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Sequence  
 Number: 03-04-14  
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 File Date: 3/12/14

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Tennessee Commission for Firefighting Personnel Standards and Education
<b>Division:</b>	Division of Fire Prevention, Department of Commerce and Insurance
<b>Contact Person:</b>	C. Edward Scudder, Jr. 500 James Robertson Parkway, Eighth Floor Davy Crockett Tower
<b>Address:</b>	Nashville, Tennessee 37243
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<b>Email:</b>	ed.scudder@tn.gov

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	Don Coleman 500 James Robertson Parkway, 12 <sup>th</sup> Floor Davy Crockett Tower
<b>Address:</b>	Nashville, Tennessee 37243
<b>Phone:</b>	(615) 741-6500
<b>Email:</b>	don.coleman@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	The Park Vista Hotel		
Address 2:	705 Cherokee Orchard Road		
City:	Gatlinburg, Tennessee		
Zip:	37738		
Hearing Date :	April 30, 2014		
Hearing Time:	2:00 p.m.	<input type="checkbox"/>	<input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

T.C.A. §§ 4-24-107(3), 4-24-110(b), and 4-24-113(5) authorize the Tennessee Commission on Firefighting Personnel Standards and Education and the Director of the Division of Fire Prevention to make reasonable rules and regulations to implement the objectives of T.C.A. Title 4, Chapter 24, Parts 1 and 2. These duties include: certifying fire training instructors; certifying education programs; approving curricula for higher education fire schools; approving curricula for the Tennessee Fire Service and Codes Enforcement Academy; and administering the annual Firefighter Educational Salary Supplement.

The primary objectives of these amended and new rules are: to offer additional certifications to expand the level of firefighter professionalism; and to streamline the payment procedures for the Firefighter Educational Salary Supplement.

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0360-01-01	General
Rule Number	Rule Title
0360-01-01-.01	Address
0360-01-01-.02	Meetings
0360-01-01-.03	Mission Statement
0360-01-01-.04	Appeals Process

Chapter Number	Chapter Title
0360-01-02	Definitions
Rule Number	Rule Title
0360-01-02-.01	Definitions

Chapter Number	Chapter Title
0360-02-01	Certification of Training and Education Programs
Rule Number	Rule Title
0360-02-01-.01	Local Fire Departments
0360-02-01-.02	Vocational Schools and Institutions of Higher Education
0360-02-01-.03	Special Courses and Programs
0360-02-01-.04	Repealed
0360-02-01-.05	Minimum Training

Chapter Number	Chapter Title
0360-02-02	Instructor Certification
Rule Number	Rule Title
0360-02-02-.01	Repealed - Interim Fire Department Instructor
0360-02-02-.02	Repealed – Fire Department Instructor I
0360-02-02-.03	Repealed – Fire Department Instructor II
0360-02-02-.04	Repealed – Fire Department Instructor III
0360-02-02-.05	Repealed
0360-02-02-.06	Vocational School and Higher Education Instructor

<b>Chapter Number</b>	<b>Chapter Title</b>
0360-03-01	Classifications for Full-Time and Volunteer Fire Fighters
<b>Rule Number</b>	<b>Rule Title</b>
0360-03-01-.01	Repealed
0360-03-01-.02	Fire Fighter I
0360-03-01-.03	Firefighter II
0360-03-01-.04	Fire Fighter I/II Combined
0360-03-01-.05	Fire Department Instructor I
0360-03-01-.06	Fire Department Instructor II
0360-03-01-.07	Fire Department Instructor I/II Combined
0360-03-01-.08	Fire Department Instructor III
0360-03-01-.09	Fire Officer I
0360-03-01-.10	Fire Officer II
0360-03-01-.11	Fire Officer I/II Combined
0360-03-01-.12	Fire Officer III
0360-03-01-.13	Fire Officer IV
0360-03-01-.14	Hazardous Materials Awareness
0360-03-01-.15	Hazardous Materials Operations
0360-03-01-.16	Airport Firefighter
0360-03-01-.17	Wildland Firefighter I
0360-03-01-.18	Wildland Firefighter II
0360-03-01-.19	Fire and Life Safety Educator I
0360-03-01-.20	Fire and Life Safety Educator II
0360-03-01-.21	Fire Safety Compliance Officer I
0360-03-01-.22	Fire Safety Compliance Officer II
0360-03-01-.23	Fire Apparatus Operator
0360-03-01-.24	Pumper Driver/ Operator
0360-03-01-.25	Aerial Apparatus Driver/Operator
0360-03-01-.26	Safety Officer
0360-03-01-.27	Incident Safety Officer
0360-03-01-.28	Health & Safety Officer
0360-03-01-.29	Repealed
0360-03-01-.30	Technical Rescue
0360-03-01-.31	Rope Rescue
0360-03-01-.32	Confined Space Rescue
0360-03-01-.33	Trench Rescue
0360-03-01-.34	Structural Collapse
0360-03-01-.35	Vehicle Rescue
0360-03-01-.36	Surface Water Rescue
0360-03-01-.37	Swiftwater Rescue
0360-03-01-.38	Swiftwater Rescue II
0360-03-01-.39	Dive Rescue
0360-03-01-.40	Ice Rescue
0360-03-01-.41	Surf Rescue
0360-03-01-.42	Wilderness Rescue
0360-03-01-.43	Mine and Tunnel Rescue
0360-03-01-.44	Cave Rescue
0360-03-01-.45	Machinery Rescue
0360-03-01-.46	Exterior Industrial Fire Brigade Member
0360-03-01-.47	Interior Structural Fire Brigade Member

