

# STRENGTH THROUGH SOLIDARITY

A HISTORY OF CALIFORNIA PROFESSIONAL FIREFIGHTERS





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by Carroll Wills





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## CHAPTER 1

# FIREFIGHTERS ON STRIKE

*“The members of Sacramento Firefighters Local 522 stand poised on the brink of the Rubicon, and we intend to cross it.”*

– John Steely, Local 522 Executive Board Member

**I**N EARLY AUTUMN OF 1970, Sacramento firefighters were hot under the collar – literally and figuratively.

An unexpected return visit from the Central Valley summer pushed temperatures close to triple digits on October 1st, dampening the brow and souring the disposition of just about everyone in California’s capital city. Inside Sacramento’s firehouses, tempers were rising within the ranks – not because of the weather, but in reaction to a new regime of “young Turks” at City Hall bent on breaking their union.

For more than a decade, Sacramento Firefighters – IAFF Local 522 – had managed to negotiate relative stability in wages and working hours for its members. Though firefighting was hardly the most lucrative occupation at the time (most Local 522 members had side jobs to make ends meet), the practice of comparing salaries with 15

similarly-sized cities kept pay decent, and brought the work week down from 72 hours to 56 hours.

Local 522 was considered one of the stronger members of the statewide Federated Fire Fighters of California – the organization that would later be known as California Professional Firefighters. During the early 1960s, one of Local 522’s board members, Kenneth Severit, had been Federated Fire Fighters’ longest-serving president to that point. The state organization had helped win passage of California’s first public employee bargaining law – the Meyers-Millias-Brown Act of 1968 (MMBA). For the first time, employers would be *required* to negotiate with their employees.

Of course, local governments really hate it when the state makes them do something they don’t like. When that happens, some don’t just get mad, they try to get even.

Urged on by a desire to reclaim control of its domain, Sacramento’s new City Hall regime decided to make an example of its firefighters. No longer would salaries be compared with cities of similar size; instead, they would be pegged to those of six tiny rural communities in the area. The city abandoned its long-standing policy of pay parity between police and firefighters. City negotiators also dug in their heels at the table, mocking the MMBA’s “meet-and-confer” process with a poisonous public relations campaign against their own employees.

“They publicly demeaned us in every way they could,” recalled Richard Mayberry, then a six-year veteran of the Sacramento Fire Department and an officer in Local 522. “They slandered us (by saying) we didn’t deserve as much, we were uneducated, we slept all the time, played ping

pong and all of these things. They knew it would anger us.”

In earlier times, firefighters would have had no choice but to suck it up and take what the city gave them. Not only were they legally prohibited from going on strike, but also their own national union, the International Association of Fire Fighters (IAFF), had a decades-old “no strike” provision in its constitution and bylaws.

By the mid-1960s, however, attitudes had changed. Under pressure from its own “young Turks,” the IAFF removed the “no strike” clause in 1968. Within two years, both Vallejo and San Diego had experienced public safety walkouts. Vallejo’s wrenching five-day strike, which involved both firefighters and police officers, prompted citizens there to approve the state’s first local binding arbitration statute.

In Sacramento, the negotiating team did all it could to find common ground, including offering neutral arbitration of the salaries, work hours and holiday pay. The city wasn’t budging. On September 29th, Sacramento firefighters overwhelmingly voted to authorize a strike, formally informing the city of the vote in a September 30th telegram from Federated Fire Fighters of California President Earl Dunn. When dozens of uniformed firefighters crammed into the Sacramento council chambers that October 1st evening, they knew it was their last stand.

“You speak of loyalty (but) our people know the difference between loyalty and submission to exploitation,” Local 522 Executive Board member John Steely roared in a thundering presentation to the council. “We have come to the point beyond which we will tolerate no more of the insults.”

For the firefighters sitting in that room, and those outside of it, the stakes could not have been higher. Because public safety strikes were illegal, every firefighter who went on strike was at risk of being fired and even arrested. “You’re basically quitting,” said Mayberry. “Every single person who

participated was putting his future and his freedom at risk.”

Nonetheless, on October 7, 1970, the members of Sacramento Firefighters Local 522 – 97 percent of them – walked off the job.

“They thought that only about 40 percent of us would go out, and with the other 60 percent in the stations, they could break the strike quickly and then fire whoever they wanted to,” said Mayberry. “They misjudged us.”

It wasn’t just the resolve of the local union that the city underestimated. They also seriously misjudged the level of support the firefighters would have at their disposal. IAFF 10th District Vice President Vince Riddle was dispatched to Sacramento along with a dedicated representative. The IAFF would eventually provide financial support during and after the strike, including paying the legal expenses for firefighters who had been arrested.



Modesto firefighters (including future CPF President Dan Terry, at far left) picket in front of Sacramento City Hall in support of striking 522 colleagues.

The Federated Fire Fighters of California provided legislative, technical and on-the-ground coordination, through its executive secretary-treasurer, Kenneth Larson. Well-connected and experienced, Larson ultimately served as a strategist, advisor and public spokesperson for the striking firefighters. Since Sacramento firefighters hadn’t been especially active in their local Central Labor Council, Larson and Federated Fire Fighters reached out to the statewide labor community – a connection that would provide critical support as the walkout wore on.

When the strike was called, city officials immediately notified Governor Ronald Reagan. At their behest, Reagan had ordered state firefighters from the California Division of Forestry (later known as CAL FIRE)

to stage outside the city limits. Nearly 100 state firefighters moved in and set up shop in the city’s firehouses. The CDF personnel were still largely wildland firefighters, without much training in urban fire protection. They also were not unionized: The four-year-old California Division of Forestry Employees Association (CDFEA) had not yet become the bargaining unit.

As the strike continued, Local 522 and its allies from around the state stepped up the pressure. Morale was lifted immeasurably a week into the strike when bus drivers in the Amalgamated Transit Union walked off the job in solidarity with the firefighters. For four days, the city’s entire bus system was shut down. “Those guys were heroes to us, and they still are,” said Mayberry.

Firefighters picketed their stations, City

Hall and the home and job sites of council members. Resentful of the state personnel, strikers taunted them as “scabs”. Mayberry was himself arrested for “failure to disperse”, alleged to have blocked heavy equipment from operating at a local construction site. He would later be tried and acquitted in a jury trial presided over by Earl Warren, Jr., the son of the former U.S. Supreme Court chief justice.

After three long weeks of wrangling in the courthouse and picketing on the streets, the city of Sacramento won a permanent injunction against the striking firefighters. Although most of the tenured firefighters returned to their jobs, it would take Local 522 four months to win the return of striking probationary firefighters, who’d been summarily terminated. The city also

# FIREMEN STRIKE, MAY HALT BUSES

## Walkout Cripples City's 21 Fire Stations, Buses

By BOB TAYLOR  
Sacramento Union Staff Writer

Sacramento's 21 fire stations are expected to be crippled this morning by a strike of nearly 400 fire fighters — in the midst of National Fire Prevention Week. The first public employe strike history was assured after fruitless abortive crisis talks Tuesday by Sacramento Fire Fighters Local 522.

Continued from Page 1  
shortly before noon in talks before state

who headed the city's three-man bargaining team, accused union leaders of "coercive tactics" against management and city administration and the City Council.

## Judge Orders City's Striking Firemen To Return To Work

Sacramento's striking fire fighters were ordered today by Presiding Superior Court Judge William M. Gallagher to return to work.

"It is in the best interests of all concerned that this court order the striking firemen back to work," Gallagher declared.

## City, Court Victor, Orders Firemen To Start Returning Or Else Lose Jobs

Sacramento Fire Chief Winston O. Wilson and City Manager Richard L. Rathfon threatened today to fire those striking firemen who fail to return to work beginning at 8 a.m. tomorrow.

The ultimatum comes on the heels of two Superior Court decisions issued yesterday in favor of the city — the latest in a series of setbacks suffered by the more than 400 fire fighters who walked off their jobs Oct. 7.

### Near City Offer

The wage loss nearly equals the \$50 a month raise offered by the city just before the 14-day-old strike began. The firemen have asked for an immediate raise to \$960 a month; the city has offered \$950, with both sides promising to meet in the middle.

### Terminate Otherwise

"We must proceed on the basis that your employment is terminable should you fail to report as ordered."

## Firemen Want Public Vote On Pay Arbitration

ers said today decide if arbitration solve future between their board chair-council 522, said the public grant the remain the proposal before the ballot.

Disputes which could not be settled by normal negotiating procedures would be submitted to the board. The arbitrators would study the issues and related information and arrive at a decision within 30 calendar days.

Stubbs said if the council rejected the union's proposal it would take signatures of 15 per cent of the number of persons who voted in this month's city election to get the question on the ballot.

Provisions for arbitration already exist in agreements Local 522 has with some other unions.

FEDERATED FIRE FIGHTERS OF CALIFORNIA  
AFL-CIO  
The State Council of Professional Fire Fighters  
2005 I Street, Suite 2-A  
Sacramento, California 95816

August 7, 1974

### SAN MATEO FIRE FIGHTERS --- STRIKE ---

The San Mateo Fire Fighters Local 2250 walked out on strike against the City. Unsuccessful attempts by the local to resolve the wage dispute "precluded action".

Three years ago Local 2250 signed a contract with the City receiving a 2 2/3 percent (without widows' continuance), a pay increase of 2.5% the first year, a 2 2/3 percent cost of living increase for the remaining two years. At the time this year, San Mateo Fire Fighters were receiving \$1062.00 per month on the bottom of a twenty-cities list which was compiled by the negotiating firm. Their final request was for a 2 1/2 percent increase in wages. The City's proposal consisted of a 5.2 percent increase proposed on June 6, 1974. Since that time, the City has not changed its position. Local 2250's negotiating team consists of two fire fighters and Attorney [Name] from the Industrial Union of Marine and Shipbuilding Workers of America.



Telling Their Side  
Members of Sacramento Fire Fighters Local No. 522, Gary Scott, Ken Bufford and Jim Schneider, from left, hand out information to a passerby at the Capitol where they picketed yesterday afternoon.  
See Photo by Skip Shuman

Firemen, Ready To Strike, Get Backing, Keep Talking

Nearing their strike deadline of 8 a.m. tomorrow, Sacramento's firemen placed on alert for possible use Sacramento have agreed to work "with bitterness and reluctance" if ordered to do so.

3 Weeks Of Duty

succeeded in breaking pay parity between firefighters and law enforcement. Still, while it may have "won" on the issues, the city lost the big prize. Sacramento Local 522 found new solidarity and immediately turned its efforts to political action. The local also expanded its reach into many of the small departments that the city had previously tried to set them against. Ultimately, the Sacramento Area Firefighters Local 522 would become one of the largest IAFF Locals in California.

"They not only didn't break the union," said Maybery, "they *made* the union."

The length and bitterness of the

Sacramento walkout seemed to temporarily dampen the urge for firefighters to strike and for management to push the issue as aggressively as Sacramento had done. Over the next four years, only one firefighter local — San Mateo County Firefighters Local 2255 (later 2400) — would be compelled to walk off the job. Their five-day strike (which began on the same day Richard Nixon resigned the presidency in 1974) again brought confrontation with the state fire crews ordered into the stations to take their places. The strike also forced the shutdown of the Bay Meadows racetrack when unionized workers there refused to

cross the firefighters' picket line. Down south in Santa Barbara County, the cauldron bubbled over again. Their average pay — \$935 a month — was also well below comparable departments. Worse, while most every other department in the state had moved to a 56-hour week, Santa Barbara County firefighters were still, in effect, working a 72-hour week. "They 'reduced' us to 66.4 hours, but then the county unilaterally reduced vacation time," recalled Michael Bennett, then-president of Santa Barbara County Firefighters Local 2046. "They thought they were being cute but it set the stage for our firefighters to

become very resentful." On June 2, 1975, 145 firefighters walked off the job. "At 0930, I announced on the radio that we were going on strike," said Bennett, "and everybody walked out of the stations."

Fire management personnel and Santa Barbara deputy sheriffs were ordered to staff the county fire stations. The deputies had only the scantest of training on fire equipment, and initially felt the same resentment that had been directed at state firefighters in previous walkouts.

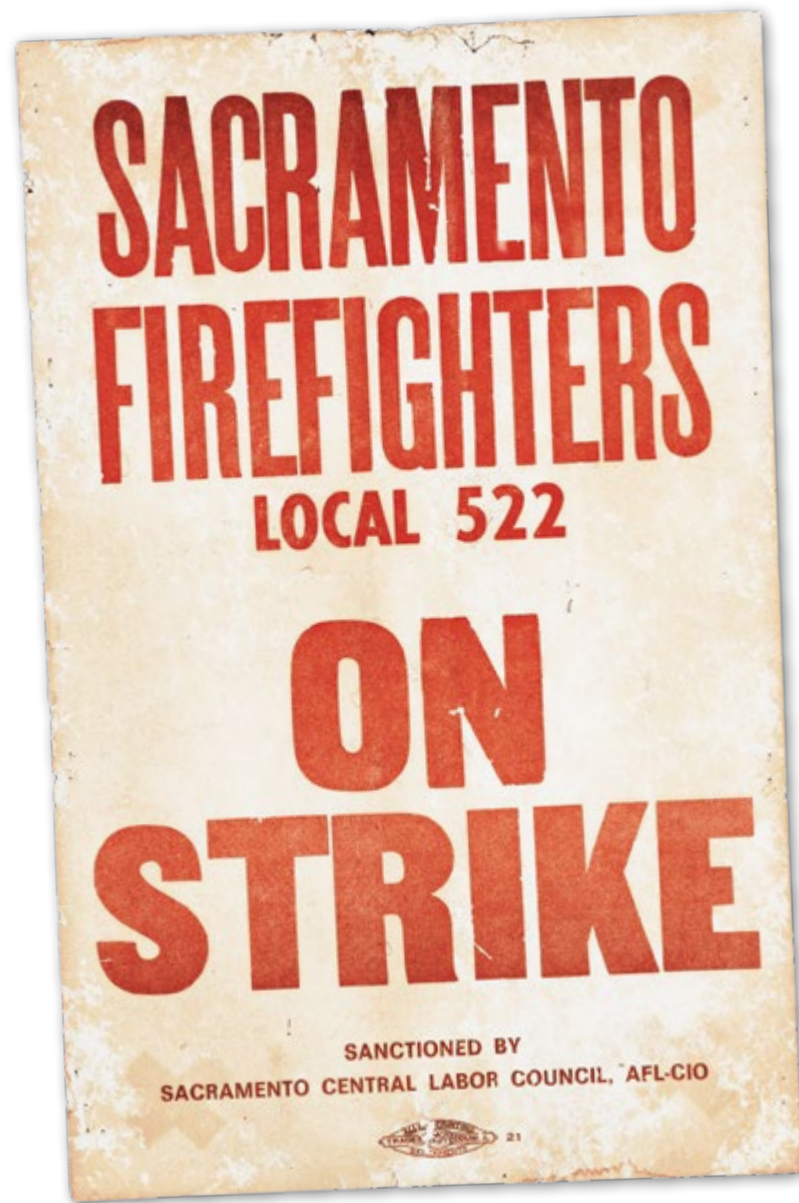
As Sacramento had done before, the Santa Barbara County Board of Supervisors

preemptively requested the dispatch of CDF firefighters and state equipment to staff their fire stations. Only this time, it wasn't Ronald Reagan getting the request: it was the new governor, Edmund G. "Jerry" Brown, Jr. Brown was much more sympathetic to organized labor than his predecessor. Unlike Reagan, Brown was not anxious to send his own employees into any community as strikebreakers, but he was also keenly aware of his responsibility to protect public safety.

As it had done years before in Sacramento, the Federated Fire Fighters of California moved to support its Santa Barbara affiliate.

But there was also a new team at the helm at FFFC, headed by an ambitious young Modesto fire captain, Daniel A. Terry. Barely two years into his tenure, Terry had shifted the state association's focus away from direct services and heavily into legislative and political action. A shrewd and showy display of support at FFFC's 1974 convention in Goleta had gotten Brown's attention on the campaign trail. Now, a year later, Dan Terry had the governor's ear, and that of his energetic, ambitious chief of staff, Gray Davis.

"We told them that this thing was bad," Terry recalled. "I said, 'if you bring in



Then a line firefighter, Richard Mayberry (above in photo from 1997) was arrested for “failure to disperse” during the 1970 Sacramento firefighters strike. He went on to lead Local 522 and serve on the executive board of California Professional Firefighters.

strikebreakers, there could be violence.’ But they came back saying they had ‘an absolute obligation to protect the public.’ So we were kind of at loggerheads.”

Working for the first time in collaboration with a gubernatorial administration, Terry and Federated Fire Fighters’ Legislative Advocate Brian Hatch sold Davis on a way out that would protect the solidarity of the union and the safety of the public. Instead of sending state personnel directly into fire stations, equipment and personnel under the auspices of the Governors Office of Emergency Services (OES) would be staged at the University of California, Santa Barbara and on state responsibility land in the center of the county. Nobody could question the presence of state firefighters to protect state assets.

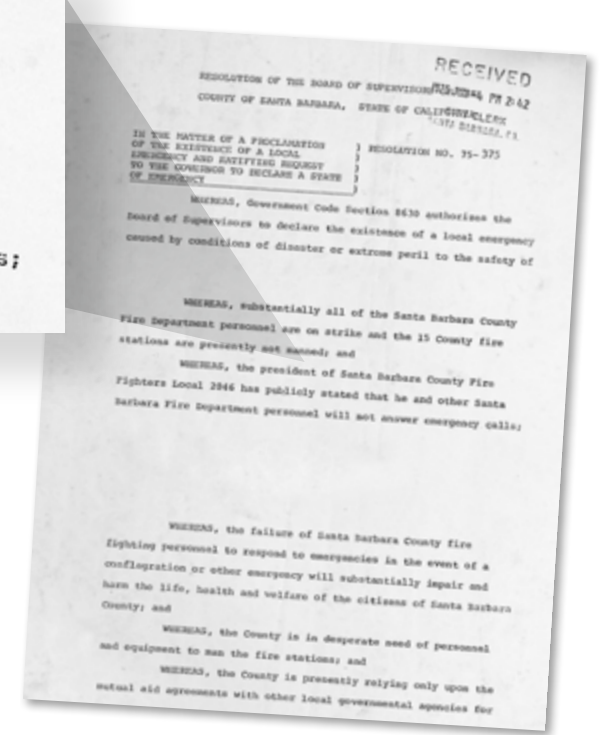
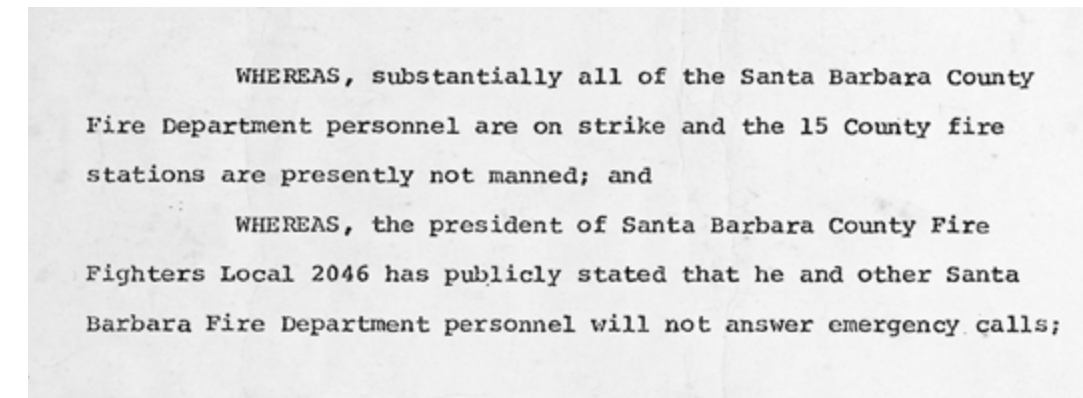
For his part, Terry assured Brown that union members would step in, if needed in a critical response. Striking firefighters throughout the county monitored scanners and citizen’s band radios, acting as a “flying squad” ready to provide support: a true “strike team.”

The call went out only once during the walkout, as striking firefighters responded to an apartment fire in the community of Isla Vista. Twenty-nine striking firefighters turned up at the fire to assist, a godsend to the inexperienced sheriffs, some of whom had exhausted their breathing apparatus because they’d put it on at the station, rather than at the scene. “We went in with no safety gear and put out the fire,” recalled Bennett. “But we let them do the overhaul.” “Brown took a drubbing in the press for

not bringing in strikebreakers,” said Terry. “But he just kept saying ‘the public is being protected’ without saying how. That kept the pressure on the county to get a deal done.”

The support for Santa Barbara firefighters didn’t stop with the backchannel negotiations. Throughout the dispute, the county had claimed in the media that spending restrictions prevented them from allocating money to reduce the firefighters’ hours. On June 8, 1975, Gov. Brown signed legislation that added flexibility to state funding that had already been allocated.

Publicly, the department continued to hold a hard line, issuing an ultimatum that threatened termination of firefighters who didn’t show up for work by 8:00 a.m. June 10th. Behind the scenes, the



Santa Barbara County supervisors implored Gov. Jerry Brown (left) to call in state personnel to replace striking firefighters. At the urging of Federated Fire Fighters, Brown refused to send in the strikebreakers. “That kept the pressure on the county,” said Michael Bennett, then president of Local 2046.

outlines of a settlement were forming. At a union meeting in Buellton, attended by all but a handful of the 145 strikers, members voted to accept a modest 5% pay raise and phased-in implementation of the 56-hour week. Raises were postponed for three months and strikers were placed on probation. At 8:00 a.m. on June 10, firefighters – escorted by sympathetic (and, no doubt, relieved) sheriffs deputies – returned to the stations.

“It absolutely would not have been possible to succeed if Jerry Brown hadn’t held the line,” said Bennett. “The supervisors were counting on the state to be here. Without the state coming in, they couldn’t use that as a threat against us.”

In the end, the most durable result of the Santa Barbara strike was solidarity

– between firefighters and within the union movement itself. State personnel were spared the odious duty of being ordered to cross the picket lines of their fellow firefighters. When firefighters went on strike later that year in San Francisco and Berkeley, the formula engineered by Davis and Terry, and Brown’s resolve in carrying it through, preserved public safety without pitting firefighter against firefighter.

“Nobody knew this was going on,” said Terry, “but it worked.”

The Santa Barbara County strike was also a watershed moment for the newly reborn organization that had secretly helped end it. During the first 35 years of its existence, Federated Fire Fighters of California had struggled for relevance in a landscape dominated by autocratic employers and

dismissive public officials. In its formative years, FFFC scored some important victories, including one of the singular early successes of the public sector labor movement. More often, the group found itself in the trenches, helping with the hard work of organizing, supporting its affiliated locals when possible and creating strategic partnerships with others within the labor movement and the fire service.

Through its role in resolving the labor disputes of the mid-1970s, the state organization ceased to draw its power from its labor partners and became a power unto itself. In the decades that followed, Federated Fire Fighters of California and its affiliated locals would lead a transformation of the fire service and be at the forefront of a new era of strength for the public sector labor movement.

Much of that leadership would take place with a new name – one that reflected the progress both they, and their members, had made: California Professional Firefighters.



## CHAPTER 2

# ORIGINS

**B**EFORE THE DAWN of the 20th Century, the idea of a “professional” firefighter of any type was still a somewhat new and strange one for most Americans.

Even in larger cities, “fire brigades” were primarily staffed by volunteers, with only top management receiving any kind of salary. In those departments where firefighters were paid, salaries were meager and hours were punishing. With only one platoon, work weeks sometimes stretched from 84 to 160 hours. Pensions, disability, overtime, health care, safety standards or survivor benefits didn’t exist. (In some cases, the terms themselves didn’t exist.)

For the men in the fire stations (and back then, it was 100% men), it was simple: work long hours, put your body on the line and try to get by. If a firefighter was killed – whether in a fire, from smoke, from a heart attack, or toxins – it was “next man up.”

The union movement in the fire service dates its origins to 1903, when Pittsburg firefighters came together under the banner of the American Federation of Labor (AFL). In California, firefighters began organizing into “benevolent” societies, the first being the Los Angeles Firemen’s Protective League, which was established in 1906. Less than a decade later, a group of

San Francisco firefighters formed the David Scannell Club. Named for a former San Francisco fire chief, the club was formed “to protect the Civil Service provisions of the Charter relating to the Fire Department.”

In 1917, American Federation of Labor President Samuel Gompers urged the formation of a national firefighters union. Less than a year later, delegates from 24 local unions established the International Association of Fire Fighters. Each of more than 60 locals whose AFL charters pre-dated IAFF’s founding was assigned a local number based on its incorporation date. Among those founding locals was Oakland Firefighters Local 55.

Almost immediately, firefighters in Los Angeles and San Francisco organized and secured IAFF charters. But while the budding union movement may have brought hope to the rank-and-file, it struck fear and loathing into the hearts of fire chiefs and local governments. Within weeks of its charter in 1919, the San Francisco local was abolished when the Fire Commission voted to forbid firefighters from being in any kind of trade union. The Scannell Club was allowed to continue and became a de facto representative, but it was seen by much of the labor movement as another benevolent association.

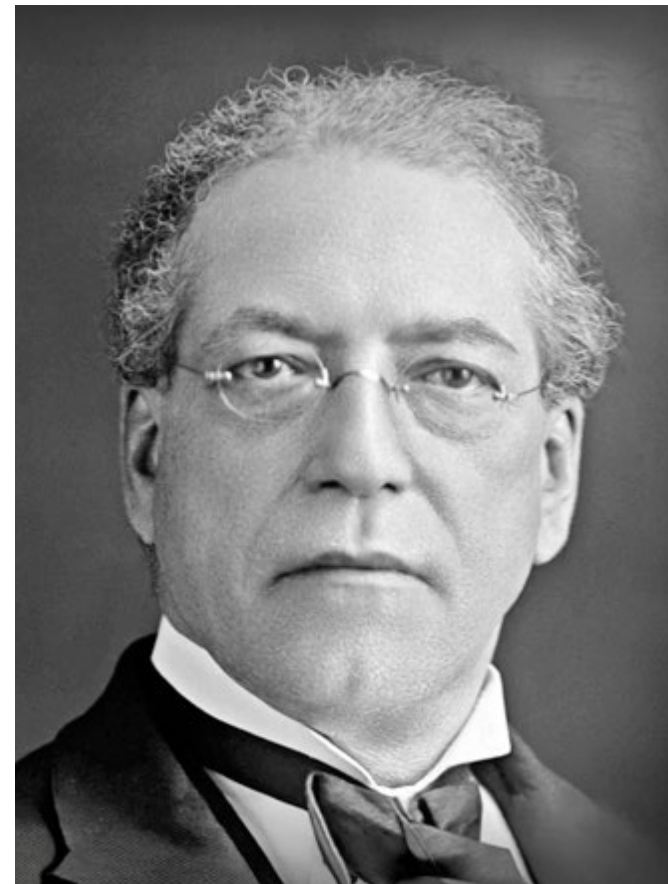
In Los Angeles, members of the newly organized Local 112 were pressured by the city’s business elites to disband the union. The City Council sweetened the pot by agreeing to the existence of the merged Los Angeles Police and Fire Protective League and offering firefighters a modest salary increase. “They broke the union with a \$20 dollar raise,” said Don Wallace, who was president of Local 112 during the 1970s. It would be more than two decades before California’s two largest cities would have IAFF-affiliated unionized firefighters.

The expansion of paid fire departments and the development of the two-platoon shift system brought about substantial growth in the IAFF ranks. In the first two decades after its establishment, IAFF membership grew to more than 500 locals. Despite its expansive population growth, California firefighters were slow to ride the wave: during that same period, only ten California locals were chartered. Most cities encouraged the development of controllable “benevolent associations”.

In 1922, one such entity, the California State Firemen’s Association, formed in Oakland. CSFA’s charter permitted both volunteer and paid firefighter members and emphasized fire safety and prevention in addition to working for firefighters. Lacking



Certificate of Affiliation for IAFF charter locals, this one for Cambridge, MA. Oakland Firefighters Local 55 was one of the IAFF's founding affiliates.



Samuel Gompers, the legendary founder of the American Federation of Labor, was a major force encouraging firefighters to organize into unions.

any organized representation at the state level, thousands of volunteer and paid firefighters joined CSFA and the organization established a legislative program in Sacramento. But with CSFA's mandate divided between firefighters and fire safety, and its membership divided between paid and volunteer personnel, the search for a full-throated labor voice continued.

