b) The firefighter under investigation shall be informed, prior to the interrogation, of the rank, name, and command of the officer or other person in charge of the interrogation, the interrogating officer, and all other persons to be present during the interrogation. All questions directed to the firefighter under interrogation shall be asked by and through no more than two interrogators at one time.
- (c) The firefighter under investigation shall be informed of the nature of the investigation prior to any interrogation.
- (d) The interrogating session shall be for a reasonable period taking into consideration the gravity and complexity of the issue being investigated. The person under interrogation shall be allowed reasonable breaks to attend to his or her own personal physical necessities.
- (e) (1) The firefighter under interrogation shall not be subjected to offensive language or threatened with punitive action. A promise of reward shall not be made as an inducement to answering any question. The employer shall provide to, and obtain from, an employee a formal grant of immunity from criminal prosecution, in writing, before the employee may be compelled to respond to incriminating questions in an interrogation. Subject to that grant of immunity, a firefighter refusing to respond to questions or submit to interrogations shall be informed that the failure to answer questions directly related to the investigation or interrogation may result in punitive action.
- (2) The employer shall not cause the firefighter under interrogation to be subjected to visits by the press or news media without his or her express written consent free of duress, and the firefighter's photograph, home address, telephone number, or other contact information shall not be given to the press or news media without his or her express written consent.
- (f) A statement made during interrogation by a firefighter under duress, coercion, or threat of punitive action shall not be admissible in any subsequent judicial proceeding, subject to the following qualifications:
- (1) This subdivision shall not limit the use of statements otherwise made by a firefighter when the employing fire department is seeking civil service sanctions against any firefighter, including disciplinary action brought under Section 19572.
- (2) This subdivision shall not prevent the admissibility of statements otherwise made by the firefighter under interrogation in any civil action, including administrative actions, brought by that firefighter, or that firefighter's exclusive representative, arising out of a disciplinary action.
- (g) The complete interrogation of a firefighter may be recorded. If a recording is made of the interrogation, the firefighter shall have access to the recording if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The firefighter shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those portions that are otherwise required by law to be kept confidential. Notes or reports that are deemed to be confidential shall not be entered in the firefighter's personnel file. The firefighter being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation.
- (h) If, prior to or during the interrogation of a firefighter, it is contemplated that he or she may be charged with a criminal offense, he or she shall be immediately informed of his or her constitutional rights.

(i) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that may result in punitive action against any firefighter, that firefighter, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, or be subject to any punitive action for refusing to disclose, any information received from the firefighter under investigation for noncriminal matters.

This section shall not be construed to apply to counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other firefighter.

(j) A firefighter shall not be loaned or temporarily reassigned to a location or duty assignment if a firefighter in his or her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3254.

(a) A firefighter shall not be subjected to punitive action, or denied promotion, or be threatened with that treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure.

(b) Punitive action or denial of promotion on grounds other than merit shall not be undertaken by any employing department or licensing or certifying agency against any firefighter who has successfully completed the probationary period without providing the firefighter with an opportunity for administrative appeal.

(c) A fire chief shall not be removed by a public agency or appointing authority without providing that person with written notice, the reason or reasons for removal, and an opportunity for administrative appeal.

For purposes of this subdivision, the removal of a fire chief by a public agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the public agency or appointing authority, or for reasons including, but not limited to, incompatibility of management styles or as a result of a change in administration, shall be sufficient to constitute "reason or reasons."

Nothing in this subdivision shall be construed to create a property interest, if one does not otherwise exist by rule or law, in the job of fire chief.

