



Affiliated with AFL-CIO
International Association of Fire Fighters

February 18, 2005

**MONTANA STATE COUNCIL
OF
PROFESSIONAL FIRE FIGHTERS**

SENATE STATE ADMIN.
EXHIBIT NO. 1
DATE 2.18.04
BILL NO. SB 431

The Montana State Council of Professional Fire Fighters opposes SB 431 for the following reasons.

- 1.) Section 5 repeals the complete section now called "Suspension Procedure". This section has been in law since 1899, and sets the process of how a fire fighter is notified of any charges against him or her, informs the fire fighter of when he may address these charges and presents their defense with counsel, and how the penalty will be decided. The procedure also addresses what happens if the fire fighter is found not guilty. Many of the current collective bargaining agreements now list this section, 7-33-4124, as the suspension and termination process. With this section of law repealed there could be some strife as what process to follow.
- 2.) The fire fighters in recent years have had to seek court proceedings when the cities have not followed the provisions of 7-33-4124, and the Montana Supreme Court has ruled that the cities must follow the suspension procedure.
- 3.) Section 4 of the bill takes away the ability for the chief or assistant chief to suspend a fire fighter, and though I don't represent fire chiefs, I don't believe that they would agree to this change.
- 4.) In Section 1 of the bill it gives a right to appeal a discharge, but there is no right to appeal a suspension listed. This section also lists using the collective bargaining agreement as the avenues for an appeal, but as stated before many contracts list 7-33-4124 as the procedure to follow, but this section is being repealed in this bill. In the case where there is no avenue to appeal through the bargaining agreement the first step of appeal is to the district court.

We would urge you to table this bill, and allow the fire fighters, the fire chiefs, and the League of Cities and Towns to meet and come up with a suspension procedure that we all can work with.

Thank you,

Pat Clinch, Legislative Chairman
Montana State Council of Professional Fire Fighters