By 1938, more than half a dozen states had established their own state councils within the IAFF. The first, Ohio

Professional Fire Fighters Association, was established in 1918 in Columbus, the same city in which the AFL was itself founded in 1886. The collaboration of local firefighter unions brought influence in state capitals, enabling firefighters in other states to enact laws shortening the work week, establish pension systems and, in Pennsylvania, enact the nation's first heart presumption law.

With the trade union movement building steam, California's 10 active firefighter locals applied to the IAFF for a charter

to establish a state council in the Golden State. On October 12, 1938, the charter was granted, and less than three weeks later, on November 3, 1938, representatives of all 10 California IAFF locals convened in Bakersfield to organize and elect officers.

The International Fire Fighters of California was born.

"A great many resolutions were offered for consideration ... indicating that a great deal of thought and study is being given to the paid firemen in this state, and that only

through organization and proper legislation can (the firefighter) attain his ultimate goal," wrote founding Secretary S. Herman Shawver.

At its inception, the IFFC had two primary objectives: "organize (into the IFFC) all paid professional fire fighters affiliated with the International Association of Fire Fighters" and "sponsor, promote, and protect legislation advancing the interest and welfare of fire fighters ...." Following the IAFF's lead, the new group had a "no strike" clause baked into its constitution and bylaws.

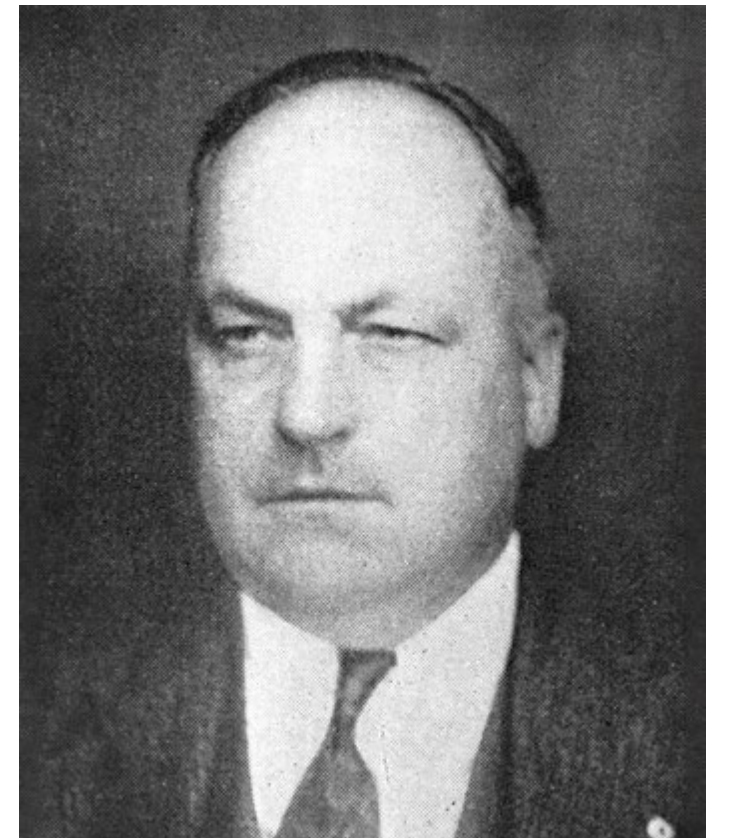
Underscoring the unique connection between firefighters and their profession was the group's choice as its first president. Milton J. Terry was a battalion chief with the Oakland Fire Department, promoted to that post a relatively short 16 years after he joined the department in 1914. A World War I veteran, Terry was also a founding member of IAFF and the founding secretary of Oakland Firefighters Local 55.

As president, Terry also became the fledgling state council's first legislative representative. He had plenty on his plate. In 1938, the starting salary for firefighters in departments for populations over 50,000 ranged from about \$1,800 a year in San Diego to around \$2,100 a year in Oakland. Eighty-four hour work weeks were still the norm. Holidays were paid at straight time. Firefighters' civil service protection at the local level was only beginning to break a crony system that had dominated fire department hiring practices in most cities.

Terry immediately allied the new organization with two of the state's most influential statewide labor groups: the State Federation of Labor and the California Federation of Civil Service Associations (of which he had previously served as president).

"We have taken an active part in the affairs of labor, especially at the conventions of the State Federation of Labor," Terry told the IAFF. "This has given our

Oakland Battalion Chief Milton Terry, founding president of the International Fire Fighters of California. Six years later, IFFC would become Federated Fire Fighters of California, and eventually California Professional Firefighters.



legislation the support and backing of the labor representatives at the State Capitol with the support of more than half a million members of organized labor, as against the possible support of less than 4,000 firemen in the State of California."

One of the resolutions at that founding convention in Bakersfield was the approval of a firefighter presumption law. Inadequate or non-existent breathing apparatus (not to mention overwork, stress and continuous toxic exposure) was causing serious illness and death among firefighters. Pennsylvania's Heart and Lung Presumption law had set a benchmark for legislative action and several states were eager to follow suit.

Assembly Bill 640 by Assemblyman Harold Sawallisch was introduced in the 1939 session. The legislation "for firemen only" amended the law authorizing full Workers' Compensation disability benefits for active firefighters who developed heart trouble, pneumonia or hernia. "Such hernia, heart trouble or pneumonia," read the

statute, "shall be presumed to arise out of and in the course of the employment, unless there is evidence to the contrary."

Despite the united support of organized labor, as well as the backing of CSFA (which had also passed a conference resolution urging its enactment), California's first firefighter presumption law was hardly a done deal. The California Legislature had long been considered openly hostile to labor. AB 640 also had to overcome the pitched opposition of an organization that would prove to be California firefighters' most enduring and intractable foe – the League of California Municipalities (later to be known as the League of California Cities.) "In the prolonged fight for the passage of AB 640, the League opposed the bill with its full strength at every opportunity," CSFA wrote in its *California Firemen* magazine that year.

Despite its challenges, AB 640 had the most important ally. Governor Cuthbert Olson – the first pro-labor California governor in decades – signed the measure on



A 1930s vintage engine, operated by Long Beach Fire Department.

May 26, 1939.

That same year, Olson also signed two measures that would become the cornerstones of protecting the income of firefighters both on the job and in retirement. Assembly Bill 1058 established Labor Code Section 4850, which allowed firefighters forced off the job by temporary disability to receive up to one year of full salary in lieu of disability payments. Assembly Bill 1059 authorized local municipalities to provide pensions through the State Employees Retirement System. Opening up SERS to local employers dramatically expanded the potential availability of pensions for local agency firefighters.

In the spring of 1940, the IFFC held its first state convention in Oakland, reelecting Milton Terry as president. In September of 1940, Terry was elected as the 10<sup>th</sup> District Vice President for the IAFF. That same

year, California firefighters joined those from around the nation and Canada in a fund-raising drive to assist the British Fire Brigades, who were putting their lives on the line fighting fires even as London was being pounded by Hitler's Blitz.

With a well-oiled political action effort still decades in the future, the organization was unable to replicate the successes of 1939. The 1941 California Legislature was, said Terry, "the most anti-labor legislature that was ever sent to the State Capitol." Most of Terry's time was spent fending off hostile legislation, including a measure that would have stripped firefighters of their pensions if they took another job.

When the United States entered World War II, firehouses across the nation emptied as members went to fight. Their spots were filled by volunteers and retired firefighters. Women filled in at volunteer departments

and played a critical civil defense function in a jittery California. While most paid firehouses were largely male-only, the War years saw creation of California's first all-woman firefighting crew in what was then called the Division of Forestry.

Having retired from the Oakland Fire Department in 1942, Terry traversed the state organizing for both the IAFF and the IFFC. By the end of the War, ten more locals had affiliated, or re-affiliated with the IAFF, including the long-lost San Francisco and Los Angeles locals. The influx of new locals catapulted the 10<sup>th</sup> District from one of the IAFF's smallest to the largest in the western United States. All of the new affiliates, except for San Francisco, re-upped with the state organization, newly re-named Federated Fire Fighters of California (FFFC).

In Sacramento, World War II had brought with it a temporary truce in the

## LANDMARKS:

# THE CALIFORNIA RULE

### AS THE VETERANS RETURNED

from overseas to their jobs in the firehouses, some found themselves in for a surprise. Echoing many of the same claims they would make decades later, local agencies began claiming they couldn't afford to keep the retirement deals they'd made with their employees.

One of those cities, Long Beach, stopped making payments into its pension system. Long Beach Firefighters Local 372 joined a lawsuit that produced a December 5, 1945 ruling proclaiming pensions to be "a general obligation". Smelling the coffee ahead of time, the Long Beach City

Council punted their promise to war-weary citizens, who voted the entire municipal pension system out of existence.

"Feeling that we were entitled to a pension, as it was part of the contract of employment when we came to work, we resorted again to court action to establish our claim," said D.D. "Whitey" Dean, Local 372 president and a member of the FFFC Executive Board.

In an extraordinary display of solidarity, every Long Beach firefighter signed a contract committing to five years of special dues deductions to pay the \$140,000 legal

bill. The three year battle went all the way to the California Supreme Court and the result was a landmark decision – *Kern vs. City of Long Beach* – that would establish once and for all that pensions for public workers are a vested right: a deferred payment of an obligation contracted the moment a firefighter is hired.

The Kern decision, and two others from the same Court, would become the foundation for public employee pension rights for decades to come. It would also prove to become a lightning rod for a parade of interests that sought to roll back or eliminate retirement security for public workers.

## KERN vs CITY OF LONG BEACH

*"(T)he employing governmental body may not deny or impair the contingent liability (of a future pension) any more than it can refuse to make the salary payments which are immediately due. Clearly, it cannot do so after all the contingencies have happened, and in our opinion it cannot do so at any time after a contractual duty to make salary payments has arisen, since a part of the compensation which that employee has at that time earned consists of his pension rights. To hold otherwise would defeat one of the primary objectives in providing pensions for government employees, which is to induce competent persons to enter and remain in public employment."*

**Chief Justice Phil S. Gibson**  
California Supreme Court

Stanbro, R. L.	Fireman
Day, W. R.	Fireman
McCuen, M. L.	Auto Frmn (6-1-45)
Montgomery, J. H.	Engineer (9-16-48)
Dean, D. D.	Auto Frmn (10-16-47)
Hoffman, K.	Engineer (7-20-47)
Henshaw, H. L.	Engineer (7-20-47)
Adams, L. R.	Fireman
Maier, F. R.	Auto Frmn (3-1-48)
Tyack, C. J.	Engineer (7-20-47)
Radin, A. H.	Fireman
Robinson, E. A.	Frnm (Disp) (12-1-44)
Sams, M. A.	Fireman
Olsen, J. E.	Fireman
Wallace, J. R.	Fireman
Dugger, C. L.	Auto Frmn (10-1-45)
Check, E. A.	Auto Frmn (8-1-47)
Smith, J. H.	Auto Frmn (12-1-47)
Rizzo, T. J.	Fireman
Davies, H. S.	Frnm (Disp) (9-1-44)
Romero, R. L.	Fireman
Sowell, C. N.	Fireman
Bever, H. W.	Fireman

Two future FFFC presidents, D.D. "Whitey" Dean and Tulio Rizzo, joined Long Beach Fire Dept. within a month of each other.

## International Fire Fighters of California

At a meeting held in Bakersfield, Calif., November 3-5, 1938, the International Fire Fighters of California, through the charter granted by the International Association of Fire Fighters, was formed.

The following Locals were represented at the formation meeting: Oakland Local No. 55; San Diego Local No. 145; Richmond Local No. 188; Long Beach Local No. 372; San Jose Local No. 374; Stockton Local No. 456; Alameda and Contra Costa Counties Local No. 501; Santa Ana Local No. 509; Sacramento Local No. 522; Santa Barbara Local No. 525; and San Francisco (Salvage Corps) Local No. 541.

The officers of the International Fire Fighters of California were elected at the Bakersfield meeting for a one year term as follows: M. J. Terry, president, Oakland Local No. 55; C. N. Turner, vice president, Santa Ana Local No. 509; S. H. Shawver, secretary, Local No. 145; E. J. Murphy, treasurer, Stockton Local No. 456; and three trustees, C. Minard, Sacramento Local No. 522; W. A. Page, San Jose Local No. 374, and P. Hansen, Santa Ana Local No. 509.

I feel that much was accomplished at this meeting that will react to the benefit of every paid fireman in the State of California.

A great many resolutions were offered for consideration at this meeting, resolutions indicating that a great deal of thought and study is being given to the paid firemen in this state, and that only through organization and proper legislation can he attain his ultimate goal.

I feel that the Locals of California, represented at the Bakersfield meeting, are to be highly congratulated for sending the efficient and conscientious delegates who attended the formation meeting, for only through the forethought and deliberation of these delegates, could the great amount of necessary work have been brought to a successful conclusion.

It must be remembered that the officers of this new organization will need the help of every Local, and every member therein, and that upon the individual rests the future of our organization and the progress it will make in years to come; therefore I am sure that each and every one of us will pledge our strength and support toward the upbuilding of the International Fire Fighters of California.

In closing, I wish to thank the members and officers of the International Association of Fire Fighters for their splendid cooperation and aid in the formation of this new State Association.

Looking forward to a very busy and prosperous year for the International Fire Fighters of California, I remain,

Fraternally,

S. H. Shawver,  
Secretary.

Source: The International Fire Fighter, December, 1938



San Diego firefighters turn in petitions on a 1946 ballot measure to establish a minimum wage and reduce hours from 84 to 72. Without bargaining, the only recourse for grievances was the ballot box.

battles between the Legislature and firefighters. "Legislation in our state has been at a standstill since the war by agreement between organized labor and (the) capital, which has resulted in all controversial legislation being held up until the end of the war," Terry reported.

With the war coming to an end, Federated Fire Fighters of California was eager to make up for lost time. At its 1944 convention, FFFC outlined an agenda that included a 48-hour work week, a state-wide retirement system and an update to the Heart and Lung Presumption law. The ambitious plan failed to gain traction throughout the rest of the 1940s, blocked by

a stubbornly hostile California Legislature.

Similarly stymied in their efforts to advance the profession, local affiliates turned to the ballot and the courts to make their case. In most instances, ballot measure campaigns to increase pay or decrease hours ran into well-financed opposition from local government groups. With no laws on the books concerning on-duty political action, fire chiefs and firefighters alike would campaign in full uniform.

For some locals, stronger action was needed. Long Beach Firefighters Local 372 was confronted by a city council that actually tried to shut down its entire retirement system. The local took its city to court, and

a three-year fight resulted in a landmark ruling establishing vested pension rights (see "Landmarks: The California Rule," page 17).

As the decade drew to a close, Federated Fire Fighters of California had grown from a few hundred members at its founding in 1938 to nearly 2,000. Firefighters in every major city in California had joined the IAFF, and their influence was growing.

Within a decade, the Federated Fire Fighters of California would score a singular victory for the entire labor movement. Within two decades, it would stand at the center of an unprecedented period of labor unrest and on the edge of an amazing renaissance.



## CHAPTER 3

# BUILDING THE FIRE LABOR MOVEMENT

**T**HE PERIOD FOLLOWING WORLD War II was a turbulent one for organized labor in the United States.

With much of the pre-war workforce away in battle, union organizing flourished during the War. Pay and benefits expanded even with a voluntary national strike moratorium. When the War ended and the work force returned, business and industry tried to slash pay and benefits, prompting a wave of strikes and an equally strong backlash from the federal government. By 1950, Congress had passed the Taft-Hartley Act, severely restricting the rights of unions. Labor found itself at a crossroads.

For firefighters in California, much of this unrest was still largely observed from afar. While municipal incorporation steadily rose throughout the state, the majority of firefighters were still either volunteers or unrepresented. When Federated Fire Fighters of California was chartered as the IAFF state council in 1938, there were

only a handful of active IAFF locals in California. Over the succeeding years, growth in that number was slow: By 1950, there were still only about two-dozen FFFC affiliates, even as total IAFF affiliations grew to more than 1,000.

In Sacramento, FFFC entered the 1950s still largely as a one-man operation. Founding president Milton Terry had moved on to become the IAFF 10<sup>th</sup> District vice president, but he retained his position as the FFFC's legislative advocate. Terry continued the strategic partnership between FFFC, the California State Labor Federation and the California Federation of Civil Service Associations.

The work in Sacramento was an uphill slog for Terry and his allies. With the legislative and executive branches of state government solidly in the hands of anti-labor elected officials, much of their effort settled around killing unfriendly legislation, such as the League of Cities' periodic attempts to eliminate the heart presumption

and "4850 time" legislation passed in 1939. Federated Fire Fighters also marshaled its alliances to beat back efforts to force firefighters to pay into the state's unemployment insurance program even though they did not qualify for benefits.

The highest priority for Federated Fire Fighters at that time was state legislation reducing the crippling work week, still ranging from 72 to 96 hours in most departments throughout California. The first 48-Hour-Week legislation was introduced in 1946, and it was regularly introduced in subsequent sessions. In each case, it was defeated, often failing even to clear its first committee hurdle.

In 1951, Federated Fire Fighters suffered another setback with the sudden death of Milton Terry. Herman Shawver of San Diego Firefighters Local 145, then serving his second term as president of FFFC, was appointed to fill Terry's post as IAFF 10<sup>th</sup> District vice president. Shawver, in turn, was replaced as FFFC president by D.D.

# MILTON J. TERRY

**MORE THAN ANYONE ELSE** in the early years of the firefighter labor movement, it was Milton Terry who put California on the map.

Born in 1890, "Milt" Terry signed on as a firefighter in the city of Oakland in 1914. His fire service career spanned nearly three decades, with time out to serve in the Army in World War I. Terry was a founding member of Oakland City Fire Fighters, and when his local affiliated with the new International Association of Fire Fighters, he became a founding member of the IAFF.

A rising star within his department and his local, Terry helped usher in the civil service system in Oakland and helped to organize and lead an early public employee labor organization: the California Federation of Civil Service Associations. He also served on Oakland's Central Labor Council

In the fall of 1938, Terry joined the relatively small handful of IAFF local presidents at a meeting in Bakersfield from which emerged the International Fire Fighters of California, which would eventually become California Professional Firefighters. In addition to being elected as president of the new organization, Terry was also its legislative representative. He served as president until 1942.

In 1940, Milton Terry blazed another trail, becoming the first Californian to serve on the IAFF Executive Board when he was elected as 10th District vice president. While continuing to serve as the state organization's legislative voice, Terry also was a tireless organizer. Through his efforts, the number of California locals grew steadily, and the 10th District became one of the largest in the International. Terry was instrumental in forging ties with the California Labor Federation, providing critical administrative and grassroots support for firefighter legislation at the Capitol.

Milton J. Terry continued to organize and advocate right up to the end of his life, which came in 1951 at the relatively young age of 61.



"Whitey" Dean of Long Beach Firefighters Local 372.

With Sacramento logjammed on firefighter issues, locals took matters into their own hands. Though there was no collective bargaining, strong locals in cities like San Diego, Oakland, San Francisco and Pasadena won reductions in hours through negotiations with their city leaders.

In other cities, firefighters took their cases directly to the voters through local ballot propositions. Firefighters had been using the ballot box to achieve their ends since the turn of the century, when San Francisco firefighters successfully established salary formulas in the 1907 charter. Initiatives in Los Angeles established a two-platoon schedule and a city pension plan.

In 1950, Oakland Firefighters Local 55 took a pension measure to the voters, having already defeated a punitive city-backed, two-tiered pension plan. "The campaign committee used every possible media of advertisement to explain the issue, such as radio, newspapers, sound trucks, billboards, throw-aways and personal appearances by trained speakers before every public body," said Local 55 President Eugene McNamara, a former FFFC president. Spending what was, at the time, the unheard of sum of \$30,000, the local won its pension fight.

Up the road in the state's capital, another ballot fight was brewing over work hours. Sacramento Firefighters Local 522, then representing only firefighters in the city of Sacramento, fought for and won a ballot measure to reduce firefighter work weeks from 72 to 60 hours. "Under this system, the efficiency of the department has increased, and fire losses have steadily decreased," said Local 522 President B.B. Whiteaker.

These types of victories, while sweet, tended to be the exception, rather than the rule. In most cases, IAFF affiliates were, at best, tolerated and more often openly scorned. In 1951, the city of South Pasadena escalated the fight over public employee



Ray Shukraft of San Diego Firefighters Local 145 served as president of Federated Fire Fighters from 1953-1956. In 1959, he was appointed by Gov. Edmund G. "Pat" Brown as state fire marshal.

## Brown Names Fire Marshal

SACRAMENTO (AP) — Gov. Edmund G. Brown Tuesday named Ray Shukraft, a battalion chief in the San Diego Fire Department, to succeed Joe R. Yockers as state fire marshal Jan. 15. Yockers, 57 is retiring after serving as fire marshal since 1959. Shukraft, 46, is president and chairman of the board of the Federated Fire Fighters of California. He is also a past president of the California Federation of Civil Service Assns. Shukraft, a Democrat, is married and has three children.

union rights with Ordinance #1107, specifically forbidding any city employee from being a member of a union that's affiliated with an external organization. The law was clearly directed at South Pasadena's IAFF local, as theirs was the only municipal union with an outside affiliation. South Pasadena's firefighters responded by claiming a "moral right" to belong to IAFF, but ultimately the local agreed to withdraw from the International in return for a modest salary hike and reduction in the work week from 72 to 66 hours.

Stunned by what it viewed as "capitulation," the IAFF revoked South Pasadena's charter. The city's firefighters would not re-affiliate until 1995. More importantly, the South Pasadena debacle helped galvanize organized labor around a shared objective: legislation guaranteeing

firefighters the right to organize.

A 1952 California Labor Federation resolution supporting the idea kicked off a seven-year quest, led by the FFFC's legislative advocate and president Albert E. Albertoni. With the election of Edmund G. "Pat" Brown as governor in 1958, the stage was set, and the next year, Brown signed AB 618, making firefighters the first public employees with an explicit right to organize into unions. (see "Landmarks: The Right to Organize", page 27)

As it turned out, getting the law signed was the easy part. Throughout the legislative fight, the League of California Cities had insisted, among other things, that the measure was not applicable to charter cities. When AB 618 was signed anyway, two cities — Palo Alto and Los Angeles — decided to test the League's theory by simply



Federated Fire Fighters Executive Board, 1958: L-R: Sam Columbo (San Diego Federal F-55); Leif Brandin (Pasadena 809); Al Albertoni (Oakland 55, outgoing president); Glyn Lister (Burbank 778, past president); Tulio Rizzo (Long Beach 372, incoming president); Ken Severit (Sacramento 522). Severit would go on to serve as FFFC president from 1961 to 1966.

ignoring the law. Palo Alto went so far as to fire the local union president (a practice still all too common at the time) and tried to enforce its own provisions banning firefighters from joining any organization. In Los Angeles, the city fathers sought to circumvent the union by coercing members to join the less confrontational benevolent association, the Los Angeles Police and Fire Protective League.

Federated Fire Fighters of California sought and received an opinion from Attorney General Stanley Mosk in 1960

confirming the requirement that charter cities abide by the new law. The cities pressed their cases in separate three-year legal fights that ended with landmark state Supreme Court rulings upholding AB 618.

Recognizing the statewide significance of the issue, the Federated Fire Fighters' Executive Board authorized the then-unimaginable sum of \$12,000 to support the locals in their legal fight. "These cases have been sponsored by the Federated Fire Fighters of California in their entirety and should remind the members of this Local of the

before-mentioned lawful rights and benefits granted the members, and *only* the members, of the IAFF and the Federated," wrote Local 1014 President Glenn Hyde.

Firefighters had won the right to organize. They still did not have the right to bargain their pay, benefits and working conditions or negotiate grievance procedures. Those battles lay ahead.

Creating new rights for firefighters wasn't the only area where Federated Fire Fighters made its mark. In the early '60s, the IAFF and FFFC pushed back against efforts by

cities to merge police and fire departments into a single public safety entity. In 1950, Sunnyvale had become the first California city to consolidate its police and fire departments. Since then, the consolidation "movement" took hold in many areas. Much of the impetus was in reaction to the growing union movement within the fire service. Unlike firefighters, police officers were still almost entirely non-union. Consolidating the two would give them the option of dealing with a labor group they felt would be more compliant.

In 1961, San Diego City Manager George Bean proposed a consolidated police and fire department for his city. (Hilariously, Bean also proposed that the city manager be classified as a "safety officer"). If enacted, San Diego would have been far-and-away the largest consolidated department in the nation. San Diego Firefighters Local 145 engaged the FFFC, IAFF and the International Association of Fire Chiefs, as well as the National Fire Protection Association. Even fire brigades from England, where consolidated departments were banned, came in to help make the case against public safety mergers.



In California, FFFC helped federal locals win recognition for their rights. Here, Local F-116 firefighters sign an agreement for exclusive representation rights at Vandenberg Air Force Base.

In the end, it was no contest. The San Diego City Council voted unanimously to permanently shelve the idea. FFFC published a small volume detailing the arguments against the San Diego proposal, which served as a blueprint for other

jurisdictions attacking the idea. While cities would continue to occasionally float the idea as a bargaining tactic, as of 2014, Sunnyvale remained the only consolidated department in California.

When Federated Fire Fighters of California celebrated its 25<sup>th</sup> anniversary in October of 1963, it boasted more than 7,000 members and was one of the largest state associations in the IAFF. One of its former presidents – Ray Shukraft of San Diego Firefighters Local 145 – had been appointed as the California State Fire Marshal. Another – Fred Smith of Local 1014 – was now the right-hand man at the California State Labor Federation.

At the Capitol, FFFC moved to increase its lobbying presence. In 1962, the executive board created the position of General Vice President and named Kenneth Larson of Local 1014, then the Central Vice President, to the post. A member of Los Angeles County Firefighters Local 1014, Larson had been working on behalf of his local and FFFC in Sacramento since 1958.



In his new role, Larson became FFFC's paid legislative advocate, taking up residence in Sacramento during the biennial legislative sessions. With Smith's ascension to the Labor Federation's high command, Larson also landed a spot on the Labor Fed's executive board. At the time, he was the only public employee representative on the Labor Fed board. Add to that Smith's new role and there was little doubt FFFC had a powerful voice in state labor circles.

Around the same time, California got its first seat on the IAFF high command when former Federated Fire Fighters President Al Albertoni was elected as the IAFF's secretary-treasurer in 1964. Albertoni won the post when incumbent Secretary-Treasurer John Kabachus decided to challenge three-term president William Buck. "Nobody thought he could win, as the IAFF was really centered on the East Coast," recalled Alfred K. Whitehead, IAFF General President Emeritus. Albertoni would serve until 1972.

The friends in high places paid off. With a larger profile in Sacramento, stronger ties with its labor partners and a big fish at the International, FFFC enjoyed its most productive legislative period.

- Firefighter presumption laws, 4850 protections and retirement formulas were all extended to county firefighters covered by the 1937 Act;
- In 1965, Governor Brown signed AB 2081, securing a 2% at 55 retirement formula for safety employees under what would soon be known as the California Public Employees Retirement System (CalPERS);
- Legislation in the late 1960s increased the maximum compensation from 50% to 75% and authorized a 2% at 50 benefit;
- The minimum retirement age for safety employees was reduced from 55 to 50.



Through the 1960s, Kenneth Larson of Local 1014 rose to become FFFC's executive secretary-treasurer, assuming control of virtually every aspect of its operation, including its legislative success. Then-1014 President Al Whitehead called him "one of the best lobbyists I've ever seen in Sacramento."

In 1968, public sector labor as a whole won the most significant victory in its history with the passage of Senate Bill 1228, the Meyers-Milias-Brown Act. Signed by Governor Ronald Reagan, the MMBA authorized, but did not require, collective bargaining for cities and counties. The measure allowed for the designation of exclusive bargaining units and required that public agencies "meet and confer" with these authorized groups on any and all actions that affect their negotiated contracts.

With the approval of MMBA, IAFF affiliates were able to consolidate their position as the designated bargaining unit. Within a year, Santa Monica Firefighters Local 1109 secured the first collectively-bargained firefighter contract under MMBA. Others quickly followed.

Nowhere was MMBA's influence more pronounced than in the city of Los Angeles.



For nearly three decades as secretary-treasurer of the California Labor Federation, John Henning was a powerful force for working people in California and a vital ally for firefighters within the labor movement.

Los Angeles City Firefighters Local 748 had spent decades in the shadows of the larger, and more management-friendly Los Angeles Police and Fire Protective League. The year before MMBA's passage, however, the law enforcement-dominated LAPFPL infuriated its firefighter members by agreeing to Mayor Sam Yorty's imposition of a salary structure that paid police officers more than firefighters. "It was the greatest organizing tool ever," recalled former L.A. City president Don Wallace.

