

Ralph M. Terrazas, Fire Chief
LOS ANGELES FIRE DEPARTMENT
Room 1800 City Hall
200 North Main Street,
Los Angeles, CA 90012

via email: ralph.terrazas@lacity.org

Re: COVID-19 individual exemptions guidelines

Dear Chief Terrazas:

I represent 330 individual LAFD firefighters (as of today's date), together with the Firefighters4Freedom Foundation—a non-profit organization whose purpose is to oppose the City's vaccine mandate on behalf of the firefighters I represent. Our numbers are growing daily. I represent these individual firefighters pursuant to Calif. Govt Code §3502.

It has come to my attention that certain of your department's captains and chiefs are attempting to coerce or command LAFD firefighters to fill out medical/religious exemption requests, if they oppose COVID vaccines, before the September 7, 2021 deadline imposed by the City. We ask your Department to refrain from such conduct for three reasons:

First, The September 7 deadline set by the city to apply for an exemption was clearly a voluntary option for city employees. The Department may not convert that voluntary option into a command or mandate without violating the letter and spirit of the City's original voluntary deadline.

Second, any command for firefighters to fill out the medical/exemption request letter violates the privacy protections under the California Constitution, section 1, article 1. Each person in California has a constitution right to maintain informational privacy and autonomous privacy. See, Hill v. National Collegiate Athletic Assn., 26 Cal.Rptr.2d 834, 856 (Cal. 1994) ("*California constitutional right of privacy prevents government and business interests from collecting and stockpiling unnecessary information about us and from misusing information gathered for one purpose in order to serve other purposes or to embarrass us.*") It seems clear that the only reason to require firefighters to seek an exemption is to identify those who oppose the COVID vaccine mandate. In other words, you would be collecting and stockpiling unnecessary information for potential misuse on this issue in the future.

Third, the issue of COVID vaccination requirements is, beyond reasonable question, a political issue in this City and State. Pursuant to Govt. Code §3252, a firefighter may not be coerced to engage in political activity. For this reason, any effort by the Department to require disclosure of status or position regarding COVID vaccinations or exemptions requires firefighters to engage in political activity against their will—a violation of §3252.

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September 5, 2021

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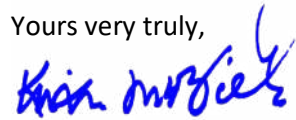
For the above reasons, we respectfully ask you to communicate to your chiefs and commanders that it is not appropriate to coerce or force individual firefighters to apply for an exemption if they oppose COVID vaccines.

I have advised my clients that if they receive such a directive from a chief of your Department, they should nevertheless comply, under protest, lest they be found insubordinate for failing to follow a direct command. But were that to happen, we will escalate legal efforts in response accordingly.

Finally, as you see from the cc: section below, Mr. Freddie Escobar is copied on this letter. Mr. Escobar and UFLAC are, of course, the only entity entitled to speak on behalf of the entire LAFD membership. It is our hope that Mr. Escobar will assert a similar demand of the Department on behalf of the entire union membership that UFLAC represents with respect to this issue.

Feel free to contact me, or have your counsel do so, with any questions or discussions.

Yours very truly,



KEVIN McBRIDE

Attorney for FIREFIGHTERS4FREEDOM FOUNDATION and 330 individual LAFD firefighters

cc: Mr. Freddie Escobar, President, UFLAC
Ms. Dana Martinez, legal counsel, UFLAC: dmartinez@bushgottlieb.com
Capt. David Fabela, president, Firefighters4Freedom Foundation