0360-03-01-.48	Fire Inspector I
0360-03-01-.49	Fire Investigator

Chapter Number	Chapter Title
0360-04-01	Examinations
Rule Number	Rule Title
0360-04-01-.01	General
0360-04-01-.02	Applications
0360-04-01-.03	Character of Examinations
0360-04-01-.04	Grading
0360-04-01-.05	Retesting
0360-04-01-.06	Examination Form
0360-04-01-.07	Repealed
0360-04-01-.08	Written Examinations
0360-04-01-.09	Practical Examinations

Chapter Number	Chapter Title
0360-05-01	Revocation of Certification
Rule Number	Rule Title
0360-05-01-.01	Failure to Meet Certain Conditions
0360-05-01-.02	Separation from Active Fire Service

Chapter Number	Chapter Title
0360-06-01	Miscellaneous Certification Standards
Rule Number	Rule Title
0360-06-01-.01	Adoption by Reference
0360-06-01-.02	Repealed
0360-06-01-.03	Domestic Violence Training
0360-06-01-.04	Progression
0360-06-01-.05	Reciprocity

Chapter Number	Chapter Title
0360-07-01	Educational Incentive Pay
Rule Number	Rule Title
0360-07-01-.01	Minimum Employment Standards - Definitions
0360-07-01-.02	Firefighter – Definition
0360-07-01-.03	Repealed
0360-07-01-.04	Entry-Level Personnel

0360-07-01-.05	Requirements for In-Service Training Programs
0360-07-01-.06	Payment Procedures
0360-07-01-.07	Waiver
0360-07-01-.08	Audit
0360-07-01-.09	Disciplinary Matters
0360-07-01-.10	Prosecution of False Claims for Educational Incentive Pay
0360-07-01-.11	Repealed
0360-07-01-.12	Repealed
0360-07-01-.13	Repealed
0360-07-01-.14	Repealed
0360-07-01-.15	Repealed
0360-07-01-.16	Repealed
0360-07-01-.17	Repealed
0360-07-01-.18	Repealed

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

#### Substance of Proposed Rules

##### Chapter 0360-01-01

##### General

Chapter 0360-01-01 is amended by deleting the chapter in its entirety and substituting the following language, so as amended the new chapter shall read:

##### Chapter 0360-01-01

##### General

##### Table of Contents

0360-01-01-.01	Address	0360-01-01-.03	Mission Statement
0360-01-01-.02	Meetings	0360-01-01-.04	Appeals Process

0360-01-01-.01 Address. Whenever some document is required to be submitted to or filed with the Commission, mailing by first class mail to the office of the Commission shall suffice.

Authority: T.C.A. §4-24-107. Administrative History: Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990.

0360-01-01-.02 Meetings.

- (1) The Commission will hold at least one regularly scheduled meeting during each calendar quarter.
- (2) At each meeting, the Commission shall establish the date, time and location for the next meeting.
- (3) The meeting will be conducted in accordance with Roberts Rules of Order upon a written agenda.

(4) Minutes will be made of each meeting and approved at the next meeting.

Authority: T.C.A. §4-24-107.

0360-01-01-.03 Mission Statement.

The Commission will endeavor to raise the standards of firefighting personnel who participate in its certification and training programs by enabling Tennessee firefighters to be better prepared through training courses facilitating the skills and knowledge necessary to save lives and property, and by vigorously promoting firefighting safety, efficiency, decorum and ethical considerations throughout the certification process.

Authority: T.C.A. § 4-24-107.

0360-01-01-.04 Appeals Process.

All decisions by the Director shall be made in accordance with the Commission's rules. All appeals and contested cases shall be governed by the relevant provisions of the Uniform Administrative Procedures Act, T.C.A. Title 4 Chapter 5.

Authority: T.C.A. §§ 4-24-101 and 4-24-107(3).