(d) Punitive action or denial of promotion on grounds other than merit shall not be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of discovery by the employing fire department or licensing or certifying agency. This one-year limitation period shall apply only if the discovery of the act, omission, or other misconduct occurred on or after January 1, 2008. If the employing department or licensing or certifying agency determines that discipline may be taken, it shall complete its investigation and notify the firefighter of its proposed disciplinary action within that year, except in any of the following circumstances:

- (1) If the firefighter voluntarily waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.
- (2) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.
- (3) If the investigation is a multijurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.
- (4) If the investigation involves an employee who is incapacitated or otherwise unavailable.
- (5) If the investigation involves a matter in civil litigation where the firefighter is named as a party defendant, the one-year time period shall be tolled while that civil action is pending.
- (6) If the investigation involves a matter in criminal litigation in which the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.
- (7) If the investigation involves an allegation of workers' compensation fraud on the part of the firefighter.
- (e) If a predisciplinary response or grievance procedure is required or utilized, the time for that response or procedure shall not be governed or limited by this chapter.
- (f) If, after investigation and any predisciplinary response or procedure, the employing department or licensing or certifying agency decides to impose discipline, that agency shall notify the firefighter in writing of its decision to impose discipline within 30 days of its decision, but not less than 48 hours prior to imposing the discipline.
- (g) Notwithstanding the one-year time period specified in subdivision (d), an investigation may be reopened against a firefighter if both of the following circumstances exist:
 - (1) Significant new evidence has been discovered that is likely to affect the outcome of the investigation.
 - (2) One of the following conditions exists:
 - (A) The evidence could not reasonably have been discovered in the normal course of investigation without resorting to extraordinary measures by the agency.
 - (B) The evidence resulted from the firefighter's predisciplinary response or procedure.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3254.5.

- (a) An administrative appeal instituted by a firefighter under this chapter shall be conducted in conformance with rules and procedures adopted by the employing department or licensing or certifying agency that are in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2.
- (b) Notwithstanding subdivision (a), if the employing department is subject to a memorandum of understanding that provides for binding arbitration of administrative appeals, the arbitrator or arbitration panel shall serve as the hearing officer in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of

Division 3 of Title 2 and, notwithstanding any other provision, that hearing officer's decision shall be binding. However, a memorandum of understanding negotiated with an employing agency shall not control the process for administrative appeals instituted with licensing or certifying agencies. Any administrative appeal instituted with licensing or certifying agencies shall adhere to the requirements prescribed in subdivision (a).

(Amended by Stats. 2011, Ch. 296, Sec. 113. (AB 1023) Effective January 1, 2012.)

3255.

A firefighter shall not have any comment adverse to his or her interest entered in his or her personnel file, or any other file used for any personnel purposes by his or her employer, without the firefighter having first read and signed the instrument containing the adverse comment indicating he or she is aware of the comment. However, the entry may be made if after reading the instrument the firefighter refuses to sign it. That fact shall be noted on that document, and signed or initialed by the firefighter.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3256.

A firefighter shall have 30 days within which to file a written response to any adverse comment entered in his or her personnel file. The written response shall be attached to, and shall accompany, the adverse comment.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3256.5.

(a) Every employer shall, at reasonable times and at reasonable intervals, upon the request of a firefighter, during usual business hours, with no loss of compensation to the firefighter, permit that firefighter to inspect personnel files that are used or have been used to determine that firefighter's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action.

(b) Each employer shall keep each firefighter's personnel file or a true and correct copy thereof, and shall make the file or copy thereof available within a reasonable period of time after a request therefor by the firefighter.

(c) If, after examination of the firefighter's personnel file, the firefighter believes that any portion of the material is mistakenly or unlawfully placed in the file, the firefighter may request, in writing, that the mistaken or unlawful portion be corrected or deleted. Any request made pursuant to this subdivision shall include a statement by the firefighter describing the corrections or deletions from the personnel file requested and the reasons supporting those corrections or deletions. A statement submitted pursuant to this subdivision shall become part of the personnel file of the firefighter.

(d) Within 30 calendar days of receipt of a request made pursuant to subdivision (c), the employer shall either grant the firefighter's request or notify the officer of

the decision to refuse to grant the request. If the employer refuses to grant the request, in whole or in part, the employer shall state in writing the reasons for refusing the request, and that written statement shall become part of the personnel file of the firefighter.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3257.

(a) A firefighter shall not be compelled to submit to a lie detector test against his or her will.

(1) Disciplinary action or other recrimination shall not be taken against a firefighter refusing to submit to a lie detector test.

