

HOUSE BILL NO. 690
INTRODUCED BY B. BERGREN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SUSPENSION PROCEDURE FOR MUNICIPAL FIREFIGHTERS TO PROVIDE FOR AN OPTIONAL HEARING BEFORE A CITY COUNCIL OR CITY COMMISSION; AND AMENDING SECTION 7-33-4124, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-33-4124, MCA, is amended to read:

"7-33-4124. Suspension procedure. (1) ~~In all cases of suspension~~ any case in which a member of the municipal fire department is suspended from duty, the person suspended must be furnished with a copy of the charge ~~against him,~~ in writing, setting forth the reasons for the suspension. ~~Such~~ Subject to subsection (2), the suspended member of the fire department may request in writing that the charges must be presented to the next meeting of the council or commission and for a hearing had thereon, when. The hearing must be held within 30 days of the request. The suspended member may invoke the right of privacy to request a closed hearing. At the hearing, the suspended member of the fire department may appear in person or by counsel and ~~make his~~ provide a defense to said ~~against the~~ charges.

(2) If the suspended member of the fire department does not request a hearing by the council or commission within 5 business days of receiving the suspension charge, the suspended member forfeits the option of requesting a hearing by the council or commission.

~~(2)(3) Should~~ If the charges are not be presented to the next meeting of before the council or commission ~~after the suspension or should~~ within 30 days of the request for a hearing or if the charges be found not proven by the council or commission determines the charges to be unfounded, the suspended person ~~shall~~ must be reinstated and ~~be is~~ entitled to his ~~the person's~~ usual compensation for the time ~~so suspended~~ of the suspension.

~~(3)(4) If such~~ the 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 a~~ penalty as it shall determine commensurate to its determination of what the offense warrants, including either ~~in~~ the continuation of the suspension for a limited time or ~~in~~ the removal of the suspended person from the fire department."

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