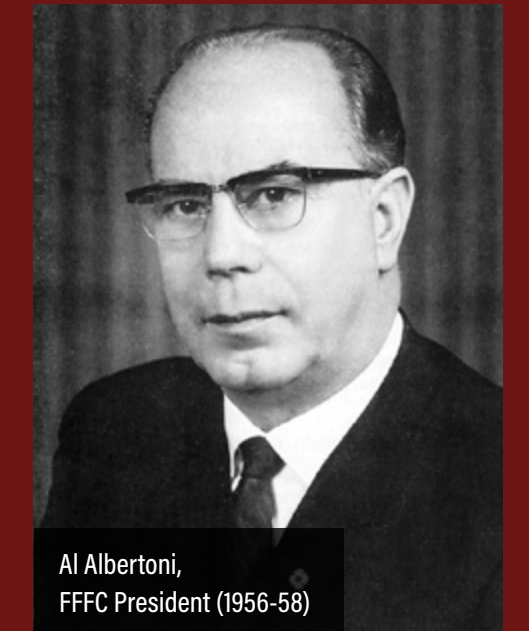
With help from IAFF and Local 1014, Local 748 launched a massive organizing push that enabled it to win the fight to be the exclusive bargaining unit for Los Angeles firefighters. "When the dust cleared, they were suddenly a 2,000 member local," said Brian Hatch, longtime CPF Legislative Advocate who, at that time, was president of Ontario Firefighters Local 1430. (Los

## LANDMARKS:

# THE RIGHT TO ORGANIZE



Gov. Pat Brown (seated, center with FFFC leadership) signed AB 618 - firefighters right to organize - on May 26, 1959.



Al Albertoni, FFFC President (1956-58)

**WHEN THE CITY** of South Pasadena passed an ordinance essentially banning its firefighters from organizing, it was a pivotal moment for the labor movement in California. If allowed to stand unchallenged, the South Pasadena law could have led to the shut down of every public employee union in the state.

In 1952, Federated Fire Fighters and its Oakland affiliate secured votes at the State Federation of Labor convention to pursue public employee "right to organize" legislation. In 1955, FFFC's first attempt, SB 861, failed to clear the Legislature.

One year later, the Federated Fire Fighters' new president and legislative advocate, Al Albertoni of Oakland Firefighters Local 55, began an extensive organizing drive that nearly doubled the number of affiliates in the FFFC, and increased membership

to more than 5,000. One of those new FFFC affiliates was Los Angeles County Firefighters Local 1014, adding nearly 1,000 members to its rolls.

The 1958 statewide elections swept in labor-friendly majorities in both houses of the Legislature, as well as the first labor-friendly governor in a generation: Democrat Edmund G. "Pat" Brown. Albertoni had, by then, been named as the IAFF's 10th District Vice President, ensuring the active involvement of the IAFF and the newly-unified AFL-CIO.

The next year, 1959, Assembly Bill 618 was introduced by Culver City Democrat Lester McMillan. The original FFFC-backed bill would have not only provided firefighters with the right to organize, but also would have guaranteed collective bargaining and compulsory arbitration.

More than even a labor-friendly legislature could swallow, the bargaining and arbitration components were stripped from the bill in the Assembly. In the Senate, another provision was added to ban firefighter strikes, a relative non-issue for Federated Fire Fighters: Its national union, the IAFF, had a no-strike clause in its Constitution and Bylaws. In May of 1959, Gov. Brown signed AB 618.

By modern standards, AB 618 was extremely modest: Without collective bargaining or arbitration, the real power still rested with management.

Nonetheless, the legislation was a turning point for the public sector labor movement in California: the first statute in California history to guarantee the right of any group of public employees to organize in a union.



Former FFFC President Al Albertoni (right) shakes hands with IAFF President William Buck after his election as IAFF Secretary-Treasurer. Albertoni and Al Whitehead are the only two Californians to serve in the position.



San Diego City firefighters picket near San Diego Stadium in 1970 dispute over pay parity with law enforcement.

Angeles City would eventually reclaim the IAFF local number it had gained during its brief existence in 1919, becoming United Firefighters of Los Angeles City Local 112).

Another event in 1968 would have a profound effect on FFFC and the firefighter labor movement. From its inception, the International Association of Fire Fighters had established a no-strike policy as one of its central tenets. Since its creation, Article III, Section 2 of the Federated Fire Fighters' Constitution and Bylaws made that view plain: "We shall not strike or take active part in sympathetic strikes, as we are formed to protect the lives and property of communities in case of fire or other serious hazards."

Throughout the 1960s, this stance was being challenged by affiliates throughout the nation. Still largely without collective bargaining rights, locals were worn down by decades of management abuse and disrespect. Even more infuriating to firefighters was a campaign by local agencies to break the link between salaries for firefighters and police officers.

For decades, pay parity had been a given, but law enforcement, unlike firefighters, was still almost entirely non-union. Cities decided to reward police for their compliance and punish firefighters for their defiance. In addition to L.A. Mayor Yorty's attempt to divide and conquer, parity was also broken in Berkeley and Fresno, the latter violating a decades-old charter provision passed by voters.

IAFF President Buck staved off a revolt on the strike issue at the 1966 convention by creating a study commission. Ultimately, Buck couldn't hold back the tide. Delegates voted to remove the "no strike" clause from the IAFF Constitution and Bylaws at the 1968 convention.

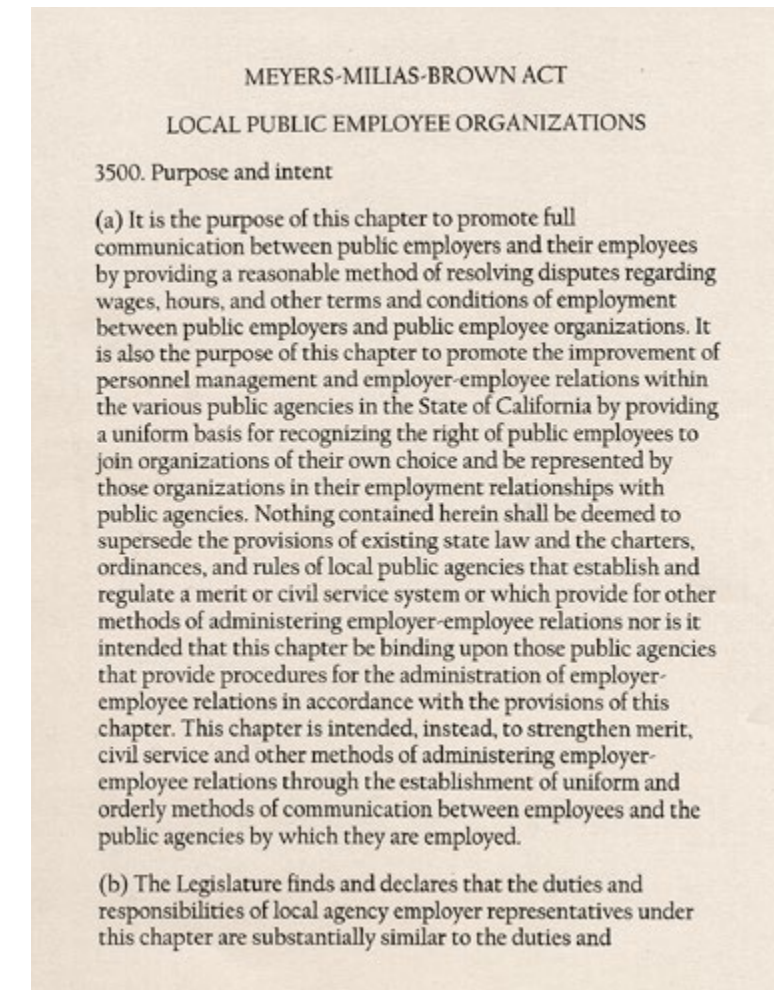
The first California local to test the new policy was Vallejo Local 1186. Protesting the city's decision to pull back a promised pay raise, Vallejo's police officers and

firefighters walked off the job on July 17, 1969. It was only the second time in U.S. history that both police and firefighters had gone on strike together. The five-day public safety strike virtually shut down the city, as building and trades union members halted construction on all city building projects in support.

The Vallejo strike ended with an agreement on a 1% a year pay raise over three years, and a promise of no reprisals. But its real impact on the fire service came the next year. That's when a citizens group, with the support of Local 1186, filed a ballot measure to create the option to submit future impasses in labor negotiations to binding arbitration. Vallejo voters handily approved the measure, making the city the first with local arbitration. The battle over binding arbitration would be a defining feature of firefighter-management relations and a central plank in California Professional Firefighters' legislative agenda for the next four decades.

Vallejo was the first California local to go on strike, but it wasn't the last. Over the next year, three other local unions would take the step, none more spectacularly than Sacramento (see "Firefighters on Strike," page 5). But while the firefighter labor movement in California prepared to "cross the Rubicon" into the uncharted waters of labor strife, Federated Fire Fighters of California was hurtling toward its own "day of reckoning."

When Vallejo firefighters went on strike in 1970, state personnel were ordered in by Gov. Ronald Reagan, drawing picket signs in front of the rigs. The wrenching strike brought about the first local binding arbitration ordinance.



The Meyers-Milias-Brown Act of 1968 didn't give firefighters full bargaining rights, but it set the stage for winning those rights in the early 1970s.





IAFF celebrates its biennial convention in Los Angeles, one month after its California state council voted itself into trusteeship.

## CHAPTER 4

# ON THE BRINK

**I**N THE SUMMER OF 1972, the city of Los Angeles was rolling out the red carpet for the nation's firefighters.

For the second time in less than a decade, the International Association of Fire Fighters had brought its biennial national convention to California. Held at the Bonaventure Hotel in the second week of August, the gathering drew luminaries from show business and the labor movement. Legendary comedian Bob Hope cracked wise at the President's Banquet. Johnny Grant, the "unofficial mayor of Hollywood" served as emcee for the opening ceremonies, as TV stars mingled with labor leaders. Inside the hall, delegates gave a grand farewell to retiring IAFF Secretary-Treasurer Al Albertoni, the first Californian to serve in the post.

Conspicuously missing from the week-long Tinseltown love-fest was anyone representing the Federated Fire Fighters of California. The reason was simple: For all intents and purposes, the FFFC didn't exist.

Over the course of the preceding decade, IAFF's 34-year-old California state council had methodically spent itself to the cusp of bankruptcy. Having dramatically expanded its mandate and diminished its fiscal accountability, Federated Fire Fighters had alienated many of its locals and

was spending almost half again as much as it was taking in. In July of 1972, barely a month before the IAFF Convention in Los Angeles, delegates to a special convention of FFFC voted without dissent to ask the IAFF to accept trusteeship of the beleaguered state association.

For all the world, it looked like the voice of firefighters in California was going away. But it didn't. Instead, a few leaders willing to put the good of the profession ahead of their own parochial interests brought Federated Fire Fighters back from the brink and set the stage for an amazing rebirth.

As the 1960s closed, Federated Fire Fighters of California had extended its influence – and involvement – well beyond the limits of any other state firefighter labor organization.

The organization accompanied IAFF representatives on all of its union organizing campaigns – an expensive, time-consuming process in a state as large as California. The FFFC insurance program, originally developed in the 1950s to protect board members, had become a profit center, providing coverage for as much as 10% of the membership. The 1968 change in the IAFF's no-strike policy also had an impact: Federated Fire Fighters became an integral part of strategizing and implementing

strike efforts. The FFFC Executive Board also maintained a permanent Mutual Aid Fund, which was routinely tapped by local affiliates needing help with legal fees or election-related expenses.

Overseeing this expansion was Kenneth Larson, the long-time Local 1014 board member who had served as FFFC's legislative advocate since 1958. Throughout the 1960s, Larson had steadily built his position within the organization. Serving as the only public employee representative on the California Labor Federation's executive board, Larson urged adoption of the Labor Fed's centralized leadership model. In 1966, he was installed as executive secretary-treasurer, becoming the central figure in the organization and its primary decision maker.

At the same time the FFFC and Larson were padding their roles statewide, the already high cost of being a "player" in Sacramento was getting higher. In 1966, voters approved Proposition 1A, revising the state constitution to create a full-time professional California Legislature. The prospect of legislative sessions every year, rather than every two years, increased the cost of maintaining a full-time advocacy operation in Sacramento.

There were also the expenses associated



The Laguna Fire burned more than 175,000 acres in eastern San Diego County, destroying nearly 400 homes and killing eight people. In its aftermath, Congress authorized the Modular Airborne Firefighting System (MAFFS).

with getting, and staying, on the good side of lawmakers. With no financial reporting of contributions, gifts or anything else, lawmakers were kept more or less continuously supplied with every creature comfort. While the system favored wealthy business interests, even organizations as small as Federated Fire Fighters were obliged to play the game.

“Legislators would send their bar bills over to the office, and you were expected to pay them,” recalled Brian Hatch, who would eventually replace Larson as the legislative advocate. “When they get thirsty or hungry, you take care of them. That’s how business was done.”

The steady expansion of its portfolio to include organizing, legal and financial services and insurance on top of full-time legislative advocacy, left Federated Fire Fighters with a crippling debt. Adding to the problem was a careless approach to record keeping. Bills routinely were paid without receipts or any kind of documentation.

As the guy running the whole show, Larson was in a position to pretty much write his own contract. His expenses included, among other things, a Cadillac Coupe de Ville purchased by FFFC for his use. As the expenses mounted, Larson became a lightning rod among many of the medium to larger locals. In some cases, it was his stewardship of the organization. In others, it was simply a response to his style. “He was definitely a hard charger, who’d do everything he felt like he needed to do,” recalled one close associate at the time. “He was no shrinking violet.”

“We had great respect for Ken, and he was an excellent lobbyist,” recalled Bill Cullen, then the secretary of Contra Costa Firefighters Local 1230. “But when it came to spending money, that was kind of his weak point.”

At the FFFC 1970 Biennial Convention in Fresno, delegates voted to re-organize the executive structure, dividing the roles of secretary and treasurer and retaining Larson as

legislative advocate and business representative. Los Angeles County President Earl Dunn was elected president, and Hatch was elected as 1<sup>st</sup> District Vice President. According to Hatch, the convention also voted to reduce the monthly per capita dues from \$1 to 60 cents. Most surprisingly, the organization began to assume many of the direct service functions normally undertaken by the IAFF. “We were actually servicing the locals,” recalled Hatch. “The IAFF was supposed to be doing that, but Federated had taken on those roles.”

The combination of less money and more responsibility only accelerated the slide. The executive board began borrowing from its insurance fund, a debt that would eventually grow to over \$24,000. Eventually, the executive board voted to create an independent Insurance Trust to manage the program and ensure that the plans were solvent.

Frustrated by the financial problems, pressure mounted to remove Larson. At

## ALFRED K. WHITEHEAD

**IT’S HARD TO IMAGINE** a Californian that has had a larger impact on his or her chosen field than Al Whitehead has had on the firefighting profession.

A union man from the beginning, Whitehead worked as a line-man with Southern California Edison in the late 1940s and early 1950s, a proud member of the International Brotherhood of Electrical Workers. When he and his IBEW brothers went on strike, Whitehead wound up being reassigned as a gardener because, he said, “they didn’t want me out there making trouble.” In 1954, Whitehead signed on with Los Angeles County Fire Department. A few years later, Whitehead got active with L.A. County Firefighters Local 1014, eventually winning election as president in 1970.

Leading what was then the largest IAFF local in California, Whitehead implemented a sophisticated political action program and professionalized operations. Along the way, he was instrumental in saving Federated Fire Fighters of California from bankruptcy and helped chart the course for its revival.



Frustrated with what he saw as an East Coast bias at the IAFF, Whitehead began agitating for the creation of a West Coast office. In 1986, with the help of his FFFC allies, Whitehead was elected IAFF Secretary-Treasurer. In that role, he helped the IAFF emerge from the same sort of financial difficulties that had plagued FFFC nearly two decades before.

In 1988, Al Whitehead became the first Californian to be elected IAFF General President. As he had at Local 1014, Whitehead professionalized the IAFF’s internal operation and expanded its reach in legislative and political action. He also served for several years on the executive board of the AFL-CIO.

Wily and charismatic, Whitehead was beloved by his members and respected in the halls of Congress. For California firefighters, Whitehead’s stature at IAFF helped enlarge the perspective of the union beyond its traditional East Coast roots.

When he retired in 2000, the IAFF’s annual legislative conference was christened the Alfred K. Whitehead Legislative Conference. In retirement, Whitehead continued to serve working people as a member of California’s Public Employee Relations Board.



Firefighter Whitehead: The future leader of IAFF at his home fire station in Commerce in the mid-1950s.



Left: FFFC's controversial executive secretary-treasurer, Kenneth Larson (2nd from left) poses with Local 1014 President Al Whitehead and local political leaders at a 1972 testimonial dinner. Below: An audit paid for by Local 1014 tells the story: too much going out, not nearly enough coming in.

FEDERATED FIRE FIGHTERS OF CALIFORNIA  
BALANCE SHEET  
October 31, 1971

EXHIBIT A

ASSETS		LIABILITIES AND FUND BALANCE	
<b>CASH</b>			
Security Pacific National Bank, San Bernardino, California	\$ 2,660.74		
Wells Fargo Bank, San Jose, California	519.60		
			\$ 3,180.34
<b>RECEIVABLES</b>			
Per capita receivable	4,121.90		
Other accounts receivable	71.00		
			4,192.90
<b>TOTAL CURRENT ASSETS</b>			\$ 7,373.24
<b>OFFICE EQUIPMENT</b>			
Office equipment (cost)	7,606.24		
Less, accumulated depreciation	(4,617.59)		
			2,988.65
<b>OTHER ASSET</b>			
Deposits			425.00
			\$ 10,786.89
<b>CURRENT LIABILITIES</b>			
Accounts payable - trade	\$ 14,270.45		
Due to officers and employees	19,200.85		
California Labor Federation	4,569.37		
Payroll taxes withheld and accrued	422.36		
Employee payroll deductions	12.35		
Los Angeles County Fire Fighters Local 1014	196.69		
Accrued salaries and wages	9,606.00		
Note payable - International Association of Fire Fighters (Note 1)	6,000.00		
Note payable - Federated Fire Fighters of California Insurance Trust, amount due within one year (Note 2)			
			11,915.52
<b>TOTAL CURRENT LIABILITIES</b>			\$ 66,193.59
<b>LONG-TERM LIABILITY</b>			
Note payable - Federated Fire Fighters of California Insurance Trust (Note 2)	24,253.62		
Less, amount due within one year, shown above	(11,915.52)		
			12,338.10
<b>TOTAL LIABILITIES</b>			78,531.69
<b>DEFERRED INCOME</b>			
Unearned per capita income			492.00
<b>FUND BALANCE, October 31, 1971 (Deficit)</b>			(68,236.80)
			\$ 10,786.89

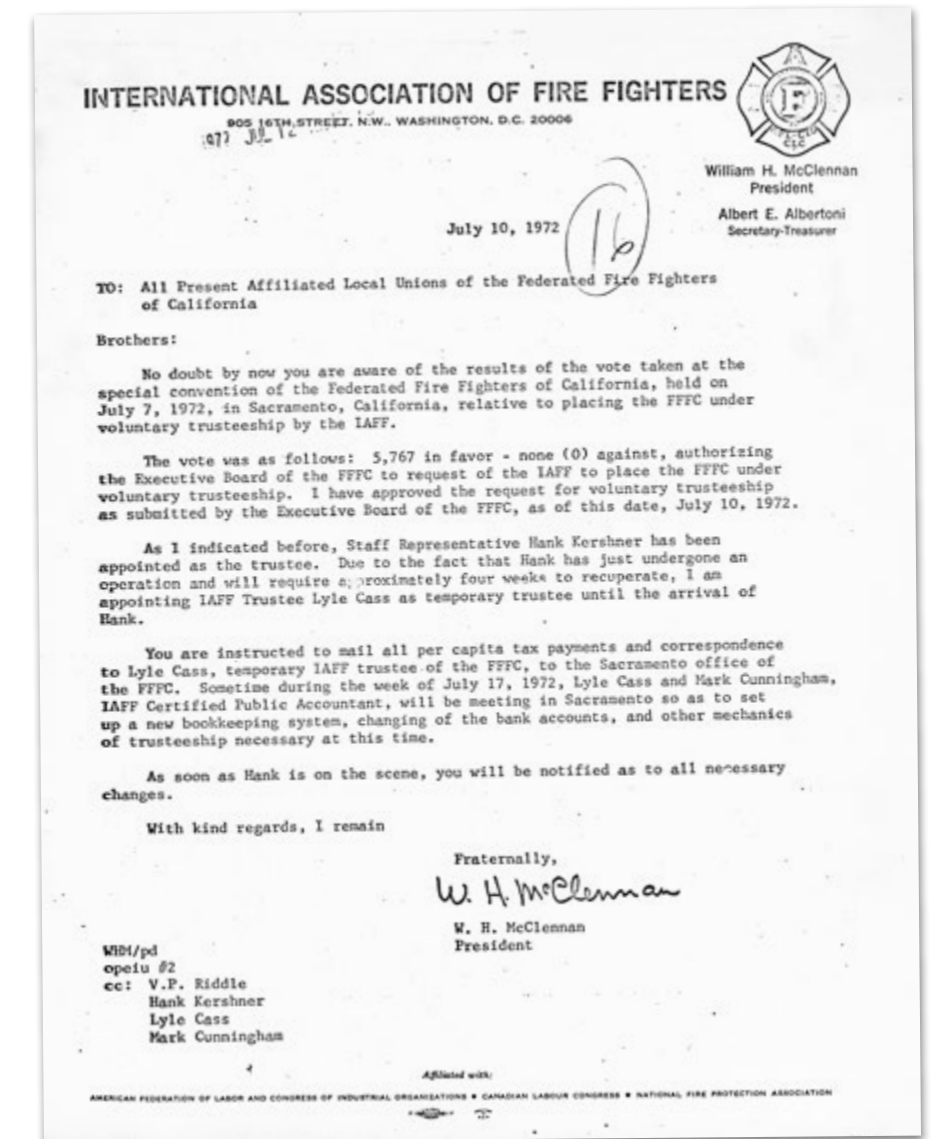
Notes to financial statements are an integral part of this Exhibit.  
Subject to comments in accompanying letter.

its 1971 Convention in Santa Cruz, a group of renegade locals tried to engineer a no-confidence vote against him. When the convention was shut down before the vote could be taken, locals began dropping their affiliation with FFFC. Los Angeles City, San Diego, San Jose and Long Beach all disaffiliated. Even Oakland Firefighters Local 55, home local of founding FFFC President Milton Terry, dropped out. By early 1972, the demise was almost complete: membership had declined by an estimated 40 percent.

For the firefighter labor movement, it was an especially bad time to be without a statewide voice. The MMBA had triggered a flood of new IAFF affiliates, as firefighters chose their designated bargaining units. At the same time, the IAFF's decision to remove the no-strike clause from its constitution sparked a wave of militancy that had already hit five different California locals. The state's most prominent national voice – former FFFC President Al Albertoni



IAFF General President William "Howie" McClennan (above) agreed (by some accounts reluctantly) to the unprecedented step of taking temporary control of the faltering California state council.



– retired after eight years as IAFF secretary-treasurer. If all that wasn't enough, the California State Firemen's Association was working behind the scenes to organize firefighters into the Teamster's Union.

If Federated Fire Fighters of California was to survive, someone needed to step up. Fortunately, someone did.

Fiercely committed to his members and the firefighter labor movement, Alfred K. Whitehead was elected president of Los Angeles County Firefighters Local 1014 in 1970. As a member of Local 1014's executive board, Whitehead had seen Larson's effectiveness up close. "He was kind of a hardass, and I didn't get along with him, but he was probably one of the best I've ever seen as a lobbyist in Sacramento," Whitehead recalled. As the only public employee representative on the California Labor Federation

Executive Board, Larson was also influential in statewide union politics.

While still Local 1014's first vice president, Whitehead had led the so-called "winter splinter group" of locals that sought reforms in the organization's structure and finances. Now, Whitehead stood against the renegades and committed himself, and his local, to saving Federated Fire Fighters. With his local accounting for one out of every four per capita dollars, the first task was to get a handle on the books. "We had to find out exactly what we owed," Whitehead remembered, "so my local paid for an audit."

The results of that 1972 audit were

staggering. As of the end of October of 1971, FFFC was a whopping \$68,000 in the hole, the equivalent of nearly \$530,000 in 2026 dollars. Worse than the fiscal deficit, said the auditors, was the almost complete lack of fiscal accountability. "Internal accounting controls within the Federation were virtually non-existent," they wrote. "Unsound accounting procedures and fiscal policies were in use on a continuing basis."

For many locals, the audit confirmed their worst suspicions about the finances of the organization. Disaffiliations accelerated and the breakaway locals began to discuss setting up a new state organization. At a meeting in the spring of 1972,

IAFF General President William “Howie” McClennan met with the group and told them, in no uncertain terms, that he would not sanction a second organization.

The easy exit was simply to declare bankruptcy. Instead, the Federated Fire Fighters held a special convention on July 7, 1972 in Sacramento. At that gathering, delegates cast the full weight of 5,767 members in support of a resolution asking McClennan to take control of the FFFC, name a trustee, and establish a process for its reorganization and reclamation.

“We knew – we meaning Al (Whitehead), myself and several others – that it was too valuable an organization to just let go,” said Cullen. “It was the only real voice for paid professional firefighters.”

With the decision to enter trusteeship, the existing executive board resigned. To run the organization in their place, McClennan tapped Leonard Kershner, a 51-year-old IAFF Staff Representative, as the trustee. Known as “Hank”, Kershner had been a local union president in Bridgeport, Connecticut, and spent nearly two decades as secretary-treasurer of the Uniformed Fire Fighters Association of Connecticut. Diligent and dedicated, Kershner’s task was to control the organization’s spending and help guide development of a recovery plan for a return to fiscal health.

“Kershner was the interim ‘do it all’ guy,” recalled Cullen. “He was conservative, and you just had a feeling that he wasn’t going to spend a penny that didn’t need to be spent.”

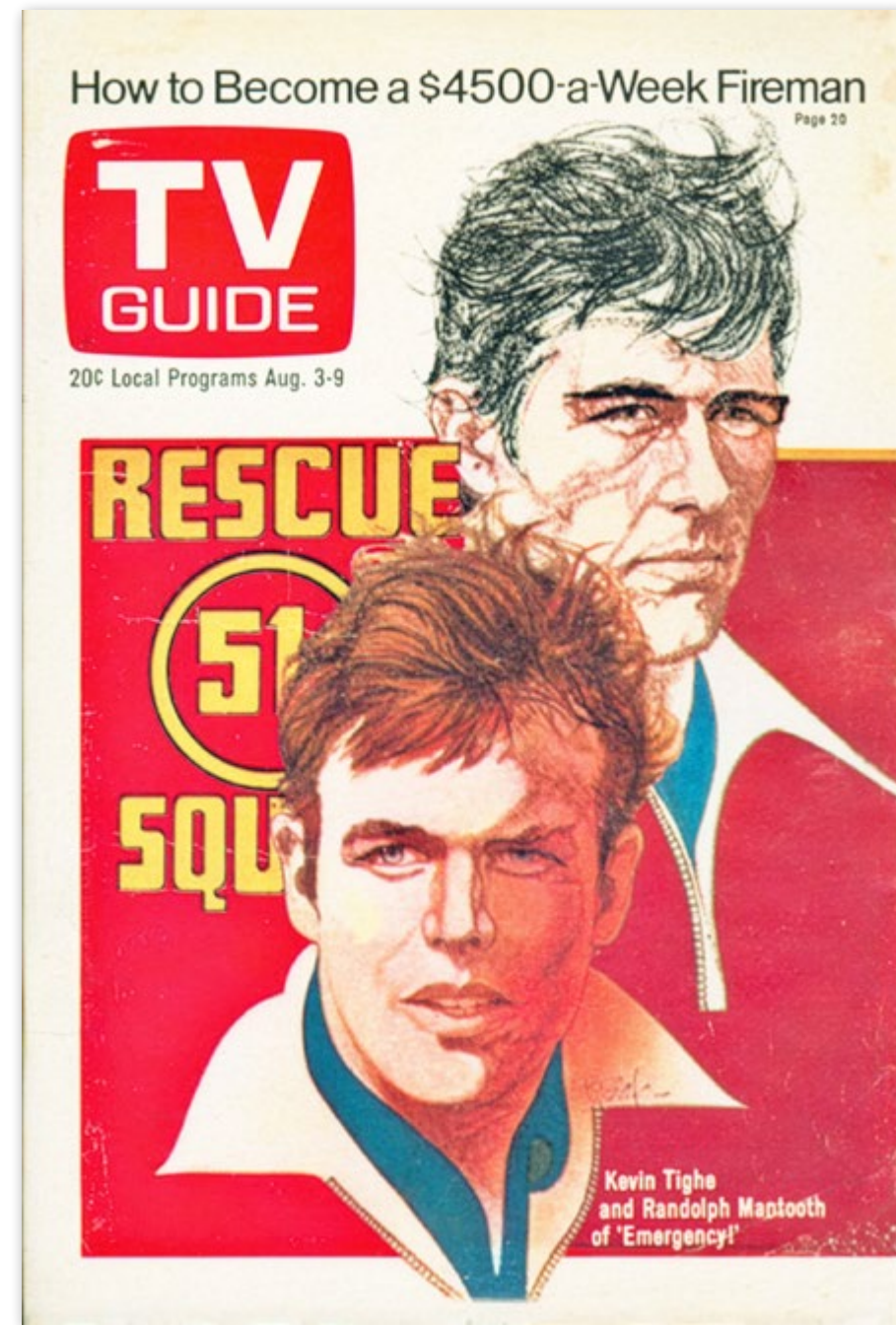
While Kershner watched the books, McClennan also named a four-member Advisory Committee, including Whitehead and Cullen, along with Wayne Harbolt, president of Sacramento Firefighters Local 522, and Richard De Armit, president of Torrance Firefighters Local 1138. The job of this group: reinvent Federated Fire Fighters of California.

