

TITLE 44
LABOR

CHAPTER 18
EMPLOYMENT OF FIREFIGHTERS

44-1801. DEFINITIONS. As used in this act the following terms shall have the following meanings:

(1) "Firefighter" shall mean the paid members, except supervisors, of any regularly constituted fire department in any city, county, fire district or political subdivision within the state. The term "supervisor" means any individual having authority in the interest of an employer to hire, direct, assign, promote, reward, transfer, lay off, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to effectively recommend such action if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; provided, the term "supervisor" shall include only those individuals who perform a preponderance of the above specified acts of authority on a day-to-day basis; and provided further, a supervisor's administrative responsibilities must include demonstrated involvement in policy and budget formulation for the department. Nothing herein shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this act shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either state or local, related to collective bargaining.

(2) "Corporate authority" shall mean the council, commission, trustees, or any other governing body of any city, county, fire district or political subdivision whose duty it is to establish wages, working conditions, and other conditions of employment of firefighters.

[44-1801, added 1970, ch. 138, sec. 1, p. 333; am. 1977, ch. 98, sec. 1, p. 205; am. 1999, ch. 50, sec. 1, p. 112.]

44-1802. COLLECTIVE BARGAINING RIGHTS OF FIREFIGHTERS -- REPRESENTATION BY BARGAINING AGENT. The firefighters in any city, county, fire district or other political subdivision in the state of Idaho shall have the right to bargain collectively with their respective cities, counties, fire districts or political subdivisions and to be represented by a bargaining agent in such collective bargaining process as to wages, rates of pay, working conditions and all other terms and conditions of employment.

[44-1802, added 1970, ch. 138, sec. 2, p. 333.]

44-1803. RECOGNITION OF EXCLUSIVE BARGAINING AGENT. The organization selected by the majority of the firefighters in any city, county, fire district or political subdivision shall be recognized as the sole and exclusive bargaining agent for all of the firefighters in the fire department, unless and until recognition of such bargaining agent is withdrawn by vote of the majority of the firefighters of such department.

[44-1803, added 1970, ch. 138, sec. 3, p. 333; am. 1977, ch. 98, sec. 2, p. 206.]

44-1804. OBLIGATION OF CORPORATE AUTHORITIES TO BARGAIN IN GOOD FAITH -- ENTERING INTO WRITTEN CONTRACT. It shall be the obligation of the city, county, fire district or other political subdivision through its proper corporate authorities or their designees, to meet and confer in good faith with the representative or representatives of the bargaining agent within ten (10) days after receipt of written notice from said bargaining agent of the request by the firefighters for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreement resulting from negotiations between the bargaining agent and the proper corporate authorities to be reduced to a written contract.

[44-1804, added 1970, ch. 138, sec. 4, p. 333; am. 1977, ch. 95, sec. 1, p. 200; am. 1996, ch. 206, sec. 1, p. 631.]

44-1805. SUBMISSION OF ISSUES TO FACT FINDING COMMISSION. In the event that the bargaining agent and the corporate authorities are unable, within thirty (30) days from and including the date of their first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to a fact finding commission.

[44-1805, added 1970, ch. 138, sec. 5, p. 333.]

44-1806. APPOINTMENT OF FACT-FINDING COMMISSION -- PUBLIC OFFICIALS AND EMPLOYEES INELIGIBLE -- PAYMENT OF EXPENSES. Within five (5) days from the expiration of the thirty (30) day period referred to in section [44-1805](#), Idaho Code, the bargaining agent and the corporate authorities shall each select and name one (1) member of a fact-finding commission respectively and shall immediately thereafter notify each other in writing of the names and addresses of the person so selected. The two (2) members so selected and named shall within ten (10) days from and after the expiration of the five (5) day period mentioned above, agree upon and appoint and name a third member. If on the expiration of the ten (10) day period the two (2) members are unable to agree upon the appointment of a third member, the director of the department of labor shall appoint such third member upon request in writing from either the bargaining agent or the corporate authorities. The third member of the fact-finding commission, whether appointed as result of agreement between the two (2) members selected by the bargaining agent and the corporate authorities, or appointed by the director, shall act as chairman of the fact-finding commission. No member of the fact-finding commission shall be an elected official, or employee of the city, county, fire district, or political subdivision affected. Any expenses incurred by the fact-finding commission shall be equally shared by the bargaining agent and the corporate authorities.

[44-1806, added 1970, ch. 138, sec. 6, p. 333; am. 1996, ch. 421, sec. 21, p. 1421.]

44-1807. NEGOTIATED AGREEMENTS CONSTITUTE CONTRACT. Any agreements actually negotiated between the bargaining agent and the corporate authorities either before or within thirty (30) days after the fact finding commission's recommendation shall constitute the collective bargaining contract governing the firefighters and said city, county, fire district, or political subdivision for the period stated therein.

