

KALISPELL FIRE DEPARTMENT

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EXHIBIT _____
DATE 3.31.05
SB 431

3/30/2005

Local Government Committee Legislators

RE: SB 431- "Allow Mayor or City Manager to Discipline a Municipal Firefighter."

Dear Local Government Committee Legislators,
Senate Bill 431 will be before the Local Government Committee at 3:00 PM, on March 31st, 2005.
The Kalispell Fire Department and the City of Kalispell support this bill for the following reasons:

1. Except for firefighters, all municipal employees are disciplined or terminated through the guidelines established by the personnel guidelines of the local municipality. Current state law requires that career (paid) firefighters can only be disciplined or terminated after their case has been presented at the next regularly scheduled city council meeting and vote of approval has been given by the council.

a. "7-33-4124. *Suspension procedure. (1) In all cases of suspension the person suspended must be furnished with a copy of the charge against him, in writing, setting forth reasons for the suspension. Such charges must be presented to the next meeting of the council or commission and a hearing had thereon, when the suspended member of the fire department may appear in person or by counsel and make his defense to said charges.*

(2) Should the charges not be presented to the next meeting of the council or commission after the suspension or should the charges be found not proven by the council or commission, the suspended person shall be reinstated and be entitled to his usual compensation for the time so suspended.

(3) If such charges are found proven by the council or commission, the council or commission, by a vote of a majority of the whole council or commission, may impose such penalty as it shall determine the offense warrants, either in the continuation of the suspension for a limited time or in the removal of the suspended person from the fire department. The law requires that the council make the decision regarding the type of discipline or termination. Discipline and termination processes for firefighters should follow municipal guidelines, and should not be a special mandate by state law."

Firefighters should be subject to the same rights and process as other city employees and should not receive special privileges. Current law requires a special rights process for firefighters that is different that all other municipal employees.

2. In 1899, when this law was created, city council meetings were not televised, as most of them are today. As was recently shown in Missoula, a firefighter in jailhouse orange does nothing for the confidence of residents in a community. Employees are often disciplined for breaking city rules of conduct, or just using very poor judgment. These employees, when given the chance to correct that behavior privately, usually do because they are allowed to learn from their mistakes without everyone in the community watching and pointing at them. The current law for firefighters does not allow this. Firefighters should be given the chance to recuperate from employment mistakes without public disclosure.

"Assisting our community in reducing, preventing, and mitigating emergencies."

3. Discipline of municipal firefighters should be a local issue, not mandated by state law giving special rights to a single group of employees.

SB 431 was originally designed to remove all special treatment of firefighters in the disciplinary process. The language was modified during the Senate Committee process by a compromise written through a joint process of both firefighter and city management representatives. This joint process helped move this bill through the Senate and it now comes before you. While this current bill continues to carry language that allows the firefighter the option of appearing before the council, it greatly increases local control of a local issue, and allows a firefighter to rebuild his or her career outside of the public arena.

Due to a critical interview process here for Operations Chief, I will be unable to present testimony at the hearing. However, I urge your support of SB 431, and thank you for your commitment to our communities.



Randy Brodehl, Fire Chief