They started by making the difficult decision to remove Larson, their long-time

legislative advocate and former titular leader. In April, Larson submitted a letter of resignation to Kershner. The last ties to the Federated Fire Fighters of California, as it had been known for 34 years, were now officially severed.

One month later, the next biennial convention was scheduled to take place at the

Bakersfield Inn, in Bakersfield. As delegates began gathering, Cullen burned the midnight oil to completely rewrite the FFFC Constitution and Bylaws. Gone was any mention of the group providing direct services to locals or organizing. These services were re-designated as the appropriate role of the IAFF. The new Federated Fire Fighters



The adventures of L.A. County’s fictional Rescue 51 on NBC’s “Emergency” brought mainstream acceptance to the concept of fire-based EMS, and inspired a generation of future firefighters.



IAFF Trustee Leonard “Hank” Kershner steadied Federated Fire Fighters’ rocky financial ship as its provisional leadership cast a new direction.

of California would return to its roots: legislative advocacy and political action.

As for what to do about the debt, the 1971 audit had provided a blueprint. With Kershner’s help, a recovery plan was developed, which called for the debt to be divvied up among all the locals (including those that had left). Each local would be required by the IAFF to pay its “fair share” whether or not they returned as an affiliate. Affiliates that wanted to return could do so once they’d paid their share of the debt.

The new constitution and bylaws was ratified on May 2, 1973. Later that day, Kershner was honored with a convention resolution for his work, but he deferred credit to the four advisory committee members. “This organization could not have survived two months without the contribution made by Dick De Armit, Wayne Harbolt, Al Whitehead and Bill Cullen,”

Kershner told the convention. “We didn’t come to meetings with any animosity, but unanimity of notions on how to solve a problem. They were all committed ... and they succeeded.”

The newly reconstituted FFFC set about electing five district vice presidents: four chosen in geographic districts and one selected for federal firefighters. The next president would be chosen from among those five new vice presidents. Two of the five opted out of running for the top job, and a third – new 5<sup>th</sup> District Vice President Paul Wallace – was eliminated on the first ballot.

When the votes in the second ballot were tallied, the new Federated Fire Fighters had a new president. As they had done 35 years earlier, the firefighters gathered in Bakersfield turned to a man named Terry to lead them into a new era.



In 1938, Bakersfield was the birthplace of what would become California Professional Firefighters. Thirty-five years later, the same city would see that organization “born again.”



Oakland firefighters recover after narrowly escaping a 1979 fire in the Transbay Tube, the Bay Area Rapid Transit subway tunnel connecting San Francisco with the East Bay. Richard Cecil (left) would go on to become California Professional Firefighters' 4th District Vice President.

## CHAPTER 5

# A RENEWED COMMITMENT

**W**HEN DANIEL A. TERRY began his fire service career, he wasn't angling to be the head of a union. He was angling to be an angler.

Hired as a firefighter in Modesto in 1965, the 23-year-old Terry saw his future casting lines as a professional bass fisherman. "I figured I'd do this and save up my vacation time and then go off and join this new professional bass fishing circuit that was starting up," he recalled.

Barely four years into his firefighting career, some of Terry's union brothers in Modesto Firefighters Local 1289 were looking to make a change at the top. "We needed someone who was articulate ... someone who could talk," his friend and brother firefighter Bob Greenwood recalled in a 2004 interview. Terry wasn't keen on the idea until Greenwood dangled a tantalizing perk for the Central Valley native: a trip to the 1970 IAFF Convention in Miami Beach, Florida.

"That got me," Terry later joked.

Once in office, Terry quickly warmed to the task. By the time 1973 rolled around, he had built a reputation as a sharp and savvy local president. But when he was approached to run for 3<sup>rd</sup> District Vice President, Terry demurred when it was made clear that he would also have to put his name in the mix for president. Eventually, he relented, reasoning that he was a dark horse at best. (Though the two men shared the same last name, Dan Terry was no relation to Milton Terry, the founding president of the organization).

In the race for 3<sup>rd</sup> District vice president, Terry beat out Fresno Firefighters President Herb Bell. In the presidential contest, Terry was one of two candidates who survived the first ballot. In the second ballot, he was matched up against 2<sup>nd</sup> District Vice President John Stephens, a member of the powerful L.A. County Local 1014. Delegates cast their ballots based on total membership voting strength. By a margin of less than 300 out of a total 6,100, Dan Terry was the new president.

"Kershner told (IAFF General President) Howie McClennen ... that they'd elected some guy from Modesto named Dan Terry as president," Terry recalled. "Howie said, 'who the hell is Dan Terry?'"

As it turned out, Dan Terry was the perfect choice to lead Federated Fire Fighters out of the depths. As Local 1289's president, Terry stressed political action over job actions. In one of his earliest triumphs, Terry organized a spaghetti dinner fundraiser for local political candidates that ultimately produced a landmark decision (*Terry vs. City of Modesto*) protecting lawful off-duty political activity.

Terry's strengths were well matched to the FFFC's new focus on legislation and politics. But first, there was the task of putting the broken state organization back together. To oversee the process of getting themselves back in the black, Terry and his new executive board tapped Contra Costa County Local 1230 board member George Bottom as financial secretary. "George was brutal: if you didn't have a receipt, you

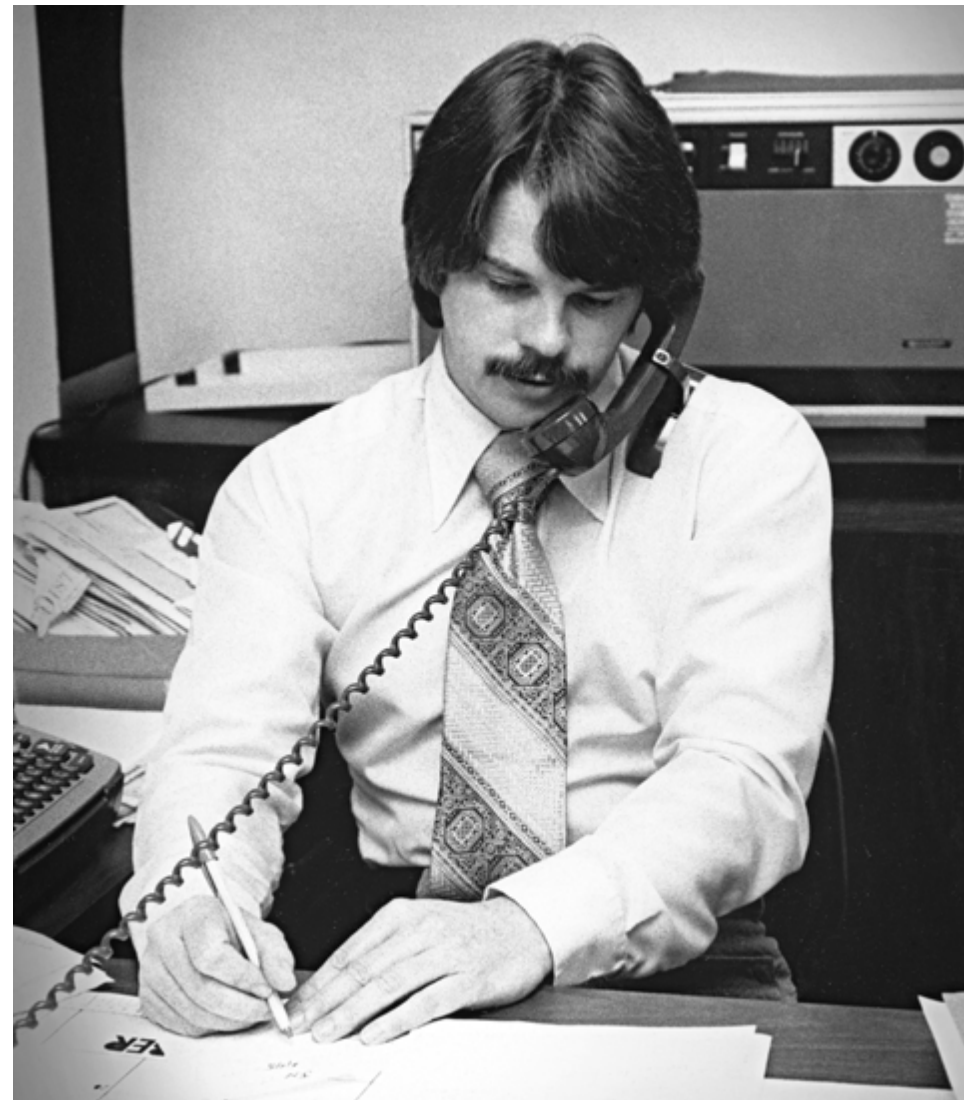
didn't get reimbursed," recalled Terry. "It was exactly what we needed."

Filling Larson's shoes at the Capitol would be a tougher task. At first, Terry hired a fellow Central Valley native named Ken Baker, but another candidate had made an impression as well. After further consideration, the executive board approved the hiring of a former Ontario Firefighters president who had served briefly as FFFC's 1<sup>st</sup> District Vice President.

On the surface, Brian Hatch seemed an unlikely choice for the backslapping, ego-massaging world of legislative politics. Hired by Ontario Fire in 1961, Hatch almost immediately crossed swords with his chief over leave time to fulfill his obligation with the Marine Corps Reserves. When Ontario firefighters organized to become IAFF Local 1430, Hatch was eager to sign on and soon became the local president. Ever the rebel, Hatch regularly tussled with his department over the length of his hair, a battle that eventually cost him his job (and his seat on the FFFC board) in 1971. "It was pretty long," he admitted. "When I showed up in Sacramento, I looked like the lead singer for Three Dog Night."

With a new constitution and bylaws and a visible commitment to fiscal discipline, affiliates steadily began returning to the fold. San Jose and San Mateo re-affiliated quickly. Others came back over time. Eventually, all of the breakaway locals would return, though it would be more than two decades before Los Angeles City Firefighters Local 112 would rejoin.

With the team in place, the newly reconstituted Federated Fire Fighters faced the same challenging landscape. Efforts to expand the MMBA to include comprehensive collective bargaining proved elusive. Three largely unsuccessful strikes in 1970 hadn't fully dampened the anger among locals upset about the stonewalling and disrespect they'd face from their city councils. The new militancy had tempted the



Above: For three decades, Brian Hatch was Mr. Inside for FFFC/CPF at the State Capitol. His deft touch can be found on nearly every major law affecting the lives of California firefighters. Below: Office accommodations were sparse in the early days following trusteeship.



## DANIEL A. TERRY CPF PRESIDENT 1973-2004



**FROM HIS FIRST DAY ON EARTH,** Dan Terry was the right person in the right place at the right time.

He was born 45 minutes before midnight on New Year's Eve, 1942. "Just in time," he would later joke, "for my dad to get the tax deduction." Eager to move on from the family's agricultural business, Terry signed on with the Modesto Fire Department in 1965. Within five years, he'd be a captain with the department and president of his local union.

Three years later, in 1973, Terry was chosen to lead the newly reborn Federated Fire Fighters of California. For more than three decades, he did just that, guiding

the organization from a tiny office in midtown Sacramento to a position as one of the elite labor organizations in California. Under Terry, FFFC became California Professional Firefighters and expanded its reach into apprenticeship training, media services and, most notably, the creation of the California Firefighters Memorial in Sacramento.

Terry's stature earned him election to several terms as president of the IAFF's State and Provincial Council, an association of IAFF state associations. Terry also served on the executive board of the California Labor Federation and the State Board of Fire Services. In 1981, Terry took a turn in

local government when he was tapped by then-Gov. Jerry Brown to fill a vacant seat on the Stanislaus County Board of Supervisors. He won reelection to a full term in 1982 – the only Brown appointee to win reelection that year.

Terry retired from CPF in 2004, but continued to serve as chair of the California Fire Fighter Joint Apprenticeship Committee, CPF's groundbreaking training and recruitment partnership with the California State Fire Marshal. His strong roots in the union movement are inscribed in the name over the threshold of CPF's Sacramento headquarters: The Daniel A. Terry Labor Center.



The failure of an outdated, inadequate canister breathing mask like this one (right) left Sacramento firefighter Ed Luttig alive but incapacitated for 23 years. Sacramento Captain Cliff Haskell (left) led a Federated Fire Fighters advisory panel that created new personal protective equipment (PPE) standards through Cal/OSHA.



Teamster's Union to start trying to organize firefighter locals.

Although they were mismatched in temperament, Terry and Hatch shared a common belief that the strikes weren't doing anything to make things better for firefighters. "We all looked at each other at some point and said, "This ain't working," said Terry. "That's when we decided we needed to get more involved in politics."

At its 1974 convention in Goleta, FFFC ratified its first full slate of endorsements for statewide office, topped by gubernatorial hopeful Jerry Brown, then the secretary of state. Brown's appearance at the convention (another FFFC first) was punctuated by an on-the-spot fundraiser. As Terry exhorted delegates to contribute "a dollar a man," local after local came forward to make their commitment. "We raised over \$10,000, seemingly with him standing right there," Whitehead recalled. "It wasn't a huge amount of money, but it made an impression."

In a less flashy, but equally important step, the delegates approved a new policy manifesto (drafted by Hatch) calling for creation of a political action committee – one



The first executive board of the post-trusteeship era: (L-R) Bob Aguayo (1st District VP), John Stephens (2nd District VP), Dan Terry (President and 3rd District VP), Richard Garren (4th District VP); Paul Wallace (5th District VP)



of the first to be created by any union under the newly-enacted Fair Political Practices Act. "Before, we had virtually no clout," said Hatch. "Political action gave us a way to put a sharp point to our advocacy."

Brown's election as governor in 1974 produced dividends almost immediately when it came to dealing with the new administration. Working collaboratively with the new administration, Federated Fire Fighters helped its locals navigate three more strikes in 1975 without sending in strikebreakers (see "Firefighters on Strike," page 5).

More significantly, FFFC's new access to the administration also enabled it to deliver its biggest regulatory victory to date, one that would change the California fire service forever.

On June 2, 1967, Sacramento firefighter Edward Luttig was dragged unconscious and near death from a devastating apartment fire. Only three years on the job,

Luttig had entered the smoky building to search for survivors protected only by a canister gas mask. The outdated breathing apparatus had already been phased out of most departments east of the Mississippi. Luttig's particular mask also had a defect that allowed toxic fumes from the fire, and the mask itself, to enter his lungs.

Luttig was revived on scene, but just barely. He spent the next 23 years in a semi-conscious state, unable to speak or feed himself, until he died in September of 1990 at the age of 54. Luttig's case drew national attention and hundreds of firefighters chipped in money and time to help his family.

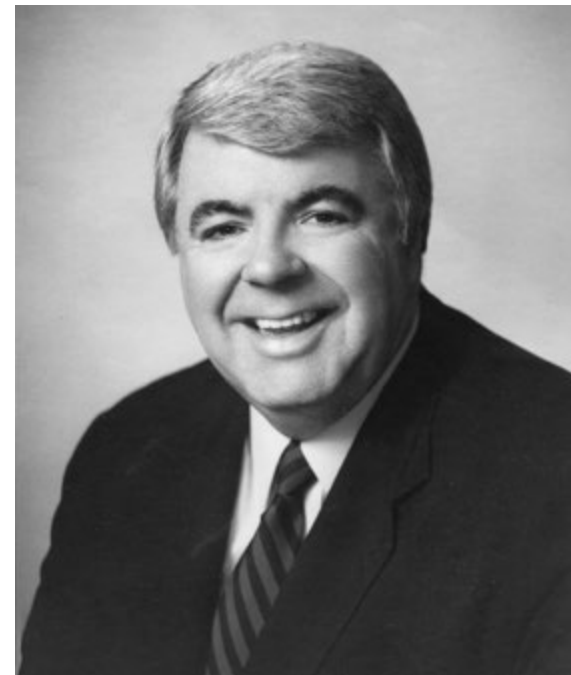
In 1975, President Terry named one of Luttig's Sacramento colleagues – Cliff Haskell of Local 522 – to chair a five-member advisory committee that developed a comprehensive permanent standard for firefighter personal protective equipment

(PPE). The FFFC proposal called for helmets, turnouts and footwear that adhered to stringent heat and flame test standards, and NIOSH-approved self-contained breathing apparatus (SCBA) with at least 30 minutes breathing capacity.

FFFC submitted its proposal to Cal/OSHA in 1976. Two years later, despite strong resistance from fire chiefs and local governments, the standard was adopted along with a provision allowing regulators to order removal of old or unsafe clothing and equipment. In 1980, Cal/OSHA approved another FFFC package strengthening the standards and closing loopholes that threatened the safety of wildland firefighters.

Even as its clout within the administration increased, FFFC struggled to gain traction on its major legislative priority: binding arbitration.

From the time he took office, Terry had advocated arbitration as the obvious



State Senator William Campbell (R-Hacienda Heights) authored legislation that rescued fire protection services from the tax-slashing impact of Proposition 13.

alternative to crippling strikes. “I believe the strikes are morally wrong,” he told the *Modesto Bee* in 1974, “but public employees need some tool for bargaining for their rights.” In their first major legislative effort, Terry and Hatch tried and failed to win passage of Senate Bill 32, which would have established binding arbitration for firefighters. Each subsequent legislative session, Hatch would promote legislation to provide statewide binding arbitration, only to have it fall victim to intense opposition from the League of California Cities. “The League actually made it pretty clear they’d rather have strikes than binding arbitration,” Hatch said.

The first major legislative victory of the new era came on the heels of its most frightening electoral setback.

Federated Fire Fighters of California had campaigned hard to defeat Proposition 13, the iconic initiative slashing property tax rates in California. For firefighters, the stakes were obvious: the lost revenue from

Prop. 13’s passage would force massive layoffs at the state and local level. Special fire districts, which lacked the constitutional protections enjoyed by cities, were especially vulnerable.

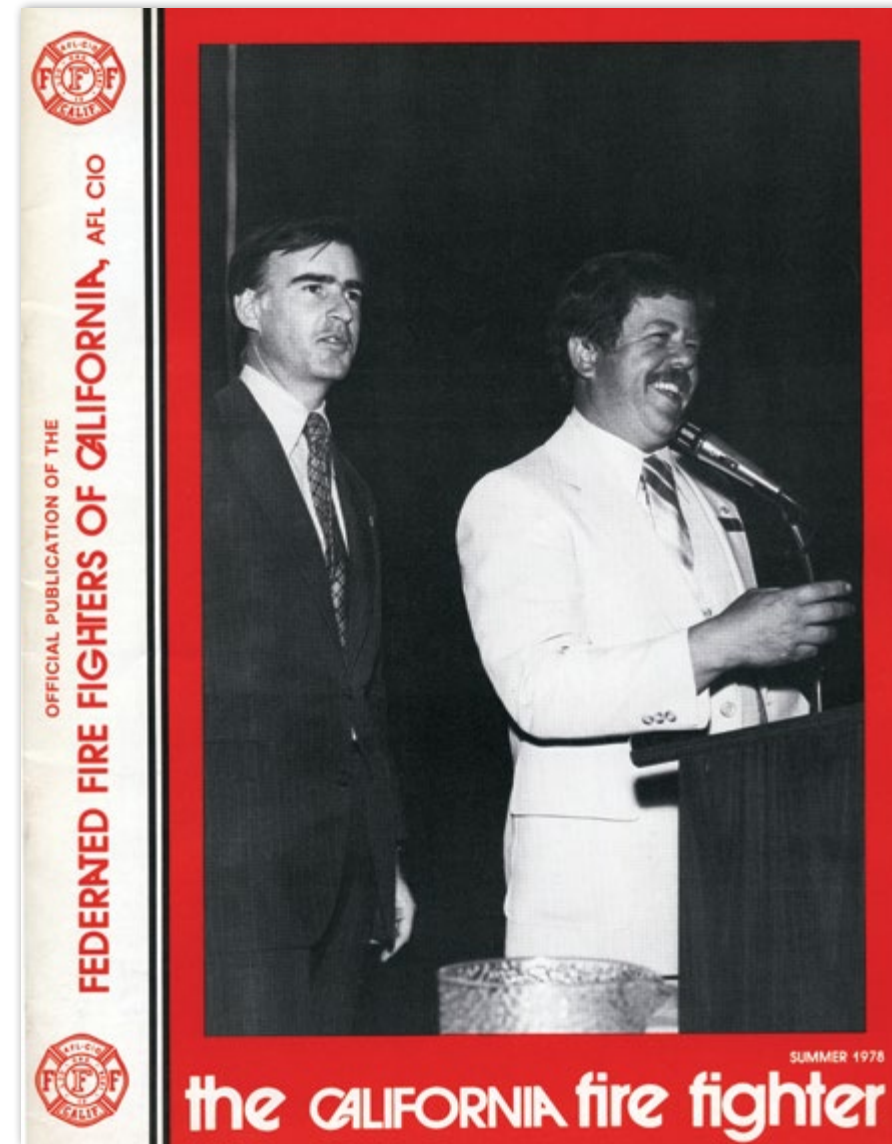
In the aftermath of Prop. 13’s passage in June of 1978, Brown came under intense pressure to distribute a nearly \$8 billion budget surplus. With public safety very much at stake, FFFC convinced Senator William Campbell (R-Hacienda Heights) to carry emergency legislation allocating roughly \$400 million to cities and special districts to maintain fire protection at pre-Prop. 13 levels.

“We wanted to make sure that nobody in

the State of California should die or suffer because of Prop. 13,” Terry recalled. “I truly believe that is one of the most important things we ever did while I was president.”

The victory was a precursor of successes ahead. Hatch was firmly established as a presence in Sacramento, having overcome resistance from legislators who’d been close to Larson. In 1982, Federated Fire Fighters of California would achieve what was, arguably, its most far-reaching legislative victory with the passage of AB 3011, the nation’s first firefighter cancer presumption law. (For a full account, see: “Landmarks: Cancer Presumption,” page 46)

FFFC’s connection with Brown also



United at last: Flanked by FFFC, IAFF leaders and his own executive board, Ray Snodgrass (back row center) holds the framed certificate marking the 1982 affiliation of CDF Employees Association as IAFF Local 2881.



put the organization at the center of one of the most vexing issues facing the profession: building a more diverse California fire service.

Although firehouses had been desegregated since the mid-1950s, minorities and women represented only a small fraction of the total firefighter force. At Brown’s direction, Federated Fire Fighters joined forces with State Fire Marshal Phil Favro in 1982 to create the California Fire Fighters Joint Apprenticeship Committee (Cal-JAC).

At its outset, the Cal-JAC centered on outreach and recruitment programs, developing the first firefighter-specific physical ability test. Over time, the Cal-JAC would evolve into one of the most sophisticated and effective firefighter training programs in the nation. (For a closer look at the Cal-JAC’s history, see “Landmarks: The

California Fire Fighter Joint Apprenticeship Committee”, page 56).

In addition to legislative accomplishment, the early 1980s also brought welcome reconciliation within the ranks of professional firefighters. Throughout much of the 1970s, firefighters who worked for CAL FIRE – then called the California Department of Forestry – were largely estranged from their local government brothers and sisters. During the strikes in the early 1970s, CDF firefighters – who had still not been organized into a union – had been ordered into the vacated firehouses by then-Gov. Ronald Reagan.

In 1978, the tensions ratcheted up even further when Gov. Jerry Brown cancelled CDF’s “Schedule A” contract to provide local fire services for Orange County. Hundreds of CDF firefighters were absorbed into the new Orange County Fire Authority,

reducing the ranks of the California Department of Forestry Employees Association (CDFEA).

“Instead of taking advantage of our natural connection as firefighters, we all came to view each other with a destructive level of suspicion and rancor,” said Ray Snodgrass, then the president of CDFEA.

When Brown signed legislation to establish collective bargaining for state employees, Snodgrass and CDFEA decided the time was right to organize as a union and, in 1982, CDF Firefighters Local 2881 was created, affiliated with IAFF and Federated Fire Fighters.

Soon, the latter organization would transform its own identity, adopting a new name and charting a new set of horizons to conquer.

## LANDMARKS: CANCER PRESUMPTION



**ON THE EVENING OF APRIL 6, 1973,** Whittier firefighters Richard Rowland and Porter Griggers were called out to mop up a hazardous materials spill in a nearby shopping center. An overturned tanker was leaking an extremely toxic chemical soil fumigant containing dichloropropene, a probable human carcinogen.

While working for L.A. County Fire six years later, Rowland and Griggers were both diagnosed with the same extremely rare form of cancer: diffuse histiocytic lymphoma. In late 1980, the two men died within six weeks of each other. The connection between the incident and their cancer diagnoses seemed obvious. It would be two years before their wid-

ows would win a Workers' Compensation judgment.

By then, cases like these were all too familiar to firefighters and their families. Repeated exposure to toxic chemicals, coupled with often-inadequate (or unused) lung protection, was producing cancer rates among firefighters up to three times the average.

In the fall of 1980, at the Federated Fire Fighters of California Convention in Anaheim, delegates unanimously passed Resolution #19: Presumptive Cancer Legislation for Fire Fighters. As with the heart presumption of 1939, the idea was simple: firefighters who contracted cer-

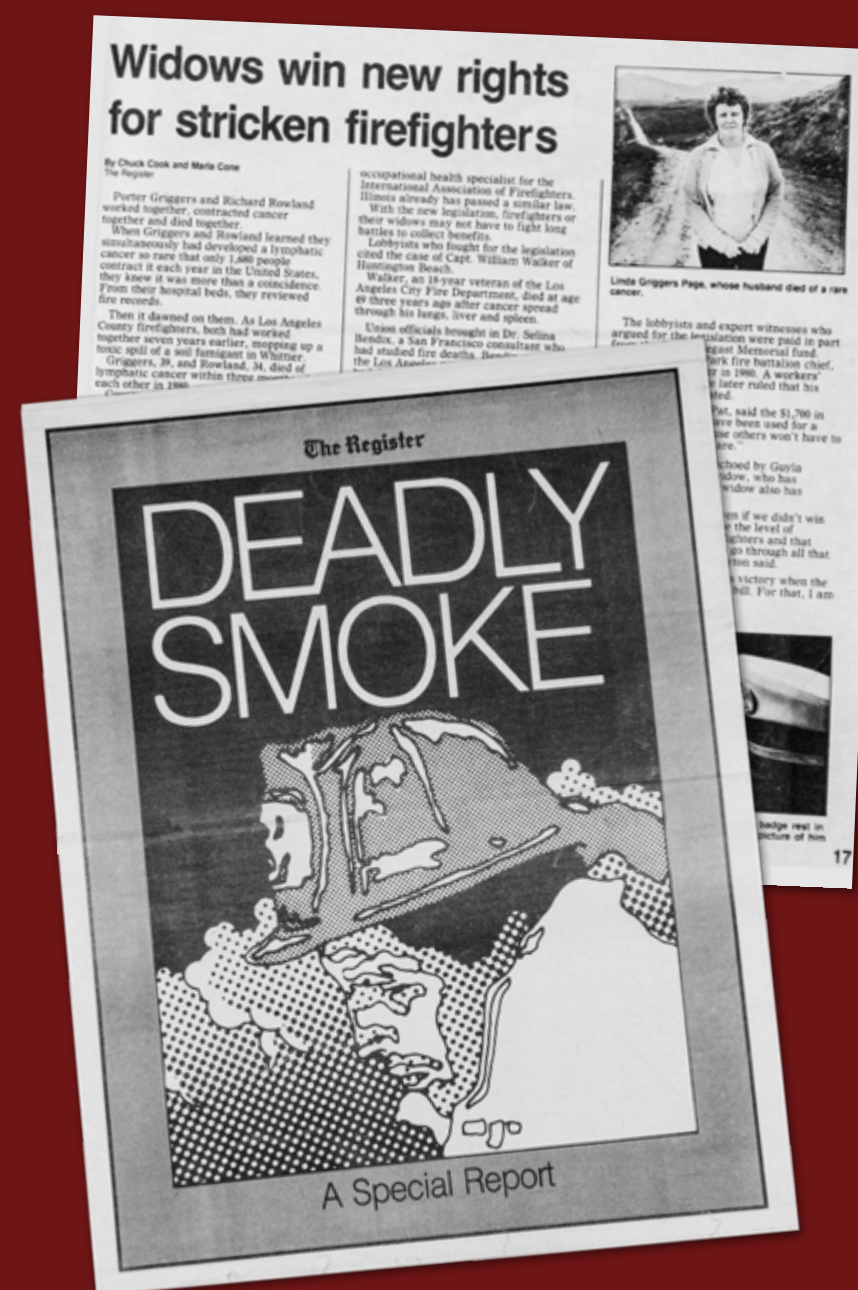
tain types of cancer would be presumed to have contracted it on the job, assuming they could prove their exposures.

