

RIVER FALLS AMBULANCE DISCIPLINARY PROCEDURES

Guidelines for a Disciplinary Case

The Commission is to act as an impartial decision maker. The Director will present facts and arguments in support of its recommendation to discipline an Emergency Medical Technician (EMT) and the EMT will be allowed to bring forth facts and arguments supporting either a reduced form of discipline or no discipline at all. There are two reasons for an EMT to request a hearing: to convince the Commission that no reason exists to sustain the discipline in question or that the discipline should be reduced.

Status of EMTs

An EMT is an active member in good standing of the River Falls Area Ambulance Service. EMTs are not full or part-time employees of either the City of River Falls nor of the Ambulance Service. They function in a similar manner to volunteer firefighters, to the effect that they are a highly trained group of responders who make themselves available for a certain minimum amount of time as well as additional on call time to respond to emergencies in the service area of the Ambulance Service. EMTs are compensated for the time that they are on duty and for meeting time and training time. EMTs do not have contracts, nor are they represented for purposes of bargaining with the Ambulance Service. To the limited extent that they may be considered to be employees of the Ambulance Service, they are to be considered to be “AT WILL” employees, meaning that either the Ambulance Service or an individual EMT is free at any time, with or without cause, to terminate the working relationship.

Procedure for Hearing.

- (1) The Director of the Ambulance Service shall issue a written disciplinary letter to an EMT, describing the nature of the offense and the discipline proposed by the Director as a result thereof. In the said letter, the Director shall advise the EMT of his or her right, if he or she responds to the Director within ten (10) days of the date of the letter of discipline, to ask for a hearing before the Commission. The sole purpose of the hearing shall be to affirm, modify or reverse the discipline.
- (2) The hearing shall be held in closed session pursuant to §19.85(1)(b), Wis. Stats. unless the EMT requests at or before the beginning of the hearing that it be held in open session, in which event it shall be held in open session.
- (3) If the hearing is to be held in closed session, the chairperson shall announce the intent to adjourn into closed session and shall ask for a motion to that effect. Such a motion might read:

I hereby move to adjourn into closed session for the purpose of considering discipline against a member of the ambulance service pursuant to §19.85(1)(b), Wis. Stats.

The motion to adjourn into closed session must be made, seconded and adopted by a roll call, majority vote of the members of the Commission present at the meeting in question. The Clerk of the meeting shall record the votes of each of the members on this question. Although minutes must be taken of every vote which occurs in a closed session meeting of the Commission, no verbatim transcript of the positions of the parties in such a proceeding, nor of their arguments nor of the Commission's deliberations shall be taken.

(4) The Chairperson should next ask the EMT in question if he or she has received notice of the hearing and whether he or she understands that the purpose of the hearing is for the Commission to consider, deliberate and decide on whether or not the Director's discipline is appropriate or whether it should be modified or reversed. A copy of the Director's disciplinary letter to the EMT shall be made a part of the record before the Commission.

(5) The Chairperson shall next ask the following question of the members of the Commission:

Is there any member of the Commission who believes that he/she will not be able to make a decision based upon the facts and arguments as presented during the hearing?

If all Commission members answer "no", the Chairperson should so indicate and the minutes should reflect this fact. If any member answers "yes", he or she shall be allowed to explain his or her position, after which he or she may be excused by the Chairperson from hearing the matter.

(6) The Chairperson should then indicate that the Commission will hear the facts and arguments to be presented to it by each party but that the hearing is not a courtroom proceeding and, therefore, the strict rules of evidence will not apply, including but not limited to the rules against hearsay, which shall be allowed subject to the discretion of the Commission.

(7) Next, the Chairperson shall announce the following order of the proceedings:

1. The Director or his or her representative shall be given the opportunity to make an opening statement and to present facts in support of his or her case.
2. The EMT or his or her representative shall be given the opportunity to make an opening statement and to present facts in support of his or her case.
3. The Director shall be given an opportunity to make a closing argument.
4. The EMT shall be given the opportunity to make a closing statement.

Both the EMT and the Director may cross examine witnesses of the other party. Documentary evidence, if any, shall be provided to the Commission which shall make it a part of the official record.

Members of the Commission may ask questions of any witness or of the Director or EMT.

Questions asked by the Commission should be relevant to the facts presented by one or the other in support of his or her case or in opposition to the other side's case. Commission members shall refrain from making comments and shall not discuss or debate the case while it is being presented.

Deliberations

Following the conclusion of the testimony and statements, if any, the Commission shall deliberate. If in closed session, neither party, nor their representatives, should be present during deliberations. Only the facts and evidence submitted shall be used as a basis for making a decision.

If the deliberations are to be held in closed session, the Commission shall convene under §19.85(1)(a), Wis. Stats. for the purpose of deliberating after the holding of a sub. (1)(b) hearing.

Decision

A decision of the Commission shall be to either affirm the discipline handed out by the Director or to modify it, by either reducing or increasing the discipline, or by reversing it. A decision shall be made upon a majority vote of those in attendance at the hearing. Each decision shall be rendered within a reasonable period of time after the hearing in question. Notice of the decision shall be provided to the Director and to the EMT.

Finality of Decision

There shall be no appeal from a decision of the Commission on a disciplinary matter. All decisions of the Commission shall be considered to be final.