(2) No comment shall be entered anywhere in the investigator's notes or anywhere else that the firefighter refused to take, or did not take, a lie detector test.

(3) Testimony or evidence to the effect that the firefighter refused to take, or was subjected to, a lie detector test shall not be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative.

(b) For the purpose of this section, "lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device, whether mechanical or electrical, that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3258.

A firefighter shall not be required or requested for purposes of job assignment or other personnel action to disclose any item of his or her property, income, assets, source of income, debts, or personal or domestic expenditures, including those of any member of his or her family or household, unless that information is otherwise required to be furnished under state law or obtained pursuant to court order.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3259.

A firefighter shall not have his or her locker or other space for storage that may be assigned to him or her searched except in his or her presence, or with his or her consent, or unless a valid search warrant has been obtained or unless he or she has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing department or licensing or certifying agency.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3260.

(a) It shall be unlawful for any employing department or licensing or certifying agency to deny or refuse to any firefighter the rights and protections guaranteed by this chapter.

(b) The superior court shall have initial jurisdiction over any proceeding brought by any firefighter against any employing department or licensing or certifying agency for alleged violations of this chapter.

(c) (1) If the superior court finds that the employing department or licensing or certifying agency has violated any of the provisions of this chapter, the court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order or preliminary or permanent injunction prohibiting the employing department or licensing or certifying agency from taking any punitive action against the firefighter.

(2) If the court finds that a bad faith or frivolous action or a filing for an improper purpose has been brought pursuant to this chapter, the court may order sanctions against the party filing the action, the party's attorney, or both, pursuant to Sections 128.6 and 128.7 of the Code of Civil Procedure. Those sanctions may include, but not be limited to, reasonable expenses, including attorney's fees, incurred by a fire department as the court deems appropriate. Nothing in this paragraph is intended to subject actions or filings under this section to rules or standards that are different from those applicable to other civil actions or filings subject to Section 128.6 or 128.7 of the Code of Civil Procedure.

(d) In addition to the extraordinary relief afforded by this chapter, upon a finding by a superior court that a fire department, its employees, agents, or assigns, with respect to acts taken within the scope of employment, maliciously violated any provision of this chapter with the intent to injure the firefighter, the fire department shall, for each and every violation, be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) to be awarded to the firefighter whose right or protection was denied and for reasonable attorney's fees as may be determined by the court. If the court so finds, and there is sufficient evidence to establish actual damages suffered by the firefighter whose right or protection was denied, the fire department shall also be liable for the amount of the actual damages.

Notwithstanding these provisions, a fire department may not be required to indemnify a contractor for the contractor's liability pursuant to this subdivision if there is, within the contract between the fire department and the contractor, a "hold harmless" or similar provision that protects the fire department from liability for the actions of the contractor. An individual shall not be liable for any act for which a fire department is liable under this section.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3261.

Nothing in this chapter shall in any way be construed to limit the ability of any employing department, licensing or certifying agency, or any firefighter to fulfill mutual aid agreements with other jurisdictions or agencies, and this chapter shall not be construed in any way to limit any jurisdictional or interagency cooperation

under any circumstances where that activity is deemed necessary or desirable by the jurisdictions or agencies involved.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

3262.

The rights and protections described in this chapter shall only apply to a firefighter during events and circumstances involving the performance of his or her official duties.

(Added by Stats. 2007, Ch. 591, Sec. 2. Effective January 1, 2008.)

Appendix F: S-520 Prioritization Criteria

1. Employment Status
 - a. Full time- Federal/State/Local Government
 - b. AD's, except for Forest Service sponsored Incident Commander
2. Currently on a IMT (any not just Type 1)
3. Percentage of Task Book completed at the Type 1 level
 - a. >50% complete
 - b. <50% complete
4. Currently a trainee on Type 1 team
5. If all equal, balance Federal and LG
6. Successional needs by position/team needs (next year criteria)

*Note: Future criteria will include Incident Commander input and priorities. Will develop a method to gather this input.