Assemblymember Art Torres, a labor-friendly state lawmaker who would go on to become a powerful senator and, eventually, chair of the California Democratic Party, agreed to carry the bill, despite pitched and active opposition from the League of California Cities and the County Supervisors Association of California (now known as the California State Association of Counties).

Hatch and Terry hand-carried the legislation to every legislative office at the Capitol, assisted by firefighters from up and down the state, including 2nd District Vice President Dallas Jones. For Jones, the issue was personal – he had been president of Whittier Firefighters when brothers Rowland and Griggers were exposed to the toxins that would take their lives.

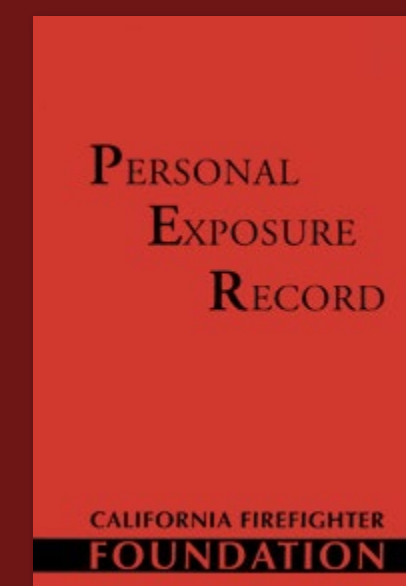
With the help of their powerful legislative allies – Assembly Speaker Willie Brown and Senate President Pro Tempore David Roberti – Hatch and Terry fought through the roadblocks set by the League and CSAC. The fire service as a whole also came together, labor and management, to back the new standard. The leaders shepherded the measure through both houses of the Legislature and to the desk of Governor Jerry Brown, who signed AB 3011 on September 29, 1982.

California had the nation's first firefighter cancer presumption law, but getting the groundbreaking legislation passed and signed was not the end of the story.



In 1982, Assemblyman Art Torres (D-Los Angeles) stepped up to carry AB 3011, creating the firefighter cancer presumption.

CPF's Personal Exposure Reporting system helped firefighters document exposures in support of the cancer presumption law.



Before agreeing to sign the legislation, Brown insisted that it be fitted with a five-year expiration date, known as a "sunset" clause. "When it was still going through the Legislature, the governor said, 'Dan, I need to see some statistics on this ... we need proof,'" Terry recalled. "In order to get the proof to keep the presumption in place, we started the Personal Exposure Reporting system."

The initial goal of Personal Exposure Reporting was twofold: provide firefighters with documentation of their exposures to

help them fight for Workers' Compensation benefits; and provide aggregated data on firefighter exposures to carcinogens to make the case for the cancer presumption law. Thanks to funding from a federal grant, FFFC Health and Safety Director Kimberly Mueller convened a committee of experts and together they formulated a standardized exposure report.

"We wanted to make it as comprehensive as we could so we could get the information we needed and they needed, without making it too burdensome," Mueller recalled.

As the state organization transformed into California Professional Firefighters, building on this singular success was a constant legislative focus. In 1987, CPF won a removal of the sunset provision, ensuring that the presumption would not have to be reauthorized. In 1999, legislation honoring fallen firefighter Dan Gadwah shifted the burden of proof in presumption cases from the employee to the employer. And, in 2009, the Dallas Jones Cancer Presumption Act was enacted, extending the statute of limitations on presumptive line of duty death claims to ten years.



## CHAPTER 6

# A FORCE IN THE FIRE SERVICE

**A**S IT APPROACHED ITS 50TH anniversary, the Federated Fire Fighters of California had put the growing pains of its early 1970s “rebirth” in the rear-view mirror. The affiliation of CDFEA and dozens of newly-formed locals brought total membership north of 25,000 firefighters, and President Dan Terry occupied an important seat at labor’s head table.

At the same time its political clout was growing, innovations such as the cancer presumption law, PPE standards, the CFFJAC, pipeline safety and fire district funding had firmly established Federated Fire Fighters as a force for change within the larger public safety world. The fire service itself was also in transition, as rapid population growth and urbanization turned once-sleepy towns into suburban bedroom communities, each requiring well-trained, all-risk first responders.

“By that time, we really were professionals, but there was still this perception of

firefighters as volunteers, part-timers,” said Richard Cecil, 4<sup>th</sup> District Vice President Emeritus. “We needed a more accurate way to distinguish ourselves.”

At the 1986 Biennial Convention, Federated Fire Fighters of California officially came to an end – not in the shame of bankruptcy but in the promise of a new name: California Professional Firefighters. Under its new banner, CPF would usher in a period of expansion and innovation.

While CPF had a new identity, its leaders faced a familiar problem: hostility in the governor’s office. Re-elected by a size-able margin in 1986, Governor George Deukmejian went after one of the cornerstones of workplace protections in the state: Cal/OSHA. Although it was widely regarded as a national model, Deukmejian vetoed the \$8 million funding for the worker safety agency, effectively eliminating it. The move put critical safety standards at risk, and gutted the regulation of workplace toxins.

“The governor’s proposal would devastate

the health and safety protections currently afforded professional firefighters in California,” said Terry at the time.

With Deukmejian defying the Legislature and state court rulings, CPF threw its weight behind an initiative sponsored by the California Labor Federation to restore Cal/OSHA and ensure full funding. CPF locals picked up the challenge, fanning out to gather signatures, putting a public safety face on what became Proposition 97. Despite a crowded ballot and opposition from the California Chamber of Commerce, Prop. 97 passed by a decisive margin.

Although the Deukmejian years were contentious for public employee organizations in general, there were a few legislative bright spots. Perhaps the most significant came in 1987 with the passage of Senate Bill 1037. Authored by now-Senator Art Torres, SB 1037 ended the sunset provision on the 1982 Firefighter Cancer Presumption law, making it permanent. The legislation won a signature from Deukmejian thanks, in



Scenes from the 1989 Loma Prieta Earthquake. Firefighters were hailed nationwide for conducting daring rescues from collapsed homes in San Francisco's Marina District.

large measure, to the body of information developed through the Personal Exposure Reporting system, created by CPF in 1984.

The late 1980s also saw the beginning of a long fight to establish a Firefighters Procedural Bill of Rights. Formally endorsed at the 1984 Biennial Convention, the legislation was designed to place in statute the

same workplace protections and due process rights already established for law enforcement officers.

Like much of CPF's legislative work through the years, the Firefighters Bill of Rights had champions from both political parties. "The firefighter profession is too often treated like a red-haired stepchild of

peace officers, and I intend to change that," said then-Assemblyman Bill Duplissea, a Republican from San Carlos. Strong words, however, were not enough to push past the intractable opposition of employer groups. It would be two decades before the Firefighters Bill of Rights would become law.

CPF's 50<sup>th</sup> anniversary year, 1988, was one of celebration and innovation for California firefighters.

The celebration came in the election of Al Whitehead as the president of the International Association of Fire Fighters, the first Californian ever to ascend to the top post at the IAFF. Recognizing the importance of having a home state leader in Washington, President Terry, Secretary-Treasurer Bob Greenwood and Local 1014 President Dallas Jones spearheaded an all-out campaign to elect Whitehead. "I don't think I could have done it if it hadn't been for Dan and the CPF campaign," Whitehead recalled.

The increasing engagement of CPF and its affiliates in political action on behalf of their members created an increasing demand for the tools of politics. Moreover, despite its aggressive PAC, CPF's relatively small size compared with other unions meant that its efforts were dwarfed by deep-pocketed organizations like the California Teachers Association.

"After all the strikes, the locals really started tuning in to political action," recalled Terry. "At that time, the main tool they had was direct mail. And we needed a way to stand out as a voice in Sacramento."

In 1987, CPF opened Firefighter Publications, which would become Firefighters Print & Design. The full-service union print shop gave CPF locals access to professional printed material for their local campaigns, while producing a source of revenue that helped keep member dues down. By establishing a union print shop, CPF also gave legislators and other supporters a resource for their non-governmental printing.

The 1990 election of former San Diego

Mayor Pete Wilson as governor brought one of organized labor's most ardent opponents into the halls of power in Sacramento. During his time as San Diego's chief executive, Wilson battled constantly with San Diego Firefighters Local 145 over pay, benefits, hours and working conditions. In 1976, he pushed through an ordinance allowing for any striking municipal worker to be immediately fired. An even more sweeping attack on public employees came with an unsuccessful 1978 initiative campaign to gut the basic organizing rights of public workers.

"Pete Wilson hated unions, especially public safety unions," recalled Terry. "He hated us most of all."

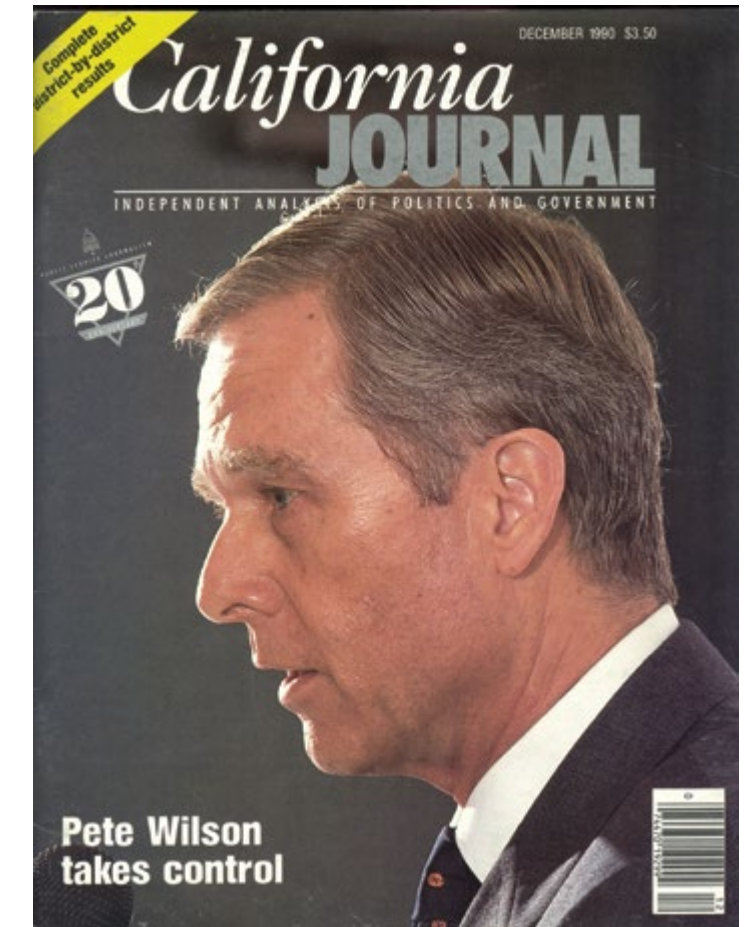
In 1991, with California facing a then-record \$12 billion budget gap, Wilson engineered a breathtaking \$1.9 billion raid of "surplus" funds from the California Public Employees Retirement System (CalPERS). At the same time, Wilson forced through a mandatory two-tiered retirement system and legislation that allowed the governor to handpick the actuary that decides how much employers would have to contribute. One non-partisan fiscal expert called it a "how to" guide on looting the public pension system.

Less than two months after Wilson signed the pension raid into law, California Professional Firefighters held the first Special Convention since voting itself into trusteeship. At the convention, delegates authorized a \$1/member monthly per-capita payment into the newly formed Ballot Issues Political Action Committee. Building on a grassroots organizing system established in the battle over Proposition 13, CPF members fanned out to collect signatures on the "Rescue Our Retirement" initiative. Firefighters stood at supermarkets, cajoled local councils and put the firefighter face on the battle.

The resulting initiative – Proposition 162 – made the November 1992 ballot

with a then-record 1.2 million signatures. The measure not only banned pension fund raids, but it also reversed Wilson's effort to politically rig the fund's actuaries. Prop. 162 prevented political efforts to pack state and local pension boards by giving voters the ultimate say, and it gave the CalPERS Board exclusive responsibility for running the system.

The "Yes on 162" effort was the precursor for many firefighter campaigns that would follow in the 2000s and beyond. CPF buffeted members with information and outreach material created by Firefighter Publications. Television commercials were created by FireStar Productions, a brand new studio headquartered at CPF. The victory was decisive, and voters also turned thumbs down to Proposition 165, another Wilson-backed power grab.



Pete Wilson's eight years as governor were marked by a relentless antagonism toward CPF and public safety unions.

The fights with Wilson at the ballot box were mirrored in the effort to help locals in Sacramento. "We spent most of that time playing defense," recalled Hatch. "We had to rely on our friends in the Legislature to help us kill some really bad bills."

How bad? The California Ambulance Association and CSAC sponsored legislation on contracting EMS service that would have paved the way for wholesale privatization of emergency medical response. The privateers were also behind unsuccessful legislation that would have rolled back local fire department "201 rights", which protected the ability of departments to administer pre-hospital EMS operations. Perhaps worst of all, the Wilson administration sponsored legislation that would have made California a "right-to-work" state.

Somehow, in the midst of these intense



CPF members deliver petition signatures that helped qualify Proposition 162, the Pension Protection Act.

**ANOTHER FIREFIGHTER**  
 **FOR PROPOSITION 162**

ballot and legislative fights, CPF earned one of its most enduring legislative triumphs – Assembly Bill 3198. The 1992 measure authored by Assemblyman Rusty Arieas called for the construction of the California Firefighters Memorial in Capitol Park, and authorized CPF’s California Fire Foundation to coordinate the design, construction and maintenance of the memorial. Throughout his remaining six years as governor, the Memorial would be the one area where Wilson would offer consistent support. (see “Landmarks: The California Firefighters Memorial”, page 66)

The success of the Memorial legislation was the signature accomplishment of the Wilson years, but it wasn’t the only one. Cultivating GOP lawmakers and working with law enforcement partners, CPF was able to win smaller victories that benefited its local affiliates. For example, CPF led a legislative effort to protect special fire districts from devastating cuts that could have been imposed during the early ‘90s fiscal crisis.

The mid-1990s also saw the long-awaited enactment of the most significant firefighter safety measure in a generation: two-in/

two-out. The groundbreaking safety standard is as simple as its name. Whenever there’s a threat to the life or health of a first responder in an interior attack, there must be two firefighters outside the hazard area when there are two inside. Under pressure from the League of California Cities, the Wilson administration dragged its feet on the issue for years, but eventually approved it in 1998. (see “Two In/Two Out,” page 53)

During the mid-1990s, federal firefighters faced perhaps the greatest threat to their job security in a generation: the realignment and closure of military bases.

# TWO IN / TWO OUT



**FACING LIFE-OR-DEATH** situations when seconds count, firefighters routinely put the safety of others ahead of their own. Often, that has meant going into burning buildings without breathing apparatus and without backup. In 1971, the IAFF conceived the two-in/two-out standard: no firefighters go into the building without backup outside.

The protocol became part of the voluntary NFPA 1500 national standard in 1987, and federal OSHA followed suit in 1995. But states like California with their own OSHA programs had to separately enact two-in/two-out, and California had Pete Wilson as its governor. Volunteer firefighter and local government organizations fought against two-in/two-out at the national level, arguing that it would be impossible for them to follow. Wilson’s hand picked Cal/OSHA

Standards Board flat-out rejected the federal OSHA interpretation.

“I remember I wrote a letter for Dan to sign that sarcastically ‘thanked’ the governor for his concern about working people,” recalled CPF President Lou Paulson, who then was CPF’s Health and Safety Director.

A more serious correspondence was directed by CPF to the federal government in the form of a complaint against Wilson and Cal/OSHA. The letter noted the fact that the California standard was out of compliance with federal law. It urged the government to revoke Cal/OSHA’s power to create its own safety standards.

Facing the risk of losing its authority, Wilson’s Cal/OSHA appointees established a

task force. What followed was two years of foot-dragging by the administration and dogged pursuit by CPF. In January of 1998, federal OSHA adopted a revised standard on respiratory equipment, removing the last of the administration’s many roadblocks. Reluctantly, the Cal/OSHA Standards Board approved two-in/two-out in June of 1998.

“They made it as difficult as they could to follow the law,” Paulson said. “That was Pete Wilson.”

The struggle to get the standard enacted has been worth it. Two-in/two-out is credited with dramatically improving firefighter safety on the job and paving the way for increased engine staffing in departments up and down the state.



The Oakland Hills Firestorm of 1991 killed 25 people and destroyed nearly 3,400 homes and another 400 apartment and condo units.

Beginning in 1988, the Base Realignment and Closure (BRAC) process hit California's economy like a sledgehammer. Over the next seven years, 24 military installations closed in California, and another eight were realigned. In all, the state lost over 93,000 defense jobs, more than half of all those lost nationally. Hundreds of the jobs on the chopping block were held by civilian federal firefighters.

"I was losing members all over the state," recalled 5<sup>th</sup> District Vice President Emeritus Ken Harrell. "They were going away because the bases were going away."

With its federal members in crisis, CPF worked with its friends in the Legislature to pass Senate Bill 538. The measure created the California Displaced Firefighter List, under the auspices of the Cal-JAC. Firefighters who lost their jobs to the base closings could be added to the list. If a local government so chose, federal firefighters could be brought on as lateral hires, retaining their seniority and their ranks. "The threat of our own losing their jobs for reasons beyond their control was hard to swallow," said Terry. "We knew the issue had to be addressed."



Gov. Pete Wilson and wife Gayle dedicate the site of the California Firefighters Memorial. At right: Mel and Valerie Enslow, whose firefighter son Kenneth lost his life in the line of duty.



CPF legislation created the Displaced Firefighter List, which aided the transition of civilian federal firefighters left out of work by military base closures.



CPF's new headquarters in Sacramento made room for its new print and video services, as well as the expanding CFFJAC program.

"The 5<sup>th</sup> District in CPF was really leading the way for the nation among federal firefighters," said Harrell. "By belonging to California Professional Firefighters, we enlisted the support of CPF and its members on federal issues. Because of CPF, we were able to keep those jobs."

For California's state and local firefighters, the Wilson years ended as they began – with an expensive fight. In 1998, the departing governor wrapped his arms around Proposition 226, a June initiative to cut the legs out from under the political action of every labor organization in the state.

From the beginning, it was clear that the so-called "Paycheck Protection" initiative represented the most significant threat to organized labor's continued existence as a political force. Few could have foreseen, however, that it would hail the beginning of a period of enormous growth, legislative triumph, intense battles, political chaos and, on one September day, unimaginable heartbreak.



Filmmaker Ron Howard authorized the iconic graphic from the film "Backdraft" for the California Firefighter License Plate. CPF-backed legislation in 1995 authorized the plates, with net proceeds going to help build the California Firefighters Memorial.

LANDMARKS:  
**THE CALIFORNIA FIREFIGHTER JOINT APPRENTICESHIP COMMITTEE**



Thirteen Contra Costa County firefighters formed the founding class of CFFJAC apprentices in 1983.

**The turmoil that characterized the early 1970s wasn't just about labor vs. management.**

Two decades after firehouses in California were largely desegregated, the fire service was still almost entirely white and male. Fire departments found themselves at the business end of civil rights lawsuits: In 1974, a federal judge imposed a consent decree on the Los Angeles Fire Department requiring that minorities constitute 50% of each recruit class.

At the same time, firefighter training hadn't kept pace with the rapid changes in the fire service. Statewide standards, such as they existed, were lax, voluntary and, worst of all, un-funded.

Faced with these twin challenges in 1980, Gov. Jerry Brown issued a directive to President Terry and State Fire Marshal Philip Favro: "Fix it." What they came up with changed firefighter training in California: The California Firefighter Joint Apprenticeship Committee (Cal-JAC).

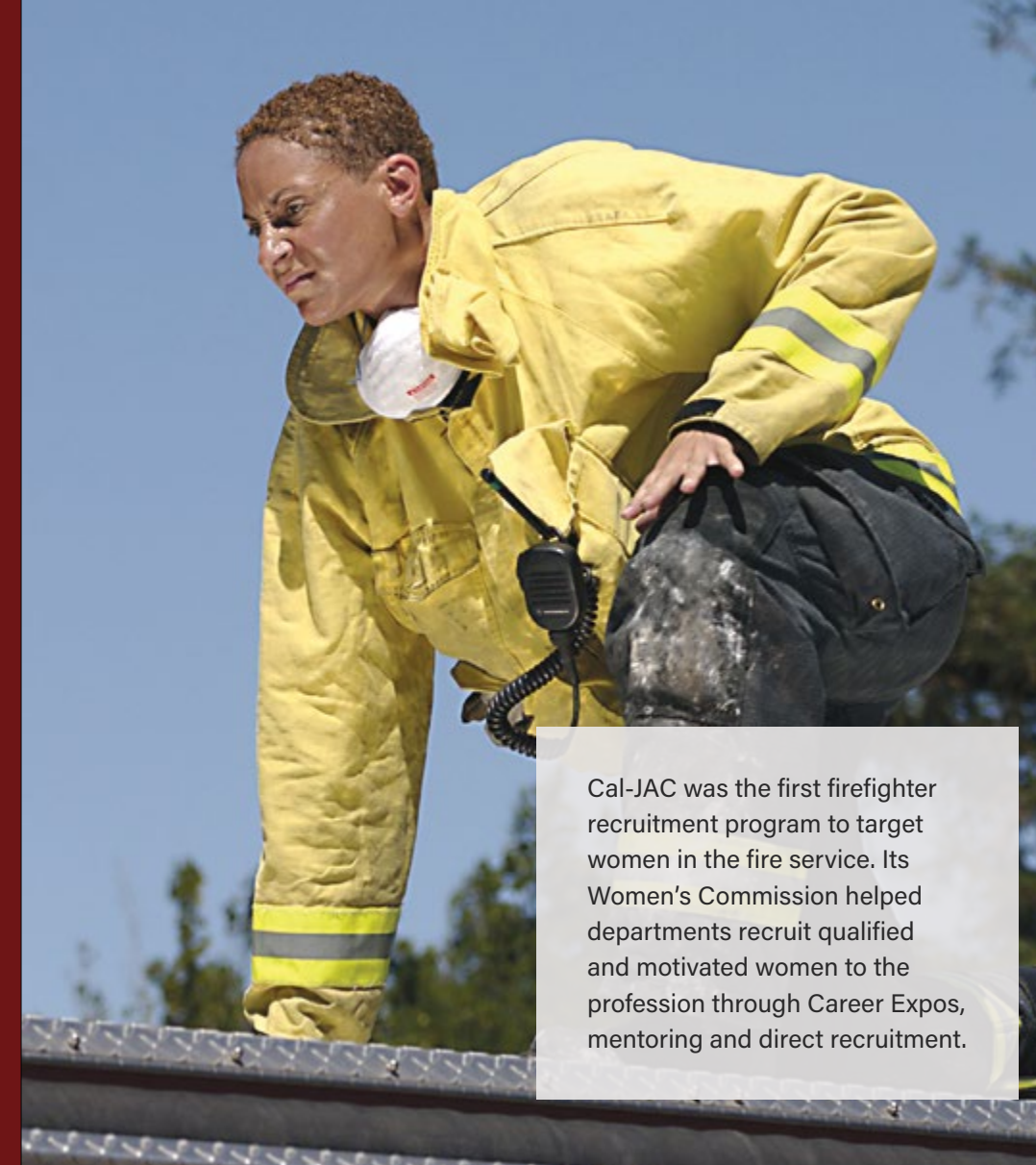
Built on a labor-management model that had worked for half a century in the building and construction trades, Cal-JAC's initial focus was development of a standardized selection system, geared toward skills relevant to firefighting. Among the earliest JAC departments was the California Department of Forestry and Fire Protection, which would eventually be renamed CAL FIRE.

In 1986, CPF won passage of Senate Bill 167, which authorized a new hourly reimbursement to CFFJAC-affiliated departments for all of their training, provided they participated in the CFFJAC and adopted its standards

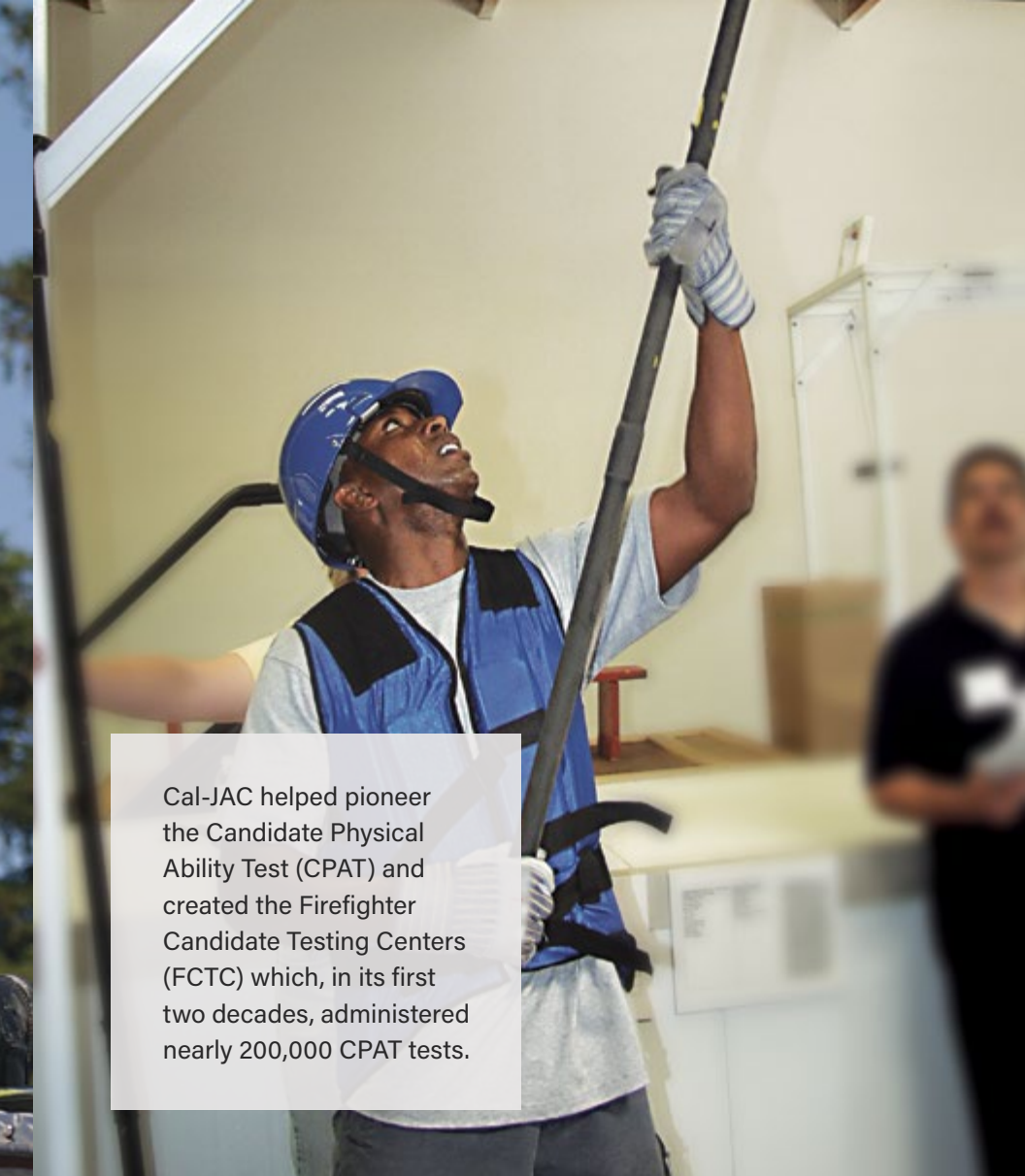
The labor-management partnership at the heart of CFFJAC has sparked innovation that touches every area of the profession, including:

- The first firefighter-specific training to respond to WMD and mass-casualty events;
- The first statewide administrator of the job-specific Candidate Physical Ability Test (CPAT);
- The first Firefighter Candidate Testing Centers (FCTC) for CPAT and written candidate testing,
- The first diversity training geared toward the fire service;
- The first standardized recruitment program targeting women and minorities;

As Cal-JAC approached its 45th year, more than 130 affiliated California fire departments were providing critical training for thousands of firefighter apprentices. Its recruitment and retention efforts have brought about a stronger and more representative fire service. Through training, recruitment and retention, the Cal-JAC continues to create excellence in the California fire service.



