



# NEWS RELEASE

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**For Immediate Release:**  
August 24, 2015

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## **California Supreme Court Rules in Favor of Orange County Fire Authority** *Unanimous Decision in Poole v. OCFA Supports Agency's Personnel Process*

**Tustin** – OCFA Chairman Gene Hernandez and Fire Chief Jeff Bowman today released the following statement after the California Supreme Court ruled unanimously in *Poole v. OCFA*.

"We are gratified that the California Supreme Court agreed unanimously that the Fire Authority handled this personnel process correctly, and struck the proper balance between the protections rightly afforded to our heroic firefighters, on the one hand, and to the operational and efficiency demands of the fire agency on the other."

### **Legal Background -**

Poole v. OCFA examined a provision in the "Firefighters' Bill of Rights."

Under that statute, a firefighter has the right to review and respond to any negative comment that is "entered in his or her personnel file, or any other file used for any personnel purposes by his or her employer."

Firefighter Poole had argued that the statute required the OCFA to allow him to review and respond to all negative written comments in a supervisor's "daily log." The "daily log" consisted of notes that memorialize the supervisor's thoughts and observations concerning an employee which the supervisor uses as a memory aid in preparing performance plans and reviews. Employees, including Firefighter Poole, were able to review and respond to any negative comments that were included in their actual reviews that were retained in their actual personnel files, as had always been the case.

The Supreme Court agreed with the OCFA that the statute didn't apply because the daily log was not shared with, or available to, anyone other than the supervisor who wrote the log. It does not, as such, constitute a file "used for any personnel purposes by his or her employer" since the notes could not affect the employment status of the firefighter.

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*The OCFA is a joint powers authority that serves more than 1.8 million residents in 23 cities and the unincorporated areas of the county.*