



Fourth Quarter 2021

With the arrival of the first rain, we are filled with a renewed sense of wonder and purpose. As we race to clear the trails and navigate around obstacles, such as downed power lines, we are fulfilling our responsibility to the land and to the park visitors that have come to love it. Banana slugs trudge along the trails, mushrooms lift their caps, frogs are once again heard signing their songs - all of life in our parks is revitalized by the cleansing power of water. As we notice these changes, we come to wonder - what happens when you stay in one place for a while? What do the parks have to teach us?

Our President, Matt Cerkel, did just that on Mount Tamalpais in Marin County. As both an historian and an artist, he collected profound stories of Mount Tam and captured its beauty in powerful photographs. Through the years, he came to know the land as teacher, as healer, as friend. Matt shares his professional trajectory with us in this issue of Signpost.

Keep reading this newsletter for information about our 2022 Conference and for an overview of the Peace Officer's Bill of Rights.

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This Month's Articles



Know Your Rights

What protections do you have when under investigation and who to call for help

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Under the Flat Hat

President Matt Cerkel shares profound



PRAC Conference 2022

We are announcing a line of speakers and panelists for the

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Know Your Rights



By Aylara Odekova, Region 2 Director

Do you know what to say to your supervisor when you are under investigation or subject to interrogation that could lead to punitive action? Earlier this month, PRAC hosted a live Q&A session with Tony Silva, Labor Representative from Goyette Ruano and Thompson, to cover the purpose of the Peace Officer's Bill of Rights, otherwise known as POBR, and to discuss how it applies to park rangers, who are classified as Peace Officers under the Government Code Section 3300. Before we move to a quick summary of discussion, I'd like to introduce Silva.

Silva was a police officer for almost 30 years. For about half of his law-enforcement career he was also a leader of his Police Association. He retired at the end of 2016 and began working as a Labor Representative for Goyette Ruano and Thompson. The firm represents public employees, including peace officers, firefighters, teachers and city employees, in all types of disciplinary matters.

What is POBR?

Peace Officer's Bill of Rights codified as the Public Safety Officers Procedural Bill of Rights Act in Government Code Sections 3300-3312.

Am I covered by POBR?

Look at your Peace Officer ID card. It should refer to a Penal Code section from which you draw your authority. You are covered by POBR if you fall under Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code.

Am I covered by POBR even if I am not a sworn officer?

You may be covered by POBR even if you are not a sworn officer, especially if you have language in your organization's MOU that gives you these rights. Even if that is not the case, you are covered by a Supreme Court decision in 1975 which established the Weingarten rights. This decision guarantees an employee the right to representation during any investigatory interview, which could lead to disciplinary action. These rights apply to non-sworn positions, such as dispatchers. Check your employee contract to see what rights you are entitled to.

What are the mechanics of POBR and Weingarten rights?

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Much like Miranda, your rights need to be invoked. Your

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supervisor has no obligation to inform you that you are entitled to representation, although some employers prefer to do this. If they don't, it is best to ask the supervisor or whomever is questioning you, if disciplinary action is a consequence of the matter under investigation.

Why is it important to know if I am under investigation?

If a supervisor casually approaches you with questions about an incident for which there may be an outstanding complaint, it's important for you to know of the existence of this complaint. If you or your supervisor are not prepared for the discussion and you are not consistent with your answers throughout the investigation, you may be perceived as not being truthful. It is difficult to undo this perception. It is important to inquire about the existence of a complaint right away, so that you can invoke your rights to a labor representative.

Why do I need a representative?

A labor representative will seek information from your supervisor about the subject matter of the discussion. They will prepare you for questioning and be present with you during your interview. During the interview, they will use their active listening skills, take good notes, request clarification on a question, and object to a line of questioning that does not apply to the subject matter.

How do I invoke my rights?