Cal-JAC was the first firefighter recruitment program to target women in the fire service. Its Women's Commission helped departments recruit qualified and motivated women to the profession through Career Expos, mentoring and direct recruitment.



Cal-JAC helped pioneer the Candidate Physical Ability Test (CPAT) and created the Firefighter Candidate Testing Centers (FCTC) which, in its first two decades, administered nearly 200,000 CPAT tests.



Cal-JAC's Terrorism Consequence Management and subsequent Unified Response to Violent Incidents training revolutionized inter-agency cooperation on incidents from violent shootings to weapons of mass destruction.



Through its award-winning FireStar Studios, Cal-JAC developed comprehensive training on everything from AIDS education and wildfire training to recruiting the next generation of firefighters.



California's Day of Remembrance, October 9, 2001

## CHAPTER 7

# TRIUMPH AND TRAGEDY

**I**T WASN'T OFTEN that IAFF General President Al Whitehead sat in on affiliate executive board meetings, even those in his home state. But California isn't just any state and the circumstances were anything but ordinary.

In 1998, termed-out Governor Pete Wilson aimed a parting shot at labor: Proposition 226. The so-called "Paycheck Protection" initiative sought to ban the use of voluntary dues deductions for political action. The brainchild of Orange County ideologues, Wilson used the proposal to court conservative out-of-state interests for an ultimately stillborn presidential run. The influential political magazine *California Journal* dubbed Wilson "the Dr. Strangelove of California politics."

Having spent decades as a leader in L.A. County Firefighters Local 1014, Whitehead knew full well what Wilson was up to and its potential ramifications. If allowed to spread nationally, the so-called "paycheck protection" concept could cripple the ability of every single IAFF local to participate in local elections. With no political input, and no right to strike, firefighters would be at the mercy of management. The days of

"collective begging" would be back.

For CPF, Proposition 226 was a nothing less than a dagger pointed at the heart of its capacity to serve its member. At the same time, "Wilson's Revenge" also provided an opportunity to emerge from what CPF President Dan Terry described as "a very long dark tunnel."

The same Gray Davis who had helped keep strikebreakers out of Santa Barbara County as Gov. Brown's chief of staff (see "Firefighters on Strike," page 5) had risen to become lieutenant governor and was running in a three-way Democratic primary in the 1998 race for governor. With a pro-firefighter record going back decades, Davis had earned CPF's endorsement over airline magnate Al Checchi and Rep. Jane Harman. In fact, Terry had been involved in the planning of the Davis campaign from its earliest stages.

Almost since it was conceived, CPF had taken the lead in fighting Prop. 226, giving the opposition campaign full access to FireStar Studios. As labor began to coalesce around the issue, Davis linked his campaign to the same No on 226 effort, working hand-in-glove with Local 1014.

The result of this collaboration was astonishing. An overwhelmingly strong turnout by labor voters took down Prop. 226, and simultaneously carried Davis to a surprise primary victory over Checchi and Harman. With political winds at his back, Davis defeated then-Attorney General Dan Lungren in the fall campaign.

Evidence of a "changing of the guard" came within weeks of the election. While still governor-elect, Davis tapped long-time CPF Secretary-Treasurer Dallas Jones to head the California Office of Emergency Services (Cal-OES). With three decades in the fire service, and experience as a USAR advisor to FEMA during the Clinton administration, Jones was well qualified for the post. Still, his selection caused a sensation, as it was the first time in anyone's memory that a front-line firefighter had been named as the state's top disaster response officer. "Law enforcement saw this job as their domain," Jones once recalled. "They weren't too happy to have a fire guy in charge."

Once Davis took office, the legislative bottleneck in the governor's office also broke loose. In his first two-year session as



Firefighters mobilized throughout California to defeat Prop. 226, Pete Wilson's attack on union political rights. In the process, they helped elect Gray Davis, who became the strongest pro-firefighter governor in a generation.

governor, Davis signed a string of CPF-sponsored measures that touched the lives of every firefighter in the state:

- SB 400 – allowing public safety to negotiate a 3% at 50 retirement formula;
- SB 800 – raising the pension cap from 75% of salary to 85%;
- AB 539 – eliminate the employee's burden of proof for cancer presumption cases;
- AB 1689 – protecting employees' right to engage in lawful off-duty conduct without reprisal;
- AB 1009 – protecting the purchasing power of retirees from the ravages of inflation;
- AB 1850 – free CSU and UC tuition for firefighter spouses and the spouses and children of fallen military personnel;

- SB 1312 – the Deferred Retirement Option Program (DROP);
- AB 1695 – full pensions for survivors of firefighters with 20 or more years on the job;
- SB 402 – statewide binding arbitration.

"We went from getting stonewalled to having someone listen and really stand up for firefighters," recalled Terry. "If anything, we were too successful."

By all accounts, the most contentious of these battles was the one with the longest history – binding arbitration. Before Davis was elected, no arbitration legislation had made it to the governor's desk. The League of California Cities continued decades of reliably tenacious opposition, fearing the loss of cities' power to impose restrictive

contracts on firefighters and law enforcement officers.

With binding arbitration legislation finally within reach, CPF enlisted the support of the most powerful person in the Legislature at the time: Senate President Pro-Tem John Burton. A blunt, salty-tongued San Franciscan with a keen mind and impeccable labor credentials, Burton's ties with CPF extended back into the 1970s. His legislative muscle helped push Senate Bill 402 through the Legislature and Davis signed it in September of 2000. That same year, United Firefighters of Los Angeles City Local 112 – the last remaining holdout among locals that had quit Federated in the turmoil of the '70s – rejoined CPF.

The new millennium saw Gov. Davis continue to put a firefighter face on policy decisions affecting first responders. In 2000, CPF's 2<sup>nd</sup> District Vice President John Tennant joined Jones in the administration when he was appointed State Fire Marshal. Tennant's selection was also controversial because it put a rank-and-file Pasadena firefighter in a role normally considered the province of fire management. During his time as California's state fire marshal, Tennant proved to be a fierce advocate for stronger building codes, and a tenacious enforcer of fire safety laws in state buildings.

The success enjoyed by CPF was being mirrored at the local level. With the support of CPF's political department and the unmatched media capabilities of Firefighters Print & Design and FireStar Studios, CPF locals became the go-to endorsement for upwardly mobile local government candidates. "Locals would bring the candidates they were courting to Sacramento and show them around [the CPF building]," recalled Terry. "The message was pretty clear: 'You can have this working for you, or against you.'"

The sophisticated political action paid off. Within a year of SB 400's enactment, more than three dozen locals were able to



Gov. Davis' appointment of long-time CPF Secretary-Treasurer Dallas Jones (right, at microphones) as Cal OES Director brought a strong firefighter perspective in a role historically owned by law enforcement.

negotiate 3% at 50 retirement. CDF Firefighters Local 2881 secured a 3% at 55 benefit for its members, whose department would soon change its name to CAL FIRE. Locals negotiated pay increases, employer-paid member contributions to retirement and improved safety standards.

The activism of CPF and its local affiliates didn't stop with pay and benefits. Increasingly, locals were using their influence to advocate for, and win, greater protection for the public they serve. Locals negotiated constant staffing requirements, so that fire stations would be properly staffed day and night. Locals won four-person staffing on engines, ensuring that the first responders on scene could effectively address life-threatening situations without waiting for backup from a far-away station.

Challenged by IAFF General President Harold Schaitberger, CPF members showed up en masse at the May, 2001 conference of the National Fire Protection Association. More than 500 California firefighters joined NFPA to provide the necessary votes to pass NFPA 1710 – the voluntary standard calling for five-minute first response and four-person engine staffing.

By the middle of 2001, California firefighters had earned more success at the state and local level than at any time in their history. Those victories faded from view one autumn morning on the other side of the United States.

The September 11, 2001 attack on the twin towers of the World Trade Center in New York City, as well as that at the Pentagon and Flight 93, took the lives of nearly

3,000 innocent Americans. For firefighters, the number that stood out was 343 – the number of New York City firefighters who lost their lives in the attack. In the aftermath of the terrorist attack, hundreds of California firefighters "self deployed" to New York City, "working the pile" in an effort to help firefighters and family members heal. Back home, firefighters draped their rigs in black bunting and put commemorative patches on their engines.

Almost immediately, firefighter unions began conducting impromptu fund raising drives for the surviving families. Sacramento Area Firefighters Local 522 raised \$1.5 million all by itself. CPF's California Fire Foundation established a memorial fund that collected more than \$1 million more in small contributions from firefighters and the public alike. In less than a month, CPF and its affiliates raised nearly \$4 million for the surviving 9/11 families.

In keeping with the honored traditions of the fire service, CPF helped California pay its respects by organizing "California's Day of Remembrance" on October 9, 2001. More than 2,500 firefighters and hundreds of law enforcement, airline employees and other workers marched in a solemn procession to the steps of the Capitol. There, they met up with Governor Davis, family members of 9/11 victims and FDNY Lt. Doug Stone. Stone's FDNY squad lost 90 men in the attack.

"Our fallen New York City firefighters are the first war heroes of the 21<sup>st</sup> Century," declared Davis.

While the fire service and a grateful nation honored the memory of the 343, California's tribute to its own fallen was nearing completion. In December, ground was finally broken for the construction of the California Firefighters Memorial in Capitol Park. Four months later, on April 6, 2002, the Memorial was unveiled. The tribute featured two breathtaking statues framing a polished limestone wall carrying

# PROTECTING PENSIONS



State Senator Deborah Ortiz's (D-Sacramento) SB 400 authorized a long-overdue change in the CalPERS retirement formula.

**CALIFORNIA'S FIRST** municipal pension systems for firefighters and police officers were established in Los Angeles in 1899. San Francisco established its own system in 1922 (SFERS) and by the late 1920s, police and firefighter pensions were, by some accounts, "practically universal."

In 1939, municipal governments were given the option of joining the new State Employees Retirement System (SERS, later to become CalPERS). Separately, the County Employees Retirement Law of 1937 (the '37 Act) authorized establishment of county retirement systems, the first of which was established for Los Angeles County in 1938.

Over the course of its first fifty years, Federated Fire Fighters of California

helped lead a steady improvement in retirement security for its members:

- In 1953, AB 686 created the "widow's provision" allowing for benefits to continue after a retired firefighter dies;
- In 1965, AB 2081 created the 2% at 55 retirement formula;
- In 1968, AB 938 brought 2% @ 50 to county systems, and made it mandatory;
- In 1969, AB 374 provided for a 2% at 50 formula for safety employees, with compensation topping out at 75%;
- In 1975, SB 1566 allowed for the use of one-year final compensation instead of the previous three years.

Through the 1980s and 1990s, CPF was primarily focused on protecting pensions from being raided during tough budget

times, culminating with 1992's successful campaign to pass Proposition 162, the Pension Protection Act. By the time Gray Davis was elected governor in 1998, firefighters, and all public workers, had gone some two decades without any substantive change in their benefits, while CalPERS had grown to 110% funding.

In 1999, Senate Bill 400 by state Senator Deborah Ortiz (D-Sacramento) was introduced with the support of CPF and CalPERS. The measure authorized enhanced retirement formulas for state employees, including 3% at 50 for CHP and state firefighters. Though originally applicable only to state employees, CPF worked to include an amendment that allowed local police and firefighter unions to negotiate the benefit for their members. Within two years, dozens of CPF affiliates had successfully negotiated the 3% at 50 formula for their members.

Throughout the 2000s and beyond, SB 400 and other retirement enhancements came under fierce attack from opponents of public employees. In 2005, Governor Arnold Schwarzenegger sought to privatize the retirement system through a proposed ballot initiative, but firefighters erupted in protest when it was revealed that the measure could end survivor benefits for the families of fallen firefighters.

"For firefighters and their families, death and disability benefits are not frills," said Heather McCormack, who testified in the Legislature barely a month after the death of her husband Mark. "These benefits are the modest safety net that catches us when this dangerous job catches up with our loved ones."



Heather McCormack (at right) courageously testified against the Richman/Schwarzenegger pension grab barely a month after her husband Mark lost his life in the line of duty.

The testimony and the ensuing outcry forced Schwarzenegger to withdraw the pension initiative. Its failure helped to galvanize labor against a quartet of anti-employee initiatives on a Schwarzenegger-engineered special election in 2005. All four initiatives were defeated.

In 2008, the economic collapse of the Great Recession brought another wave of pension attacks, each of which was fended off by a united labor community that featured CPF and firefighters. Through CPF, firefighters remain the strongest, most forceful public voice for retirement security in California.



the names of 855 fallen California firefighters. (see “Landmarks: The California Firefighters Memorial,” page 66)

The months and years after 9/11 were a time when the threat of domestic terrorism was a palpable concern. Firefighters were on the front lines of this threat, regularly responding in full hazmat gear to suspected biological and chemical attacks.

It was clear that specialized training was needed for firefighters to help them respond to catastrophic events. Yet virtually all of the post-9/11 money was being spent on beefing up law enforcement investigative capabilities. “The money was going to law enforcement to try to catch terrorists, and that was important,” recalled Terry. “But when there was an actual threat, it was firefighters in the hazmat suits. They needed training dollars as well.”

At the urging of CPF, Gov. Davis awarded a \$2 million grant from the state’s Workforce Investment Act to the California Firefighter Joint Apprenticeship Committee (Cal-JAC) to finance the first Terrorism Consequence Management training program. Built on a “train the trainer” model familiar in the fire service, the 16-hour TCM course centered on immediate response and mitigation of attacks using weapons of mass destruction. The program was available free to 30,000 firefighters statewide and was widely endorsed by both labor and management.

“This was the first time since 9/11 that anyone had built a terrorism-response training program geared toward the fire service,” said Cal-JAC Program Director Yvonne de la Peña.

Over the next decade, Terrorism Consequence Management would evolve into a national model of firefighter terrorism response training. Eventually, it would expand to encompass how fire and police work together in responding to all major incidents, from natural and human-caused disasters to violent attacks against smaller targets.”



Thousands of firefighters, joined by law enforcement, highway workers and others, marched in 9-11 “Day of Remembrance” procession to the Capitol.

While continuing to enjoy widespread public affection, the positive view of firefighters wasn’t shared by their adversaries in the League of California Cities. Stung by the approval of binding arbitration, the League took its beef to the courts. In a decision chided as dangerously broad, the California Supreme Court invalidated the landmark statewide binding arbitration law, SB 402. The sweeping majority opinion said SB 402 violated the California Constitution by restricting local government’s power to control who it hires and fires, and how much it pays them. Though dominated by Wilson appointees, conservative Chief Justice Ronald George wrote a separate opinion expressing deep concern about the scope of the court’s decision.

The high court’s invalidation of SB 402 wasn’t the only challenge facing CPF that year. The man whose election had ushered in a new era of support for firefighters and their families was in trouble.

Thanks to a faltering economy, a large budget deficit and fallout from a botched energy deregulation that was actually signed

by his predecessor, Gov. Gray Davis had seen his popularity plummet. Smelling blood in the water, a collection of hard-line ideologues began gathering signatures on a recall campaign against Davis. Only seven months removed from Davis’ 2002 reelection, the recall seemed quixotic until car-alarm magnate and failed gubernatorial candidate Darrell Issa dropped \$1 million into the signature drive.

For CPF, the recall effort was a call to arms. With much of organized labor watching from the wings, CPF became the command center for Taxpayers Against the Recall – the campaign to keep the recall off the ballot. “Our motto has always been that we stand with those who stand with us,” said Terry. “Well, no governor had ever done more for firefighters – on the job and in their lives – than Gray Davis. How could we abandon him?”

For most of the signature campaign, polls showed public unease with the idea of the recall, especially since it would take place in a special election. But a second dynamic changed the equation when word began to



spread that Hollywood muscleman Arnold Schwarzenegger was interested in becoming governor if Davis were recalled. The unusual recall balloting system not only asks whether the official should be retained, but also offers voters a chance to choose a possible replacement.

Schwarzenegger’s interest pushed the petition drive over the line. Schwarzenegger was one of 135 names on the replacement ballot – a comical “only in California” hodgepodge that included everyone from Lt. Gov. Cruz Bustamante to Arianna Huffington to onetime child actor Gary Coleman and porn actress Mary Carey. “The clown car had arrived in the center ring of California politics,” said Terry.

Through the celebrity-culture chaos of the fall campaign, firefighters stood by the man who’d stood by them. Rallying to the cause, Davis events were populated with sign-carrying firefighters. Most major newspapers also weighed in against the recall, deriding it as an abuse of the process. As time went on, however, the media frenzy surrounding the recall drowned out most reasoned debate.

Schwarzenegger played cleverly to the celebrity culture, and his political team – mostly former aides of Pete Wilson – positioned him as a possible alternative to Davis.

In the end, even late accusations of sexual harassment by Schwarzenegger couldn’t derail the recall train. Davis was turned out and Schwarzenegger topped the 135-name alternate candidates list. The “Terminator” was now the “Governator.”

Though far from alone in opposing the recall, CPF stood almost entirely alone in refusing to endorse any candidate on the replacement ballot. That principled stand helped CPF maintain its stature at the Capitol, even among conservatives who had backed the recall. “I know that standing by Davis the way we did earned CPF respect in the Legislature,” recalled Governmental Advocate Brian Hatch. “It matters that you keep your word and stick by your friends.”

Unfortunately for firefighters, a different attitude awaited their agenda downstairs in the suite of State Capitol offices known as “The Horseshoe.”

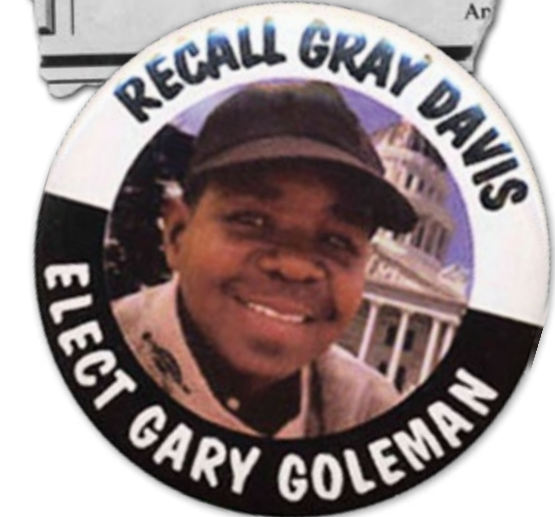
The battle was about to start all over again.

## Group Fights Davis Recall

By Michael Finnegan  
Times Staff Writer

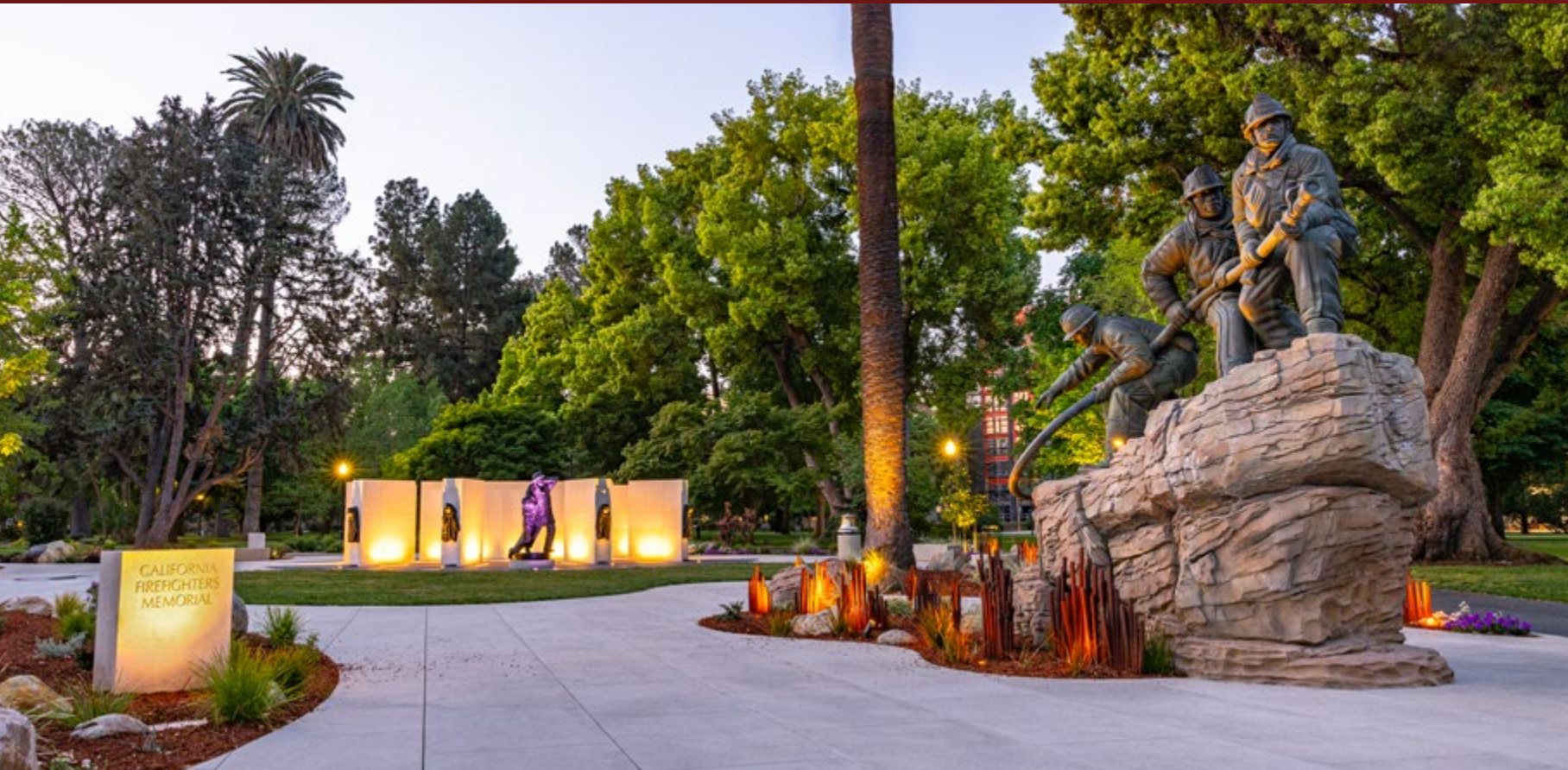
SACRAMENTO — Responding to a threatened special election to recall Gov. Gray Davis, key supporters of the governor have launched a committee to try to kill the effort before it qualifies for the ballot.

A top Davis campaign veteran, Steve Smith, is taking a leave of absence from his state job to lead the committee. Taxpayers Against the Recall, according to committee organizers. Smith, a longtime political operative with close ties to organized labor, was deputy to Davis’ chief strategist, Garry South, in the 1998 governor’s race.



The 2003 Gray Davis recall ballot was a bizarre free-for-all with 135 candidates, ranging from the ridiculous to the really ridiculous. CPF stood firm with Davis against the politically-motivated effort, a stand that won grudging admiration even among recall backers.

LANDMARKS:  
**THE CALIFORNIA  
 FIREFIGHTERS MEMORIAL**



**ALTHOUGH THEIR LIVES** are placed on the line daily, firefighters seldom make a big deal about their hero's laurels. But each year, firefighters in California pay the ultimate price, either in the flash of an instant or the slow-motion torture of job-related illness.

Inspired by the International Association of Fire Fighters' national firefighters memorial in Colorado Springs, Colorado, CPF President Dan Terry set a goal to create a similar memorial for fallen California firefighters.

In 1992, he and Legislative Advocate Brian Hatch enlisted the enthusiastic support of then-Assemblyman Rusty

Areias (D-Los Banos) and won passage of AB 3198, authorizing the California Firefighters' Memorial in Capitol Park, the historic grounds of California's State Capitol in Sacramento. Three years later, then-Gov. Pete Wilson dedicated a site.

At its inception, the Memorial was to include three basic elements:

- "Fallen Brother", created by Sacramento firefighter Jesus Romo, depicts a grief stricken firefighter struggling to remove a lifeless colleague from the flames.
- "Holding the Line" depicts the teamwork and perseverance at the heart of the profession.

- The Memorial Wall carries the name of every California firefighter who has died in the line of duty since 1850.

More than \$2 million was raised for the construction of the California Firefighters' Memorial, more than 80% of it from firefighters themselves. Primary fund-raising sources included a special firefighter license plate, featuring an image from the Universal Studios feature "Backdraft"; and a check-off on the state income tax form. The California Firefighters Memorial is the only self-sustaining memorial in Capitol Park.

On April 6, 2002, thousands of uniformed firefighters and family members con-



verged on Sacramento for the unveiling of the California Firefighters Memorial. Led by the Pipes and Drums of the California Professional Firefighters, a sea of blue uniforms marched slowly from the steps of the Capitol to the Memorial site. Governor Gray Davis participated in the unveiling of the Memorial Wall, and firefighters from around the nation came to pay their respects.

In the autumn of each year, the California Fire Foundation hosts the California Firefighters Memorial Ceremony. The annual ceremony honors individuals whose names are being added to the Memorial Wall – either from the previous year, or from earlier years.

By the mid-2020s, the number of names on the wall had grown from 855 at the time of the unveiling to more than 1,500. In 2024, the California Firefighters Memorial was expanded, adding new commemorations and expanding the Memorial Wall. The multi-million dollar expansion ensures that all fallen California firefighters, and their families, will be remembered for generations to come.



**THE CALIFORNIA FIRE FOUNDATION**

The California Fire Foundation, a non-profit 501 (c)(3) organization, Formed in 1987 by California Professional Firefighters, the California Fire Foundation provides emotional and financial assistance to families of fallen firefighters, firefighters and the communities they protect.

The Foundation designed, built and maintains the California Firefighters Memorial and hosts the annual ceremony honoring those who lost their lives in the line of duty. Through the Foundation, more than \$2 million was raised to build the Memorial, much of it directly from firefighters.

As it evolved, the Foundation expanded its support for families to include educational assistance to the children of fallen firefighters through its Daniel A. Terry Scholarships. The Foundation has also evolved into a nationally recognized source of resources and support for fire victims, distributing millions in relief through its SAVE program.



**THE PIPES AND DRUMS OF THE CALIFORNIA PROFESSIONAL FIREFIGHTERS**

In the grand tradition of honoring fallen colleagues, the Pipes and Drums of California Professional Firefighters was created to perform at memorial services honoring firefighters who have died in the line of duty.

Created in 1999, the 20-member band is comprised entirely of professional firefighters. The Pipes and Drums of CPF has performed at a number of firefighter memorial services, including the 2001 California Memorial Service and Procession of Heroes honoring the victims of the 9-11 tragedy. The group has also performed at the Firefighter Olympics, San Francisco's St. Patrick's Day Parade, at major sporting events and on "The Tonight Show With Jay Leno."

The primary motivation behind creation of the Pipes and Drums of CPF was to have a dignified, traditional presence at the unveiling of the California Firefighters' Memorial in Sacramento.



## CHAPTER 8

# IN THE ARENA

**O**N A HOT AND WINDY October evening, less than three weeks after the Davis recall election, a 35-year old hunter named Sergio Martinez was in a panic.

