

Testimony in support of SB 373

Mr. Chairman and members of the committee my name is John Culbertson and I am a full-time paid fire fighter with Central Valley Fire District in Belgrade. I started in the fire service 12 years ago as a volunteer fire fighter with Central Valley Fire. About five years ago I was hired full time with Central Valley Fire.

- 12 years ago as a volunteer fire fighter I passed a rigorous physical ability test that represented the work that is done by fire fighters and basic recruit training. I have performed the duties of a front-line fire fighter ever since. I face the same work conditions and hazards as other paid fire fighters in the State. However, I am not afforded the same protection through the Firefighters Unified Retirement System (FURS), based solely on my age. I was hired 15 months after my 35th birthday, which disqualified me from joining FURS under the current law. This is discrimination based on age.
- Like most paid fire fighters in Montana, I am required to have an annual physical exam. The criteria of this physical exam are based on a national standard that is designed to show that a fire fighter is fit for duty. So even though a physician declares me fit for duty every year, I am still denied access to FURS based solely on my age at the time of hire. This is discrimination based on age
- It is my understanding that the cities of Bozeman, Butte, Great Falls, Kalispell, Lewistown and Miles City (and maybe others) fire departments have all hired people over 34 years of age. These employees have all been allowed into FURS. This is clearly against the current law. So the current law is often ignored, which obviously erodes its' credibility. This also demonstrates a past practice of hiring fire fighters over the age of 34 and them being accepted into FURS. I do not condone breaking the law. I do however support the decision of those cities to hire the right person based on ability and qualifications, regardless of age.
- There is a hiring and testing consortium made up many fire departments (most of the larger cities and a couple fire districts) in Montana. Part of the testing is called a Candidate Physical Ability Test (CPAT). The CPAT is used nationally is designed to be a fair and accurate measure of a candidates ability to do the work required of a fire fighter. Every year in Montana people over the age of 34 pass the CPAT, yet under the current law, they cannot be hired and accepted into FURS.
- In my position as Training Officer at CVFD and as a trainer for the Montana Fire Services Training School, I have worked with and trained many fire

fighters over the age of 34, some by quite a bit. These people continually demonstrate that age is not an exclusive determining factor of the ability to perform the work required of fire fighters. So from my first hand experience, age being a bona fide occupational qualification, as stated in the current law, is absolutely not true.

I would urge you to vote in favor of SB 373 and end discrimination based on age in the Montana paid fire service. In my opinion, a vote against SB 373 is a vote for discrimination based on age.