If a supervisor seeks to obtain information which could be used as a basis for discipline or asks you to defend your conduct and if you have a reasonable belief that discipline may result from what you say, you should invoke your rights. This can be a frightening moment in your career, but it can be performed with tact. In response to a line of questioning about an incident, you could say: "I am happy to tell you about the incident, but can I inquire if there is a complaint or potential disciplinary action?" A negative answer is generally binding by the employer. It means that your statement could not be used against you. Keep in mind that for the purpose of discipline, we are talking about written reprimands. You could still receive a corrective action that is not considered punitive, such as a counseling memo. In case of a positive answer, it is highly recommended you state that you want a Union representative present. In this case, your supervisor cannot retaliate against you for wanting a representative.

Is representation free?

This will depend on the type of agreement you have and how your Association handles such requests.

What else does the POBR cover?

POBR is an extensive document that covers appeals, insubordination, penalty, polygraphs, searches, and even American Flag pins. Check it out for yourself [here](#).

Under the Flat Hat



PRAC President Matt Cerkel

This year marks my 30th year in the Ranger Profession, 28th year as a PRAC member and 26th year as a Park Ranger. Thirty years flew by, but it seems I started working as a Park Aide just yesterday. I feel lucky to have spent my entire career at one park in the Mount Tamalpais Watershed and to have served in most of our uniformed ranks, first as a Park Aide, then Ranger Aide, Park Ranger I, Park Ranger II, and finally as a Senior Park Ranger. I've developed a sense of place on Mount Tam and the bond I feel to the land has only strengthened with time.

Often being a Park Ranger means moving around to different parks and agencies in order to advance one's career, but that's not the only way to promote. Staying in one place as a Ranger has its advantages. As an expert on one park, you provide insight and information to decision-makers. You can also pick up on long-term changes in the park environment. With the long-term institutional knowledge, you can become a trainer and keeper of agency history, stories, lore, and traditions.

Looking back, I can remember when wild turkeys and coyotes first appeared in my park. I also remember when fire season started later and ended sooner, signifying that climate change is real and it is impacting our parks. Through the years, I have seen the Park Ranger profession evolve and become more professional and more specialized. At the same time, we continue to debate many aspects of the profession. Often the evolution of the Park Ranger profession seems to move two steps forward, one step back. To this day, the Park Ranger profession remains inconsistent in terms of the duties and responsibilities depending on the agency and the position. Is the Park Ranger job a law enforcement job, is it an interpretive job? Is it a maintenance job? A resource management job? Is it a public safety job? It can be all those things and more. The varied nature of the ranger profession is reflected in PRAC's Park Ranger Certification program, which is currently undergoing revisions that will be unveiled at our California Parks Training Conference at the Rush Creek Lodge in March of 2022.

On Mount Tam, the Park Rangers have been all those things and more since 1917. The basic job of the Park Ranger has not changed in over 100 years, but the training, standards, and expectations have. Park Rangers are protectors, explainers, hosts, caretakers, people who are expected to be knowledgeable, helpful, courteous and professional: people who find you when you're lost, help you when you're hurt, rescue you when you're stuck, and enforce the law when you or others can't abide by it.

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My career, like any other career, had its ups and downs, disappointments, and setbacks. I also experienced joy and achievement. It feels good to self-reflect, learn from what worked and what hasn't; to possess a willingness to learn and an eagerness to advance and grow both as a Ranger and a person shows that nothing is static.

In my 28-year involvement with PRAC I started as a student member and have been a voting member for 26 years. I have served as a Regional Director and since 2016 I have been privileged to serve as President. My goals of updating the services and programs that PRAC provides have slowly been accomplished with the help from other PRAC officers and members.

Being a Park Ranger is one of the greatest jobs in the world! It has also been a privilege for me for the past 30 years. I now hope to pass my passion and knowledge to the next generation of Park Rangers.

PRAC Conference 2022



PRAC Conference will take place in Yosemite, March 7-10, 2022. We are announcing next year's conference line up. The conference will include a field trip to Hetch Hetchy and a Keynote by the Director of California State Parks. For a full list of talks and other scheduled activities, click [here](#).

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Thanks for reading! Please [let us know](#) if you have ideas for what you would like to see in future issues of *The Signpost*.

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