Separated from his hunting partner, Martinez had spent nearly half a day wandering lost through eight-foot-high chaparral in the Cleveland National Forest in San Diego County. Out of water, disoriented and diminished by the loss of his glasses, Martinez stumbled to a granite outcropping and stoked up a small signal fire.

It was the start of a “perfect storm.”

At its height, the Cedar Fire burned at a rate of 10,000 acres an hour and ultimately burned 273,000 acres. The massive blaze was but one of fourteen separate massive wildland fires burning more or less simultaneously in a horrifying fortnight that extended from late October to early November. All told, the 2003 Southern California Firestorm consumed nearly 900,000 acres and took 24 lives, including that of Novato firefighter Steven Rucker – the worst wildland fire disaster in California history.

For the fire service as a whole, it was a watershed event, revealing the precarious state of California’s groundbreaking emergency response network after decades

of indifference, poor planning and an ever-more-suffocating lack of resources.

For CPF, the firestorm was a defining moment heralding the start of a decade of transition, tumult and triumph that cemented its standing as the standard bearer not only for frontline firefighters but for the California fire service as a whole.

The timing of the Firestorm – during the transition between the Davis and Schwarzenegger administrations – offered CPF a window of time in which to force state action on the critical issues of firefighter resources, equipment and training.

Cal OES Director Dallas Jones – the former CPF secretary-treasurer – skillfully managed the expansive mutual aid response that, at its height, deployed nearly one-third of California’s entire firefighting force. With strong, united backing, Jones engineered formation of a Governors’ Blue Ribbon Fire Commission. Chaired by former state Sen. William Campbell, the commission produced nearly four dozen separate recommendations, ranging from communications to land use to firefighting resources, including four-person staffing on all OES and CAL FIRE engines.

The Governors’ Blue Ribbon Fire Commission report would become one of the most influential after-action reports in the history

of the California fire service: an enduring benchmark to measure progress in California’s wildland fire response capability.

In the spring of 2004, Dan Terry announced that he was stepping down as CPF president. Through more than three decades, Terry had led CPF from the brink of oblivion to the pinnacle of leadership in the fire service labor movement. The 2004 Biennial Convention was a heartfelt valedictory for the outgoing leader: delegates attached his name to the CPF headquarters, the biennial legislative conference and a brand new fund providing scholarships to the children of fallen firefighters.

To fill Terry’s shoes, convention delegates turned to an even-keeled Contra Costa County fire captain who had built his reputation as an effective local union president. Lou Paulson spent nearly a quarter century on the executive board of Contra Costa County Firefighters Local 1230, including 10 years as president. He served for a time as CPF Health and Safety Director and was elected 4th District Vice President two years before assuming the top job. Having departed Cal-OES, Dallas Jones stepped up again for a second term as CPF’s secretary-treasurer.

When Paulson took over, the landscape was not promising. The popular



The Cedar Fire in San Diego County was only one of fourteen burning during a hellish fortnight in fall of 2003. The Governors' Blue Ribbon Fire Commission issued an after-action report; CPF worked to ensure it wouldn't be another "dead letter."

Schwarzenegger swooped into office with a bravado and bluster to match his "action hero" film persona. In his wake was a small army of Pete Wilson apparatchiks bent on settling the former governor's old scores.

"The Governor" boldly stated his intention to create a two-tiered retirement system, privatize many key government services and dismantle critical workers' compensation protections. He vetoed legislation aimed at protecting firefighters exposed to biochemical hazards. "Pete Wilson on steroids," cracked Brian Hatch, CPF's irrepressible governmental advocate.

Schwarzenegger's personal popularity and his aggressive hostility to working people put lawmakers and most of labor back on its heels. So the firefighters did what firefighters do: went at him head on. Backed by a united fire service – labor and management – CPF challenged Schwarzenegger to sign a package of measures implementing key provisions of the Blue Ribbon Commission Report. When Schwarzenegger predictably vetoed most of the package, it dented his fawningly positive media coverage.

Soon, a more imposing fight loomed with the governor – one that could alter the lives and futures of every California firefighter. When the dust settled, CPF – and all of labor – hit back and delivered a devastating haymaker.

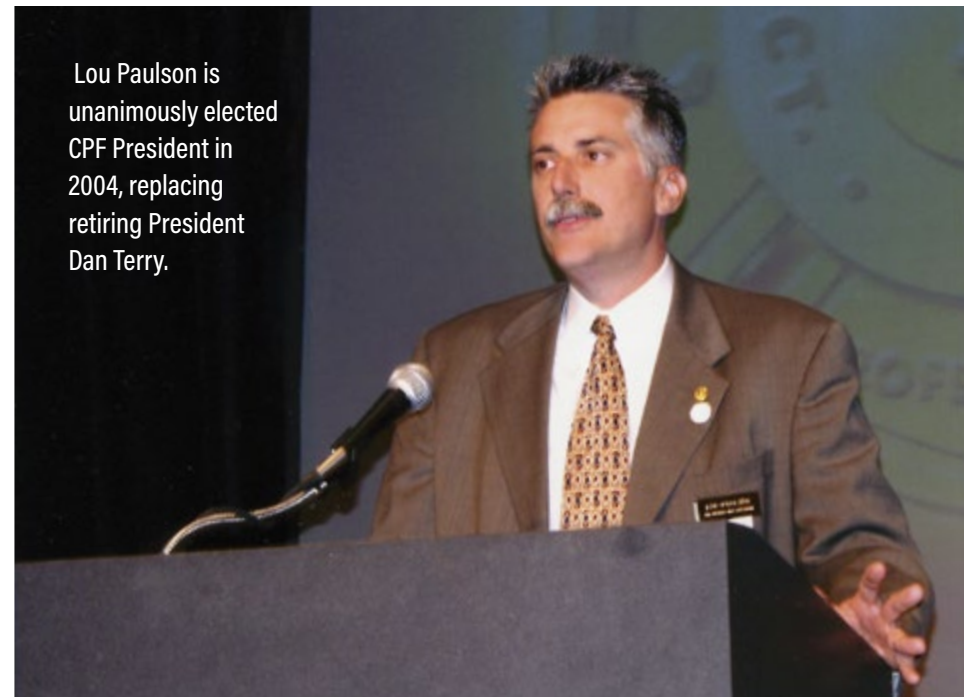
On the first day of the 2005-2006 legislative session, a back-bench GOP

assemblyman named Keith Richman introduced a constitutional amendment to privatize the entire public employee pension system. Schwarzenegger embraced Richman's pension proposal, and called a special session of the Legislature to enact it along with a package of warmed-over Wilson power grabs.

When the Legislature dismissed the so-called "reforms," Schwarzenegger's team plotted a November special election. Among the reforms was a new attempt to silence firefighters' voice in the political process through the so-called "paycheck protection". The proposed initiative – which would become Proposition 75 – mirrored Prop. 226 from 1998.

"An incredibly popular governor was pointing a dagger at the heart of our retirement security and our political rights," said CPF President Paulson. "It was the fight of our lives."

Lurking within the expansive pension-slashing proposal was a devastating poison pill: its sweeping provisions also eliminated ongoing survivor benefits for the families of firefighters and police officers killed in the line of duty. Galvanized by the



Lou Paulson is unanimously elected CPF President in 2004, replacing retiring President Dan Terry.



Firefighters were the public face of the fight against Schwarzenegger's anti-labor ballot package. The result was a clean sweep – all four propositions lost.

cruel provision, CPF members became the public face of the opposition to the governor's agenda. Sign-carrying firefighters led visible protests at Schwarzenegger's public events – a level of activist defiance not seen among firefighters since the public safety strikes of the 1970s.

In April, Schwarzenegger blinked on pensions, withdrawing his proposed initiative to do away with the system entirely. By June, when the governor's package of four initiatives – including "paycheck protection" – qualified for the ballot, his team was already on the back foot.

The campaign came to be framed as an attack by Schwarzenegger on the most popular public servants – firefighters, nurses, teachers and law enforcement officers. Firefighters continued "Chasing Arnold"

everywhere he went. Not since the original "Terminator" had Schwarzenegger been cast as so heartless a villain.

Bolstered by a united front, labor went all in financially and politically. Anchored by the well-financed California Teachers Association, total spending topped \$130 million. Firestar Productions created polished and effective TV and radio spots, with CPF members (including future CPF President Brian Rice) speaking directly to camera.

When Election Night rolled around, the rout was on. Voters defeated all four of Schwarzenegger's initiatives – a clean sweep, including Proposition 75. "Arnold was completely repudiated by the people of California," reported longtime California political expert Tony Quinn.

Also repudiated in the 2005 blowout

was the retributive partisanship practiced by Schwarzenegger's army of Wilsonites. Within a month, the governor brought in a new, more pragmatic and moderate team, who engineered a steady rehabilitation of Schwarzenegger's image that allowed him to win reelection against former Treasurer Phil Angelides.

On Election Night 2006, the governor's staff reached out to Paulson and the two leaders soon met. "He told me he wanted to be the best friend the firefighters have had," Paulson recalled.

In 2007, Schwarzenegger would have a chance to prove he'd turned the page. After decades of trying without success, CPF once again proposed a set of comprehensive workplace protections known as the Firefighters Bill of Rights. Like the Peace Officers Bill



With more than four decades in the fire service, Dallas Jones (1943-2008) left an indelible imprint on the fire service and the firefighter labor movement.



The mission of the California Firefighter Endowment is to help secure the dream of a college education for every child of a California fallen firefighter.

of Rights that had been in place since the 1980s, the Firefighters Bill of Rights would guarantee firefighters the right to representation in disciplinary procedures and forbid unreasonable searches and interrogations.

“California’s public safety professionals should be held to the highest standards, but those standards must be applied fairly,” said Paulson. “This bill establishes that basic standard of fairness.”

Where two years earlier, the measure would have been an instant veto, now Schwarzenegger was more pragmatic. Despite heated opposition from the League of California Cities and other local government groups, he signed the measure.

The Firefighters Bill of Rights was the signature legislative accomplishment for CPF during the Schwarzenegger years, but it wasn’t the only one. The 2007-2008 session was arguably its most successful since the 1999-2000 session. Bills passed by the Legislature and signed by the governor included:

- AB 2754 made California the first state in the nation to provide a presumption for firefighters who are infected with the

drug-resistant bacterial infection MRSA;

- A bill preventing local city managers from blocking firefighters’ “Fill the Boot” charity campaigns;
- Legislation providing the fire service dollar-for-dollar parity with law enforcement in the disbursement of new anti-terrorism training dollars.

Another measure signed by Schwarzenegger proved also to be the catalyst for a CPF campaign aimed at serving the survivors of California’s fallen firefighters.

In the late fall of 2006, the devastating Esperanza Fire in eastern Riverside County took the lives of five U.S. Forest Service firefighters. The deaths again highlighted the disparity between survivor protections for federal firefighters and their state and local counterparts. The following year, Schwarzenegger signed CPF’s AB 384. Known as the California Fallen Federal Firefighter Survivor Assistance Act, the measure guaranteed survivors of fallen federal firefighters the same health care guarantees available to state and local firefighters.

As originally introduced, the measure also guaranteed these survivors California

educational benefits, but state finances (and some ill-conceived attacks from a disgruntled ex-CPF board member) forced removal of that provision. So CPF’s California Fire Foundation took up the cause, creating the California Firefighter Endowment. The Endowment’s ambitious mission is to help underwrite a college education for every child of a California fallen firefighter. With support from, among others, pro golfer Fred Couples, the Endowment helped fund and expand the Daniel A. Terry Scholarships.

In 2008, CPF and the fire service lost one of its legends with the passing of Secretary-Treasurer Dallas Jones at the age of 65. In more than four decades in the fire service, Jones left an indelible imprint on the fire service and the labor movement.

No legacy looms larger than Jones’s fierce advocacy for firefighter cancer presumption laws, a cause born in his earliest days as a union president in Whittier. His commitment lives on in the William “Dallas” Jones Cancer Presumption Act – CPF-sponsored legislation signed in 2010 to extend the “statute of limitations” for firefighter cancer presumption claims.

# FIREFIGHTERS BILL OF RIGHTS

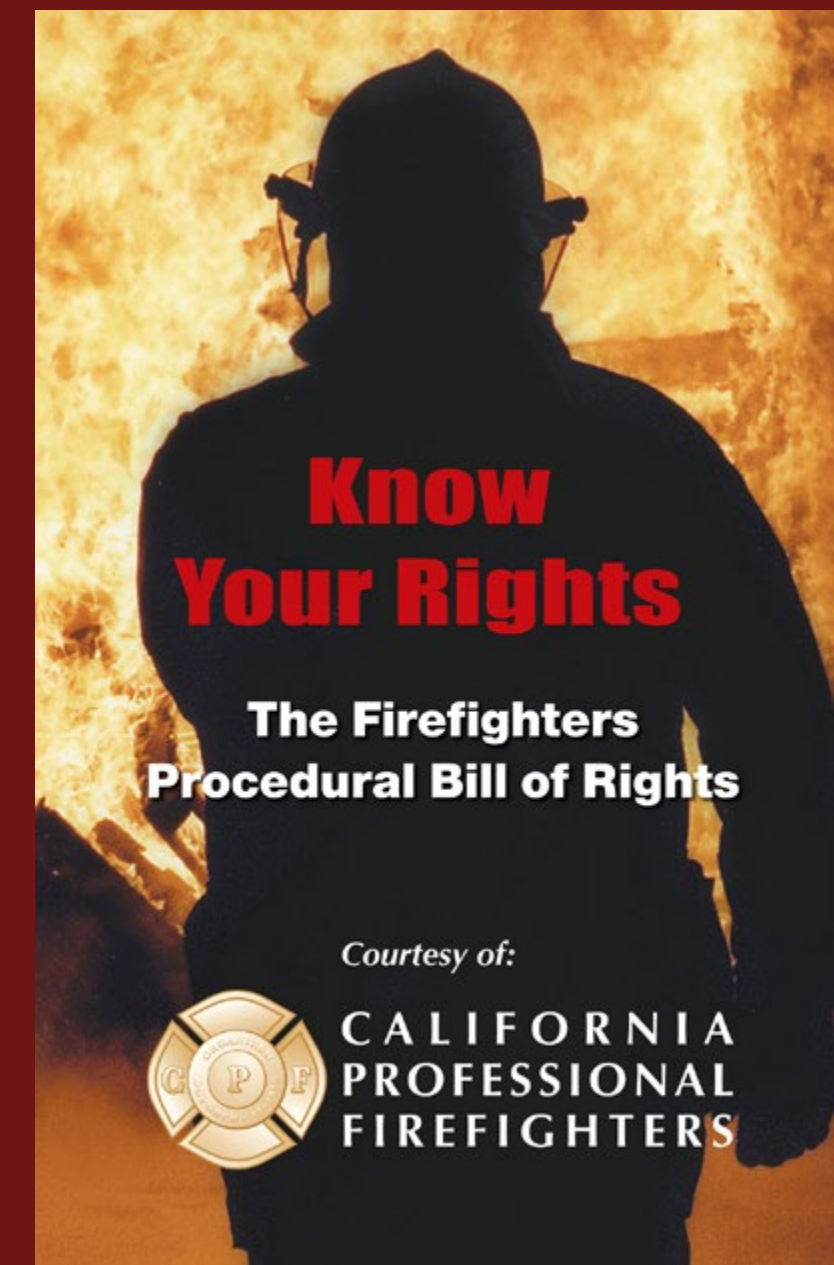
**FOR AS LONG** as there have been firefighters, discipline has been a source of conflict within the fire service. Disciplinary proceedings were widely seen by firefighters as arbitrary, selectively enforced and often used to punish those out of favor. Collective bargaining brought with it the ability to negotiate disciplinary procedures. However, firefighters and police officers still routinely had to deal with intrusive searches, bullying interrogations and no clear rights of representation.

“Prior to the Bill of Rights, many chiefs handled discipline ‘their way’ and thought due process was merely a suggestion,” recalled Lew Stone, long-time Burbank Firefighters Local 778 president and CPF Secretary-Treasurer. “In the EMS arena, our paramedics and EMT’s often got double the pleasure ... from the chief and from the local EMS agency.”

In 1976, Governor Jerry Brown signed the nation’s first Peace Officer’s Bill of Rights, protecting law enforcement due process. But a proposed Firefighters Bill of Rights in 1983 was vetoed by then-Gov. George Deukmejian. Over the next quarter century, half a dozen similar measures were introduced. All fell victim to partisanship or employer misinformation.

In 2007, Los Angeles Assemblywoman Karen Bass introduced AB 220, a seventh attempt to match the law enforcement standard. With strong bipartisan support, the Legislature sent the bill to Governor Schwarzenegger and on October 13, 2007, he signed it into law.

AB 220 contained nearly two-dozen separate workplace protections for firefighters – in some cases above and beyond those provided for law enforcement.



- Disciplinary interviews must take place at reasonable hours and be recorded at the firefighter’s request;
- Firefighters can’t be compelled to submit to a lie detector test and unreasonable searches would be forbidden;
- Firefighters also have the right to inspect their employee records and file a response to any adverse action;
- Firefighters also won the right to immunity from criminal prosecution

before answering potentially incriminating questions.

In the years following its enactment, the Firefighters Bill of Rights became one of CPF’s most visible and identifiable legislative achievements.

“Firefighters are under just as much scrutiny as law enforcement,” Stone said. “Getting the same protection was critical.”



A CPF-led independent expenditure campaign helped provide early support for Jerry Brown in the 2010 election, helping him defeat anti-labor multimillionaire Meg Whitman.

The grim shadow Jones’s death cast over CPF’s 2008 biennial convention was lengthened by the gathering battle over the future of Vallejo. With its finances drained by base closures and poor planning, city officials devised a boldly calculated strategy: force the city into bankruptcy. Rejecting all wage concessions and offers of assistance, the city’s leaders marched their cash-strapped town into federal bankruptcy court, pinning the blame on “unsustainable” police and firefighter pensions. In an unprecedented decision, the federal bankruptcy judge agreed. While Local 1186 was able to settle its dispute with a new council, the city’s electrical workers had their contract nullified.

In the fall of 2008, the United States economy came within days of completely melting down. The “Great Recession” that followed, gouged a \$26 billion chasm in the California state budget, and left gaping holes in virtually every city, county and special district. Almost immediately, cities and counties began slashing critical public safety services. Fire departments began laying off personnel and closing stations or implementing “brownouts” – periodic, temporary shutdowns of stations.

Heavily invested in what turned out to be an irrationally inflated real estate market, CalPERS lost nearly \$100 billion in total value. At the same time, newspaper

accounts began detailing stories about retired fire chiefs and city managers whose six-figure annual payouts were larger than their salaries. Downplaying the impact of the recession, anti-union activists like the Howard Jarvis Taxpayers Association used the abuses to put pensions back on the table.

In 2009, Richman renewed his attacks, with a proposed initiative to ban retiree health care and substantially roll back pension guarantees. Thanks in part to the comeuppance of 2005, and his newly constructive relationship with California’s firefighters, Schwarzenegger didn’t take

a position on Richman’s latest proposal. Working with the labor coalition created after Richman’s initial 2004 proposal, CPF helped force the legislator to again withdraw his measure.

For the League of California Cities and its most activist members, the Great Recession was an opportunity to reset labor relations back to the 1950s. City council members helped by local firefighter unions now voted to slash public safety services. Some cities shopped their fire departments to CAL FIRE or, in the cases of Costa Mesa and San Ramon Valley, to prison privateer Wackenhut Industries. The League also did a “180” on retirement security, distributing a strategy “white paper” on how to roll back pensions and helping to engineer local ordinances repealing binding arbitration in Stockton, San Luis Obispo and San Jose.

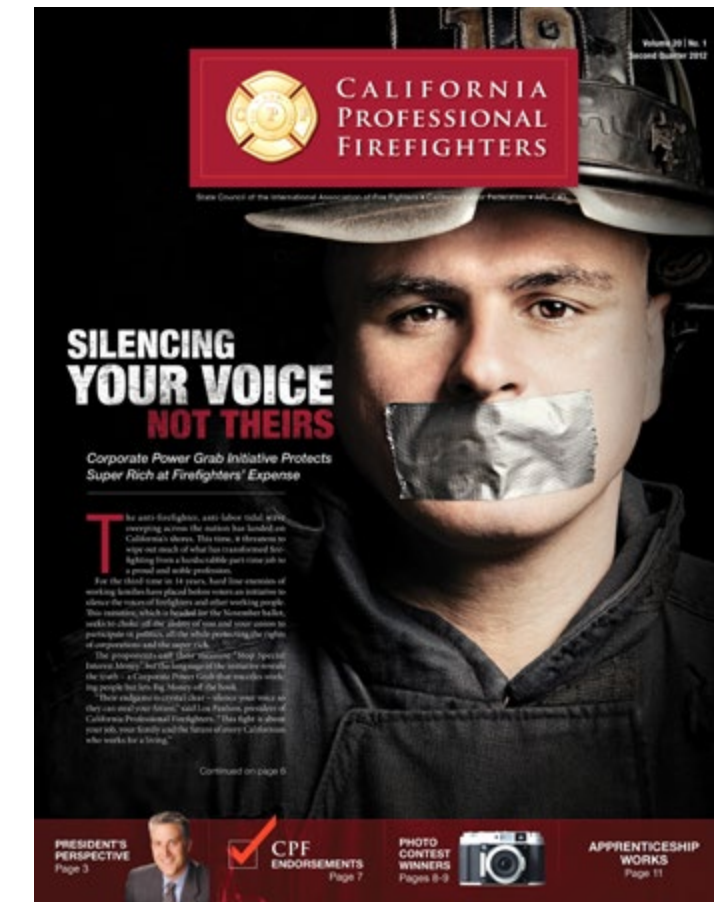
Cheerleading this new political aggressiveness from the right was Meg Whitman, a former eBay exec who, in 2010, was the Republican nominee for governor. Whitman’s campaign platform included privatized retirement, paycheck deception and even an end to collective bargaining itself. Whitman’s ideology was accompanied



Redevelopment agencies in California skimmed billions of property-tax dollars to fund projects like Sacramento’s infamous “mermaid bar.” With CPF’s backing, Brown ended redevelopment, redirecting funds back into vital services.



The Great Recession hit California’s firehouses hard, with dozens of stations closing or browning out. In San Jose alone, nearly 50 firefighters got layoff notices.



Firefighters were again called to arms against a 2012 ballot initiative silencing labor’s political voice. Voters defeated Prop. 32, and CPF members opposed it in higher numbers than any other labor organization.

by massive personal wealth and a willingness to spend that wealth on the campaign.

Lining up to challenge Whitman to replace Schwarzenegger was a familiar face: former Gov. Jerry Brown. Comparing Brown’s record of support for firefighters and Whitman’s stated antagonism, CPF poured resources into a massive independent campaign that kept Brown on the air during a summer in which “Meg-a-millionaire” Whitman was spending heavily on TV and radio. The CPF-led campaign dented Whitman’s positives, positioning Brown to cruise to victory in November.

Brown’s election in 2010 provided an opportunity to return some balance to local government financing, and, as a bonus, hit the League in the wallet. Since the 1950s, California’s cities had enjoyed an ever-expanding tap on local property tax dollars through the state Redevelopment Act. Established as a way to push construction

dollars into blighted neighborhoods, redevelopment devolved over the decades into blatant developer subsidies, in many cases for gleaming downtown boondoggles. By 2010, over 12 percent of all property tax revenue – roughly \$6 billion – was diverted to redevelopment projects.

By law, redevelopment funds could only be spent on construction, meaning that during a period in which public safety services were being dramatically downsized, developers were still getting theirs. In 2010, the League won passage of Proposition 22, protecting redevelopment dollars from state raids. What Prop. 22 did not do, however, was block the state from ending redevelopment altogether. In 2011, Jerry Brown did just that. With CPF as his primary advocate, the new governor’s first state budget eliminated redevelopment agencies. By 2014, the end of redevelopment poured more than \$4 billion back into critical local services.

With the state still mired in recession and California’s budget still in a crater, there was little time to celebrate the victory. Another attack on firefighters’ political rights was just around the corner.

In the latter part of 2010, a small group of hard line, anti-union activists began getting together in Orange County to talk about taking yet another crack at “Wilson’s Folly” – “paycheck protection.” Despite two high-profile defeats in 1998 and 2005, activists blamed these losses on their controversial standard-bearers: Pete Wilson in 1998 and Arnold Schwarzenegger in 2005.

With backing from the Orange County Lincoln Club (a conservative political group) and the prospect of help from well-heeled national activists like Wisconsin’s Koch brothers, they circulated a new, more sweeping “paycheck deception.” Seeking a patina of “balance,” they extended their dues assessment limitations to “unions and



Christy Bouma (seated at right) became CPF's legislative advocate in 2004, continuing a tradition of tenacious and highly effective advocacy.

corporations," secure in the knowledge that corporations don't pool employee resources for politics. The measure also extended the limitation to private as well as public unions.

Hidden within the plan were provisions exempting so-called Super PACs – political action committees permitted to spend virtually unlimited money on certain campaigns – and certain types of corporations, known as LLCs. It was subsequently revealed that many of the public sponsors of the proposal were LLCs.

Even before the measure had been certified for the ballot, CPF members were mobilizing to fight it. In January of 2012, a special convention overwhelmingly approved a special dues assessment to fight what would become Proposition 32. Hav-

ing stepped up early, President Paulson was named as chair of the Alliance for a Better California, which was re-booted to engage this latest attack.

CPF's early funding proved to be a difference maker, financing early advertising that allowed the measure to be framed as a corporate ruse masquerading as campaign "reform." With a recession-weary public beginning to react negatively to news stories about public safety pensions, firefighters were only one of several public faces opposing the measure. The cause was further aided by legislation signed by Gov. Jerry Brown that pushed all ballot initiatives – including Prop. 32 – into the November 2012 election.

In the end, the result was even more decisive than it had been in the previous

campaigns, with Proposition 32 going down by eight points.

Having weathered multiple existential political fights over the course of barely a decade, CPF approached the midpoint of the 2010s in an enviable position. It had built a formidable track record of success in the Legislature and in statewide politics. It had built for labor a position of leadership in the larger fire service. And it had survived a hostile, anti-union administration and become a clear leader in the labor movement, both in California and around the nation.

These laurels, as it turned out, would be too fragile to rest upon. For CPF, and California as a whole, another period of turmoil lay ahead.

# LOU PAULSON

CPF PRESIDENT 2004-2018

**LIKE MANY LOCAL UNION PRESIDENTS**, Lou Paulson had to play many roles while at the helm of Contra Costa County Firefighters Local 1230: sometimes a collaborative bridge builder; other times a forceful negotiator; still others, a bare-knuckled political street fighter.

All those skills would come in very handy in his next gig, as president of California Professional Firefighters.

Paulson's fire service career began in an unlikely location – a one-station industrial fire department at the Chevron refinery in Richmond. In 1984, he signed on with Contra Costa County Fire District where he spent 26 years on the job. He worked his way up through the ranks at Local 1230 from the health and safety committee to secretary-treasurer. He was elected president of Local 1230 in 1994 and served in the post until 2008.

In the early 1990s, Paulson served as CPF's interim Health and Safety Director, playing an instrumental role in forcing the Wilson administration to accept the two-in/two-out safety standard for structure fire response in California. He was elected as CPF's 4th District Vice President in 2002.

When longtime CPF President Dan Terry announced his retirement in 2004, Paulson was elected as his successor. Within a year, his street-fighting skills would be tested in a high-stakes battle with then-Gov. Arnold Schwarzenegger over pension reform and the effort to curb the political rights of union



members. The "Chasing Arnold" campaign resulted in the defeat of the power grab in the November 2005 special election.

Having beaten Schwarzenegger at the polls in 2005, Paulson turned peacemaker in 2007, convincing him to sign the landmark Firefighters Bill of Rights. Paulson also engineered collaborative relationships with two longtime "frenemies" – the California Fire Chiefs Association and the California State Firefighters Association.

Like his predecessor, Paulson has been a fixture on the executive board of the California Labor Federation. As a leader in the fire service, he co-chaired the Governors' Blue Ribbon Fire Task Force and served on numerous local, state and federal fire service boards and commissions. In 2013, he was honored by the U.C. Berkeley Labor Center for his leadership in yet another fight over firefighter political rights: the defeat of Proposition 32 in 2012.





## CHAPTER 9

# TRANSITION AND TRANSFORMATION

**T**HE 2014 CPF Convention in Los Angeles held a special significance for its members, its leaders and especially for President-Emeritus Dan Terry. The state union he'd helped rescue from bankruptcy four decades earlier, marked its 75th anniversary.

