

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 451 (Senator Dorman. *et al.*)

Finance

Firefighters and Emergency Medical Personnel - Procedural Guarantees

This bill alters provisions relating to the judicial review of decisions regarding the suspension or termination of firefighters and emergency medical personnel.

Fiscal Summary

State Effect: None.

Local Effect: Indeterminate fiscal impact on local expenditures. Revenues would not be affected. **This bill may impose a mandate on local government.**

Small Business Effect: None.

Fiscal Analysis

Bill Summary: The bill adds to the bases upon which circuit courts may reverse or modify final disciplinary decisions rendered against firefighters or emergency medical personnel. The bill adds, as specified, to the circumstances requiring a circuit court to admit and consider additional evidence.

In addition, the bill provides the circumstances under which a final decision by an appropriate board may render a final decision based on alleged misdemeanor conduct. The bill proscribes how an investigation or interrogation must be conducted. The bill prohibits discrimination against an employee because of an employee's exercise or demand for rights under Subtitle 6 of the Labor and Employment Article, Firefighters and Emergency Medical Personnel - Right to Judicial Review. An employee may waive any and all rights under this subtitle.

The bill establishes that all provisions under this subtitle supersede any State, county, or

municipal law, ordinance, or regulation that conflicts with this subtitle. Any local legislation must be preempted by the subject and material of this subtitle.

Background: This bill establishes processes for firefighters and emergency medical personnel that are comparable to processes in the Law Enforcement Officers' Bill of Rights.

Local Expenditures: Caroline County advises that this bill would cause changes to existing county personnel regulations, and that any such change would have an indeterminate adverse fiscal impact stemming from additional administrative and legal expenses. Caroline County believes that this bill is an unfunded mandate on local governments.

Prince George's County advises that while this bill would have minimal fiscal impact, it would have a substantial operational impact. The county believes that minor cases of misconduct could result in time-consuming investigations, so that covered employees could be on administrative leave for extended periods of time over relatively minor issues.

The Department of Legislative Services advises that any additional costs for local governments arising from this bill would depend upon the extent to which current local procedures are at variance with the procedural guarantees provided by this bill. Actual costs for local governments will depend upon actual experience under the bill arising from specific disciplinary cases.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Caroline, Prince George's, Wicomico counties; City of Bowie; Department of Legislative Services

Fiscal Note History: First Reader - March 19, 1998

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