[44-1807, added 1970, ch. 138, sec. 7, p. 333; am. 1977, ch. 95, sec. 2, p. 200.]

44-1808. NOTICE OF REQUEST FOR BARGAINING ON MATTERS REQUIRING APPROPRIATION. Whenever wages, rates of pay, or any other matter requiring appropriation of money by any city, county, fire district or political subdivision are included as a matter of collective bargaining conducted under the provisions of this act, it is the obligation of the bargaining agent to serve written notice of request for collective bargaining on the corporate authorities at least ninety (90) days before the last day on which money can be appropriated by the city, county, fire district or political subdivision to cover the contract period which is the subject of the collective bargaining procedure.

[44-1808, added 1970, ch. 138, sec. 8, p. 333.]

44-1809. NOTICE OF HEARING BEFORE FACT FINDING COMMISSION -- PRESENTATION OF EVIDENCE -- DETERMINATION BY MAJORITY. (a) The fact finding commission shall appoint a time and place for hearing and cause notification to the parties consisting of the bargaining agent and the corporate authorities to be served personally or by registered mail not less than five (5) days before the hearing. Appearance at the hearing waives such notice requirement. The fact finding commission may adjourn the hearing from time to time as necessary, and on request of a party for good cause, or upon their own motion, may postpone the hearing. The fact finding commission may hear and determine the controversy upon the evidence produced notwithstanding the failure of a party duly notified to appear.

(b) All interested parties are entitled to be heard, to present evidence material to the controversy and to cross-examine witnesses appearing at the hearing.

(c) The hearing shall be conducted by all the members of the fact finding commission but a majority may determine any question and render a recommendation. If, during the course of the hearing a member of the fact finding commission for any reason ceases to act or serve on said commission, the remaining members appointed to act may continue with the hearing and determination of the controversy.

[44-1809, added 1970, ch. 138, sec. 9, p. 333.]

44-1810. WRITTEN RECOMMENDATION OF COMMISSION -- COPIES TO PARTIES. The recommendation of the fact finding commission shall be in writing and signed by the members joining in the recommendation. The fact finding commission shall deliver a copy of the recommendation to the bargaining agent, corporate authorities, and any other party requesting such recommendation.

[44-1810, added 1970, ch. 138, sec. 10, p. 333.]

44-1811. STRIKES PROHIBITED DURING CONTRACT. Upon consummation and during the term of the written contract or agreement, no firefighter shall strike or recognize a picket line of any labor organization while in the performance of his official duties.

[44-1811, added 1970, ch. 138, sec. 11, p. 333.]

44-1812. MINIMUM STANDARDS FOR EMPLOYING PAID FIREFIGHTERS. (1) No person may be employed as a paid firefighter as defined in sections [44-1801](#) (1) and [59-1391](#) (f), Idaho Code, until that person:

- (a) Has met and has been certified by the examining physician selected by the corporate authority as having met the minimum medical and health standards set forth in subsection (4) of this section;
- (b) Is at least eighteen (18) years of age at the time of appointment; and
- (c) Has met prescribed physical performance standards as adopted by the corporate authority.

(2) A true copy of the medical history of the applicant, completed and signed by the examining physician shall be sent to the corporate authority. Such records shall be furnished prior to the date of active employment of the applicant. If an applicant fails to meet the requirements of subsection (1) of this section, the applicant shall not be eligible for employment and the corporate authority shall provide notice of ineligibility to the applicant.

(3) Physical examination records shall be a part of the permanent file of the corporate authority.

(4) For purposes of this section, the phrase "minimum medical and health standards" shall mean the preplacement medical evaluation provisions of chapter 2-3 of the 1997 edition of NFPA 1582, the standard on medical requirements for firefighters published by the national fire protection association. The cost of the medical examination contemplated by this section is to be paid by the corporate authority, which shall make copies of NFPA 1582 available upon request.

(5) Nothing in this section shall apply to paid firefighters who are employed as such before October 1, 1980, as long as they continue in such employment; nor to promotional appointments after becoming a member of a fire department of any corporate authority; nor to the reemployment of a paid firefighter by the same or a different corporate authority within two (2) years after the termination of his employment; nor to the reinstatement of a paid firefighter who has been on military or disability leave, disability retirement status, or who was terminated because of a reduction in force or leave of absence status.

[(44-1812) I.C., sec. 72-1428, as added by 1974, ch. 59, sec. 2, p. 1136; am. 1976, ch. 316, sec. 1, p. 1084; am. 1977, ch. 97, sec. 1, p. 202; am. 1980, ch. 50, sec. 23, p. 88; am. 1983, ch. 90, sec. 1, p. 187; am. 1984, ch. 242, sec. 1, p. 588; am. 1989 & redesignated 44-109, ch. 66, sec. 1, p. 106; am. 1995, ch. 188, sec. 1, p. 675; am. and redesign. 1996, ch. 421, sec. 15, p. 1419; am. 1999, ch. 50, sec. 2, p. 113.]