There was a lot to celebrate.

A statewide union that had struggled for relevance in its early years had grown to become a potent force in state government and politics. With the power of its membership and unmatched tenacity, CPF had won historic victories that had changed the lives of every frontline firefighter.

At the local level, CPF had provided affiliates access to the tools of modern politics, allowing them to make their case in negotiations, rather than on the picket lines. Rank-and-file firefighters could no longer be dismissed as irrelevant – they argued from a position of strength.

Yet even as the victories continued to mount, the next ten years would see a confluence of forces, both natural and human, that transformed the fire service in the first quarter of the 21st Century:

- Catastrophic wildfires – fueled by drought, disease and climate change – were turning a seasonal struggle into a constant, ever-escalating war between firefighters and a rampaging Mother Nature.
- The direct physical risks to firefighters from hazards both seen and unseen – including as first responders in a global pandemic – revealed new threats in an already dangerous profession.
- Perhaps most strikingly, an ossified culture of denial and bravado was cracking, laying bare the extraordinary mental and emotional weight of the job – a weight that, for a disturbingly significant number of people, became simply too much to bear.

As it has throughout its history, California Professional Firefighters met the challenge with tenacity and vision, leading the way to more landmark legislation and policy successes impacting firefighters in and out of the Golden State.

At the time of its “platinum jubilee”, the mission seemed very much like that which had marked the previous 75 years: fighting to preserve hard-won victories in bargaining

rights, health and safety protections, and retirement security. Near the top of the list: the fight to unwind the most damaging legacy of Schwarzenegger’s anti-firefighter, anti-worker agenda – his 2004 rollback of workers’ compensation.

For frontline firefighters, the risk of death or disabling injury lurks every time the alarm bell rings. For that reason, a robust and effective workers’ compensation system is a foundational protection for firefighters. At the height of his post-recall popularity, Schwarzenegger rammed through the most draconian workers’ comp attack in history. Benefits were slashed, firefighters were forced into employer-approved physician pools, and a multi-step appeals process left injured workers brutalized and bankrupted by a system that was supposed to protect them.

With the arrival of a less hostile administration, CPF was at the center of an extraordinary legislative negotiation that brought together stakeholders from labor, businesses large and small, local government and the medical and legal communities. The resulting compromise legislation – SB 863 (2012) – boosted disability benefits, restored



firefighters' right to pre-designate their own doctor in comp cases and streamlined the arduous appeals process. It was the first major workers' comp victory for labor in nearly a generation. It would not be the last.

Meanwhile, CPF affiliates found themselves at the tip of the spear in the latest battlefield over pension security. In 2008, an activist city manager and a hostile local government stampeded the city of Vallejo into bankruptcy court, which ended with slashed salaries and retiree health and an end to minimum staffing. A few years later, the cities of San Bernardino and Stockton found themselves embarked on similarly horrific bankruptcy sagas.

While the economic circumstances in these cities varied, their common purpose was crystal clear: break local unions, break legal pension promises and scapegoat their way out of responsibility for their own disastrous fiscal decisions.

Recognizing the larger anti-employee agenda in these fights, CPF provided legal and political support for their affected locals. More significantly, CPF won a powerful, and in some cases decisive, weapon to fight back. AB 506 rolled back the unchecked power of local agencies to steamroll into bankruptcy, requiring them to first submit to independent mediation with their



Firefighters from CAL FIRE and dozens of agencies gather for morning briefing at base camp during the 2018 Carr Fire.

employee unions. The legislation helped spur a final resolution in Stockton without completely gutting pension promises. Moreover, it deterred other cities from attempting this type of audacious end-around.

As if to put an exclamation point on the pension pushback, CPF in 2016 once again mobilized a powerful labor-wide coalition to sideline yet another statewide pension-slashing initiative. Barely a year later, frontline firefighters would find themselves in the midst of a more elemental struggle: a year of devastation that would literally and

figuratively transform the landscape of California and the lives of its first responders.

Wildfire has been an ever-present threat in the state's forests and wildlands for generations, but truly catastrophic fires were rare enough that their names were etched in the collective memory: Laguna ... Malibu ... Oakland Hills. The 2003 Cedar Fire in San Diego County, with its massive size and proximity to population centers, was the first wake-up call for the fire service. Over the following decade, the frequency and destructiveness of large wildfires continued to grow,

creating more demands on an increasingly under-staffed profession.

Then, in one fearsome thirteen month stretch, it would all explode with tragic force.

- **North Bay Firestorm** (October, 2017): A brutal outbreak of more than 200 fires that combined to consume nearly a quarter million acres and claim 43 lives. The 37,000 acre Tubbs Fire ripped a gash through the heart of Santa Rosa, killing 22 and destroying nearly 6,000 structures.

- **Thomas Fire** (December, 2017): The 280,000-acre swept through Ventura and Santa Barbara Counties, destroying 500 Ventura homes in one night and claiming the life of CAL FIRE Engineer Cory Iverson. In less than a month, deadly mudflows directly resulting from the Thomas Fire claimed 21 more lives.

- **Carr Fire** (July, 2018): The 230,000 acre fire snaked ferociously through a portion of Redding, destroying more than 1,000 homes. Eight people died, including Redding Firefighter Jeremy Stoke, who was trapped in a whirlwind of flame later deemed the most powerful tornado ever to hit California.

- **Mendocino Complex** (July-September, 2018): The record-setting Northern California complex burned 460,000 acres – nearly two-thirds bigger than the Thomas Fire. The one death: Utah Battalion Chief Matthew Burchett, who was part of an out-of-state strike team.

- **Camp Fire** (November, 2018): The 85,000-acre Camp Fire in Butte County claimed 85 lives – the largest loss of life ever in a California wildfire – and destroyed nearly



Property damage from the 2018 Woolsey Fire topped \$6 billion. At the time, it was the second-costliest single fire in California history.

20,000 structures. The city of Paradise – population about 25,000 – was almost completely flattened.

- **Woolsey Fire** (November, 2018): Igniting on the same day as the Camp Fire, the Woolsey Fire straddled Ventura and Los Angeles Counties, charring nearly 100,000 acres and destroying over 1,600 homes. Three people died.

Altogether, these thirteen months stand as the deadliest and most destructive such period in the state's history. More than 160 people lost their lives, including five firefighters. Over 1.6 million acres of land burned. Some 30,000 structures destroyed. Economic losses topped \$40 billion – fire suppression costs alone ran \$2.2 billion.

Beyond the tangible effects of the fires, the horrific year laid bare a grim reality: catastrophic wildfire – fueled by drought, climate change and the steady march of development into the wildland-urban interface – was a fact of life. Massive deployments now routinely put thousands of firefighters on the lines for weeks at a time. The fires themselves were growing larger, burning hotter and becoming more unpredictable. The concept of “wildfire season” had itself become anachronistic.

In the midst of this unprecedented fire season, CPF went through another leadership transition. Delegates to the CPF Convention in Los Angeles elected Brian K. Rice as president and Mike Lopez as secretary-treasurer. Rice was a veteran of nearly three decades in the Sacramento Metro Fire



Brian K. Rice of Local 522 was elected CPF President in 2018. Within months, Rice showed Gov.-elect Gavin Newsom the devastation from the Camp Fire.

District and had twice served as the president of Sacramento Area Firefighters Local 522. Lopez, a CAL FIRE battalion chief, was the president of CAL FIRE Local 2881.

At the same time, California was going through a leadership transition of its own, as a new governor would replace Jerry Brown. The 2018 election once again presented a stark contrast on firefighter issues. Lieutenant Governor Gavin Newsom had been a staunch ally during his time as mayor of San Francisco. His opponent, businessman John Cox, backed a privatized pension system, and was quoted saying that CAL FIRE firefighters were “overpaid.” The choice on firefighter issues was clear: CPF backed Newsom and he won the election easily.

With his members literally and figuratively under siege, CPF’s new president sought to put the new governor’s stated support to the test. Out of sight of news media, Rice personally escorted the governor-elect through fire-ravaged Paradise, explaining not just the impact of the fire itself, but the challenges facing frontline firefighters.

The personal lobbying made a difference. In lieu of a traditional inaugural ball, Newsom partnered with CPF’s California Fire Foundation to host “California Rises,” a

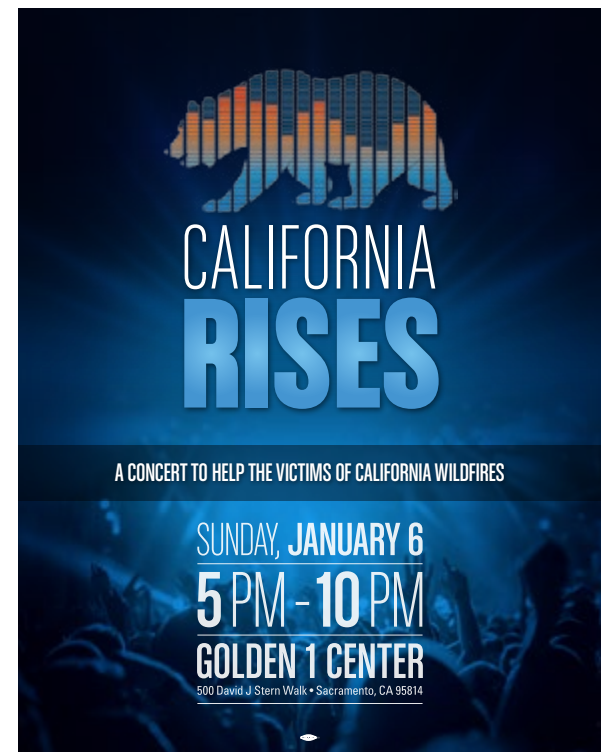
benefit concert that raised upwards of \$5 million for wildfire relief. More tangibly, Newsom’s new budget included \$400 million in new funding for state and local fire protection, including a substantial boost in funding for wildfire prevention and forest renewal.

The change in governors also created an opportunity for CPF to win passage of groundbreaking legislation on an issue that was transforming the very concept of health and safety for firefighters: behavioral health.

Since the middle of the decade, CPF had been advocating – with policy makers, fire management and even its own members – for greater attention to, and action on, firefighters’ mental and emotional wellness. While meaningful progress breaking the stigma had been made within the industry, a critical policy change remained: a workers’ compensation presumption for post-traumatic stress. Surprisingly, it was Jerry Brown – the governor who

signed the cancer presumption decades earlier – who made it clear he would not go for it this time.

In his endorsement interview with CPF, Newsom had committed to signing a post-traumatic stress presumption law. But



The California Fire Foundation’s “California Rises” benefit concert netted more than \$5 million for wildfire relief.



Fulfilling a campaign pledge, Gov. Gavin Newsom signed CPF’s landmark presumption law for post-traumatic stress.

when CPF’s SB 542 was working through the Legislature, the customary array of presumption naysayers applied pressure to sideline the measure. Ultimately, Newsom kept his word and in 2019, signed SB 542, along with legislation strengthening peer support. California became only the second state with a firefighter post-traumatic stress presumption. (See: Landmarks – Healing Our Own, page 84).

As 2020 dawned, it appeared that the prevailing issue facing firefighters and their unions was the creeping push for privatization of fire protection and paramedic response. Over the previous two years, CPF had won two substantial legislative victories to restrict private fire crews on wildland incidents and shut down local efforts to outsource 9-1-1 dispatch. As the decade turned, CPF had mobilized labor and management to push back against an effort by the city of

Placentia to privatize ambulance service and set up a comb-and-paper fire department.

Then, in March of 2020, the world stopped in its tracks, shut down by the rapidly growing COVID-19 pandemic.

The burden of responding to the pandemic fell most heavily on frontline healthcare workers and emergency responders. Firefighters are both. Social distancing was impossible and PPE shortages complicated response. As if that weren’t enough, August and September brought yet another hellacious torrent of massive wildfires. Five of the ten largest wildfires in the state’s history erupted in those two months, claiming 17 lives, consuming 2.5 million acres and putting 15,000 personnel on the front lines.

As it had been for decades, protecting the health and safety of its members was “Job One” for California Professional Firefighters.

Even before the shutdowns started,

CPF launched an informational website that became an industry-wide resource for updated local EMSA protocols, member safety and behavioral health information and resources for local unions. The California Fire Foundation produced and distributed a video demonstrating PPE protocols. President Rice conducted a series of online “town halls,” combining practical health and safety information with compelling personal stories from frontline firefighters.

Established as an influential voice in the halls of power, CPF used that influence to press for essential firefighter protections. Through its position on every relevant statewide committee and task force, CPF helped ensure firefighters were front of the line for PPE and, eventually, vaccination. Legislatively, CPF secured a guarantee of supplemental paid leave for firefighters forced into quarantine by the pandemic.

LANDMARKS:

# HEALING OUR OWN



**POST-TRAUMATIC STRESS** is a fact of life for frontline firefighters. As with soldiers on the battlefield, firefighters are forced to face on-the-job horrors few can imagine. For decades, the prevailing firehouse culture was to keep it all inside. “Suck it up, buttercup” was the mindset. But the injuries to the mind and heart were real, and the toll of the culture of denial was rising. By 2015, suicide was the leading cause of traumatic firefighter deaths.

Recognizing this silent threat, CPF became a pioneer in advocating for firefighter behavioral health.

In 2016, CPF convened a first-in-the-nation symposium on firefighter behavioral health, bringing fire management and labor together with mental health experts and retired and frontline firefighters. The conference sparked the Behavioral Health Task

Force, whose participants included top leadership from throughout the California fire service.

Unlike other major issues, the first job was not educating policy makers, but breaking the stigma about mental health within the membership.

Recognizing that nobody understands a firefighter’s job like other firefighters, the Task Force launched “Healing Our Own,” an online platform for education and support, spotlighting personal stories and information. The platform became an industry-wide resource for mental health professionals and, more importantly peer support.

Initially, only a small handful of fire agencies had any organized and trained peer counseling team. Committed to building out

this essential tool, CPF won passage of AB 1116, establishing a statewide framework for local peer counseling and, critically, ensuring that peer-to-peer conversations stayed confidential.

What became clear was that post-traumatic stress was manifestly a job-related injury, no less deserving of treatment than a physical injury like a broken leg or back surgery. In 2018, CPF launched a fight to create a post-traumatic stress presumption under workers’ compensation. Within the Legislature, the task was daunting. It had been more than a decade since a presumption had been approved, and then-Gov. Jerry Brown – the man who’d signed the firefighter cancer presumption – was opposed to the new measure.

In 2019, CPF marshalled a bipartisan coalition behind a post-traumatic stress presumption for firefighters and law enforcement – SB 863. With the arrival of Gov. Gavin Newsom, who’d pledged his support during the 2018 campaign, SB 863 became law. Five



CPF President Brian K. Rice gets personal about his past struggles with post-traumatic stress in heartfelt message to membership.

years later, Newsom and the Legislature agreed on a lengthy extension of the presumption law.

The commitment of labor and management also enabled the Behavioral Health Task Force to make mental health and suicide awareness a central part of every firefighter’s basic training. CPF-sponsored legislation directed the Cal-JAC to develop a specific behavioral health module for Firefighter I training.

Even though the stigma was breaking within the profession, the tragic toll continued to mount. The names of firefighters lost to suicide began showing up on the California Firefighters Memorial Wall in Sacramento. CPF initiated a direct-to-firehouse campaign – the Suicide Awareness Stand Down. Co-sponsored with Cal-JAC, Cal-Chiefs, and Cal OES, the annual stand down used the platform of firefighter training to get members talking about the issue, and helping them understand where, and how, to get help.

Understanding the power of personal testimony, CPF President Brian K. Rice brought the issue home to members in 2025 by powerfully telling his own story of post-traumatic stress. In an online video published by CPF, Rice related his journey through the traumas of the fire service, and his own brush with suicide. His impassioned plea to seek help before it is too late resonated with members – firefighter to firefighter.





Most significantly, CPF President Rice's regular, direct contact with Gov. Newsom and the state's emergency management leadership eventually helped secure an executive order establishing a workers' compensation presumption for firefighters who fell victim to the disease.

Even as it fought to protect members from the risks of exposure to COVID-19, CPF was breaking new ground on another potentially deadly exposure risk: toxic chemical flame retardants.

In 2012, CPF had taken on the chemical industry and won an administrative ban on the use of brominated fire retardants on furniture and other consumer products. For frontline firefighters, a more direct exposure

risk came from chemical firefighting foams. Many of these foams contained a class of chemicals known as PFAS which are linked to an array of health impacts from cancer to immune system suppression. In 2020, CPF again took on the chemical industry and made history. SB 1044 phases out the use of PFAS in firefighting foams and requires that firefighters be notified when their PPE contains PFAS chemicals.

As California emerged from lockdown, another transformation long in the making became crystal clear: firefighter-paramedics had become a critical component of the state's emergency health care system. More and more fire departments were making paramedic certification a prerequisite for

employment. Firefighters were now, irrevocably, medical providers.

It was also clear that soaring call volumes, a lack of staff and inefficiency were straining the paramedic response system to dangerous limits. It was harder for firefighters to do their jobs, putting public safety at risk. Matching its mission to the moment, CPF and its local union affiliates led the way to a series of consequential reforms.

**Community Paramedicine:** With strict EMS guidelines mandating that every paramedic call end at the ER, many systems were getting clogged up with patients who would be better served in a different, less extreme setting. Dozens of jurisdictions had experimented with community paramedics,



specially trained medics that guide patients like frequent 9-1-1 users and mental health patients into more appropriate, less acute care. CPF legislation – AB 1544 – would make this grassroots innovation available to every agency with fire-based EMS.

**Paramedic Licensing Reform:** Uniquely among medical professionals, the final word on paramedic licensing and discipline rested not with an independent board of peers, but rather with one person: the state EMS director. This concentration of authority often resulted in arbitrary discipline against paramedics who had previously been cleared of any wrongdoing by their local agencies. CPF's AB 450 brought impartiality and accountability to the system by creating a

paramedic licensing board within EMSA that includes frontline firefighter paramedics as well as a physician and a member of the public.

**Wall Time:** From north to south, the stories from high-volume departments was the same: paramedics backed up at the door of the emergency department, sometimes spending hours waiting to offload patients. Already a building concern, excessive ambulance patient offload times (APOT) became a crisis during the pandemic, as staffing and workload challenges at both ends of the medical calls ground the system to a crawl. With paramedics stuck "on the wall" at hospitals, ambulances had to be dispatched from further away. Public safety and firefighter

health and safety demanded reform. Partnering with fire management, CPF won passage of AB 40, which locked in a 30-minute standard for APOT, required data collection and set forth an accountability process for departments that weren't cutting it.

In 2022, the first-in-the-nation cancer presumption law, for which CPF fought so vigorously, marked its 40th anniversary. The occasion coincided with the release of a landmark report from the International Agency for Research on Cancer (IARC). Their finding was unequivocal: firefighter occupational exposures are a Group 1 carcinogen. Forty years after Jerry Brown signed AB 3011, the verdict was clear – being a firefighter causes cancer.

Yet even as the evidence vindicated the cancer presumption's central premise, parsimonious local governments were trying to turn it (and other firefighter presumptions) into a dead letter.

Distorting a provision of the 2012 workers' compensation reform law, feckless local agencies and their workers' comp administrators conspired on a cruel war of attrition, slow-walking and then summarily denying, presumptive claims. Stricken firefighters were being dragged through the interminable medical review process to justify a claim that should have been automatic. "They're hoping people will just give up on the claim or die before they have to pay," said CPF President Brian K. Rice.

Once again marshalling support from fire management and the labor community, CPF took on the League of California Cities and other local agencies to put enforcement teeth back into presumption laws. With overwhelming bipartisan support, CPF won passage of SB 1127. Signed by Gov. Gavin Newsom, the legislation reduced the amount of time employers could take in responding to presumptive claims. It also revived stiff penalties on employers and insurers that impose unreasonable denials.

Through its relentless advocacy over two decades, CPF had pounded one more powerful nail in the coffin of the poisonous Schwarzenegger workers' comp laws.

While the link between firefighting and cancer is established, the research turned to how best to reduce or prevent the disease. AB 700 put California on the leading edge of this research. The measure sets up a research program aimed at learning what, if any, specific biological mechanisms may trigger cancer in firefighters. Finding these biomarkers could lead to more effective treatment and prevention. Accompanying the legislation was a \$20 million grant in the state budget.

Throughout its history, California



Three decades after CPF's landmark cancer presumption law, a landmark study ratifies its basic premise: firefighting causes cancer.

Professional Firefighters' North Star has been its founding mission to improve the lives of California's career firefighters, their families and the communities they protect. The record of success in this quest is unmatched: from the right to organize to presumptions to the Firefighters Bill of Rights.

CPF has had a hand in every significant innovation benefitting first responders.

As it rounded out nine decades of serving

its members, CPF's power and influence extended well beyond its founding roots in the labor movement. No other fire service organization carries the weight and influence of CPF and its 37,000 members.

Even as CPF continued to project its influence throughout the industry, its focus remains the same as it was that long-ago autumn in Bakersfield.

Strength through solidarity.

# BRIAN K. RICE

CPF PRESIDENT 2018-2026

**A COMMITTED UNION LEADER** for decades, Rice left his mark on Sacramento long before he became California Professional Firefighters president. Guided by his deep labor values, Rice promoted to Deputy Chief and brought those values to the role. After his tenure in management, he returned to union leadership. These experiences, coupled with his own tenacity and commitment to his members, would serve him well when his journey took him to the presidency of CPF.

Born in the Inland Empire in 1960, Rice found his way to the fire service in 1982 as a reserve firefighter with the Arden Fire District in Sacramento County. As a labor representative, Rice was involved in every single consolidation up to and including the formation of the regional Sacramento Metropolitan Fire District. He served as the lead on the negotiating team that bargained the very first labor contract for Sac Metro, unifying the strongest elements of the legacy agreements into a single contract. Shortly thereafter, Rice got involved with the executive board of Sacramento Area Firefighters, Local 522, a consolidated local with several different bargaining units.

In 2002, Rice was elected president of Local 522, during which time he became a face of public sector labor, appearing in effective political ads that helped defeat Arnold Schwarzenegger's 2005 initiatives. Not long after, promoting into management, Rice eventually became Deputy Chief of Operations for Sac Metro, responsible for all fire suppression and EMS operations. After leaving management in 2011, Rice again won the presidency of Local 522 and, in 2018, was elected as president of CPF.



Although the leadership of CPF already came with influence and authority built over decades, Rice's willingness to confront anyone – friend or foe – to serve his members helped win some public fights. During the catastrophic 2018 Camp Fire, Rice won national attention for calling out U.S. President Donald Trump over his threat to withhold fire assistance to the state. During the height of the pandemic, Rice convinced the California Labor Federation to oppose a statewide vaccination mandate, arguing that the mandate violated basic union negotiation rights.

Rice's experience in labor and management helped him to further extend CPF's influence on the entire profession. His advocacy helped win the landmark post-traumatic stress presumption (SB 542). He also put CPF's potent governmental advocacy in service of increasing resources and support for funding for local mutual aid and CAL FIRE to address the state's wildfire needs.

Still, his first commitment – to the protection of frontline firefighters – was always the highest priority. Never was that commitment more evident than in 2025 when, in response to a rash of firefighter suicides, he laid his own painful experiences bare and pleaded with his brothers and sisters to seek help if they were contemplating suicide.





## APPENDIX

# CALIFORNIA PROFESSIONAL FIREFIGHTERS TODAY



### CALIFORNIA PROFESSIONAL FIREFIGHTERS

Formed by a handful of local firefighter unions in the depths of the Depression, California Professional Firefighters became the dominant force in the California fire service and one of the most powerful and influential labor organizations in the country. With an unmatched array of subsidiaries, partnerships and projects, CPF built an enterprise that continues to make life better for firefighters, their families and the communities they protect.



### CAL-JAC

The California Firefighter Joint Apprenticeship Committee (Cal-JAC) is a singularly influential organization for recruitment and training of California firefighters. A partnership between California Professional Firefighters and the Office of the California State Fire Marshal, Cal-JAC has been a rigorous vanguard for standardized firefighter training. Equally important, Cal-JAC expanded to become the hub for recruiting and developing the fire service of the future. Its Firefighter Candidate Testing Centers (FCTC), pre-apprenticeship academies and Firestar Studios are all industry-leading innovations that have shaped, and continue to shape, the California fire service.





### CALIFORNIA FIRE FOUNDATION

Created by CPF in 1987 to build the California Firefighters Memorial, the California Fire Foundation (CFF) became one of the most impactful charitable organizations providing assistance to firefighters, their families and the communities they protect. The Memorial, unveiled in 2002 and expanded in 2024, is a touchstone of remembrance for fallen firefighters. A nationally-trusted 501(c)(3) non-profit, CFF has distributed millions in disaster relief funding through its SAVE program. It is also the home of the Firefighters Benevolent Fund, which aids frontline firefighters impacted by major wildfires.



### FIREFIGHTER CANDIDATE TESTING CENTERS

Cal-JAC's Firefighter Candidate Testing Center (FCTC) is the gateway to creating a stronger, more skilled, and more diverse fire service. Since its beginning with the first CPAT Center in 2004, FCTC became a comprehensive solution for pre-qualifying committed firefighter candidates. Through FCTC, nearly 200,000 candidates have taken the CPAT. More than 200 of California fire departments depend on FCTC's CPAT and written testing to help pre-qualify candidates. Thousands of active firefighters utilized FCTC for their pre-employment certification.



### PERSONAL EXPOSURE REPORTING

CPF's Personal Exposure Reporting (PER) started out as a means to prove the cancer risks associated with the job of a firefighter. Over four-plus decades, it grew to become an essential tool for firefighters to document the exposures that lead to job-related illness, including cancer, MRSA and even post-traumatic stress. Begun in 1985 and brought online in 2003, PER has recorded hundreds of thousands of exposures affecting frontline firefighters, not only in California but in other states.



### FIRESTAR STUDIOS

Firestar Studios was created in 1992 primarily for creation of training material provided by Cal-JAC. It quickly became established as an influential production house, with outside clients including the Sacramento Kings NBA team. Its role in CPF's initiative fights established Firestar's reputation for creativity and high production values. As of the mid-2020s, Firestar Studios had built an award-winning full-service content factory. Whether producing high-quality multi-camera livestreams, building online recruitment and training platforms or producing high-impact political or training material, Firestar Studios has influenced the image of firefighters and the professionalism of the fire service.



### FIREFIGHTERS PRINT & DESIGN

Firefighters Print and Design (FP&D) was established in 1987 as a tool to extend the image and influence of CPF and California's firefighters in the halls of power. Over the next four decades, it grew to become a publications powerhouse with products ranging from firehouse shift calendars to books, web sites and online publications. A union shop from its inception, FP&D built a reputation for creativity and professionalism, and became a critical resource for CPF affiliates' political campaigns and outreach. By the mid-2020s, FP&D was multi-million dollar media enterprise whose impact extends throughout the fire service and the labor movement.



# LEADERSHIP THROUGH THE YEARS

## PRESIDENTS

(in order of service)

Name	Local
Milton Terry	55
S. Herman Shawver	145
Eugene MacNamara	55
Glyn Lister	778
S. Herman Shawver	145
Whitey Dean	372
Ray Skukraft	145
Albert E. Albertoni	55
Tulio Rizzo	372
Fred Smith	1014
Kenneth Severit	522
Jay Woody	753
James Crain	809
Earl Dunn	1014
Daniel A. Terry	1289
Louis Paulson	1230
Brian K. Rice	522



Executive Board members past and present gather at the 2004 dedication of the Daniel A. Terry Labor Center.

## EXECUTIVE BOARD MEMBERS

(in alphabetical order)

Name	Local	Name	Local	Name	Local
Albert E. Albertoni	55	Ray Felton	55	Eugene MacNamara	55
Ron Aguayo	1430	Tom Gardner	2881	Chris Mahon	1364
Richard Alarcon	2384	Richard Garren	1230	Charles Martinez	F-116
Woody Allshouse	2881	Dave Gillotte	1014	Rick Martinez	522
Mike Anthony	1230	Herb Goettelman	891	Michael Massone	F-33
Herbert Bell	753	Robert Greenwood	1289	Richard Mayberry	522
Michael Bennett	2046	Richard Guerrero	1014	Pat McOsker	112
George Bottom	1230	Wayne Harbolt	522	E. J. Murphy	456
Lief Brandin	809	H. C. Harmelink	145	Dan Nichols	2881
Ken Buzzell	112	Kenny Harrell	F-33	Dennis O'Brien	2881
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