



SB1494 (Edwards) Strengthens Virginia's Firefighter Procedural Guarantees ~Please Support~

Bill Summary

- The Firefighters and Emergency Medical Technicians (EMT) Procedural Guarantee Act provides basic protections for firefighters and EMTs faced with potential dismissal, demotion or suspension.
- In many localities, the provisions of the Bill of Rights are not used for investigations since there is no penalty for ignoring the protections outline in §§ 9.1-300 – 9.1-304.
- This bill provides that any breach of the procedures shall create a cause of action against the employing agency in favor of the firefighter or EMT that was subjected to interrogation.

Case for Support

- The Procedural Guarantee Act requires among other protections that firefighters and EMTs receive during disciplinary actions:
 - Ensures a detailed written notice of the nature of any disciplinary interrogation;
 - Allows the employee to have an observer present during the interrogation; and,
 - Entitles employee to any recordings made of the interrogation.
- The problem is that employers are routinely violating the provisions of the Firefighter Bill of Rights by either not giving notice of the issues underlying a disciplinary interview, by not allowing an observer, or by otherwise adopting unreasonable conduct.
 - Examples: “you cannot have a witness because we are just have a conversation. This is not an investigation.”
- Currently, the employee has no recourse unless he can prove that his case was prejudiced by the employer's breach of the procedural guarantees.
- Far too often employees are threatened with termination when they question a violation of these procedural guarantees.
- If the employer violates these procedural guarantees, this does not cause the charge to be dismissed until the employee can demonstrate that the case was prejudiced by the violation.
- This legislation provides an avenue for the employee to address a violation of the Procedural Guarantee Act -- a right to file an action in circuit court against an employer who violates the Act.
- This potential remedy will incentivize employers to comply with the very reasonable procedural guarantees outline in the *Code of Virginia*.