#### Chapter 0360-01-02

##### Definitions

Chapter 0360-01-02 is amended by deleting the chapter in its entirety and substituting the following language, so as amended the new chapter shall read:

#### Chapter 0360-01-02

##### Definitions

##### Table of Contents

0360-01-02-.01 Definitions

0360-01-02-.01 Definitions.

- (1) "Closed examination" shall mean an examination which is administered to the firefighters of a single fire department.
- (2) "Commission" shall mean the Tennessee Commission on Fire Fighting Personnel Standards and Education. "Commission" may also refer to a person designated by the Commission for a particular purpose.
- (3) "Commission office" shall mean the office of the Director and staff of the Tennessee Commission on Fire Fighting Personnel Standards and Education. "Commission office" may also refer to persons defined as "Commission Representatives."

- (4) "Commission Representative" shall mean a person authorized by the Commission to act on its behalf. This may include, but is not limited to, the commission director, commission coordinators, and field representatives.
- (5) "Department" shall mean a department of a municipality, county, or political subdivision, or an organization, agency, or entity that offers its services, for or without pay, for the purpose of suppressing fires, performing rescue services, or for other emergency response purposes. Excluded from this definition are law enforcement agencies, emergency medical agencies licensed by the Tennessee emergency medical services board, and rescue squads that do not provide fire protection.
- (6) "Firefighter" shall mean any person hired or accepted as a full-time, part-time or volunteer firefighter, by a fire department recognized under the Fire Department Recognition Act, T.C.A. § 68-102-301, et seq, and who has satisfied the minimum training requirements of T.C.A. § 4-24-112.
- (7) "IFSAC" shall mean the International Fire Service Accreditation Congress.
- (8) "NFPA" shall mean the National Fire Protection Association.
- (9) "Performance examination" shall mean a skill evaluation used to assess a candidate's ability to perform a particular job performance requirement, requisite skill, or objective of a standard for the purpose of certification.
- (10) "Pro Board" shall mean the National Board on Fire Service Professional Qualifications.
- (11) "Training Coordinator" shall mean a person at the department who acts as a point of contact for receipt of commission-related information.
- (12) "Written examination" shall mean an assessment administered on paper or on a computer that is used to measure a candidate's knowledge of a particular job performance requirement, requisite knowledge, or objective of a standard for the purpose of certification.

Authority: T.C.A §§ 4-24-101, 4-24-107 and 4-24-107(3).

#### Chapter 0360-02-01

#### Certification of Training and Educational Programs

Chapter 0360-02-01 is amended by deleting the chapter in its entirety and substituting the following language, so as amended the new chapter shall read:

#### Chapter 0360-02-01

#### Certification of Training and Educations Programs

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0360-02-01-.01 Local Fire Departments

0360-02-01-.02 Vocational Schools and  
Institutions of Higher Education  
0360-02-01-.03 Special Courses and Programs

0360-02-01-.04 Repealed  
0360-02-01-.05 Minimum Training

- (1) Fire Departments recognized under the Fire Department Recognition Act, T.C.A. § § 68-102-301 et seq. may participate in any eligible Commission programs. Recognition shall be deemed participation in Firefighting Commission programs.
- (2) Any firefighter who is a member of a recognized fire department is automatically eligible for any commission program for which he or she has satisfied the prerequisites.
- (3) If a course or program has not been properly submitted and approved by the Commission, persons completing such course or program will not receive credit from the Commission for having taken the course or program.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-02-01-.02 Vocational Schools and Institutions of Higher Education.

- (1) If an institution wishes to have its courses certified, it must submit written descriptions of said courses to the Commission for consideration. All courses in fire training leading to certification must meet or exceed the applicable NFPA standard(s), include correlation to those standards, and be consistent with the rules and regulations of the Commission.
- (2) In order to receive course approval, the course content must be submitted, ~~in writing,~~ to the Commission at least sixty (60) days prior to consideration by the Commission.
- (3) Advanced courses and seminars in fire service, fire engineering or other advanced fire related training must be submitted to the Commission in sufficient detail to show adequacy of course content on the subject.
- (4) Any institution desiring to have a program (consisting of one or more courses or seminars) approved must:
  - (a) submit a detailed description of the program at least sixty (60) days prior to consideration by the Commission; and
  - (b) have each course or seminar certified by the Commission as set forth above; ~~and~~
- (5) If a course or program has been properly submitted and approved by the Commission, persons completing such course or program will be given credit toward individual certification. Completion of unapproved courses or programs will not result in such credit.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(2), 4-24-107 and 4-24-107(3).

0360-02-01-.03 Special Courses and Programs.

- (1) Any entity or organization not otherwise covered by these rules and regulations which offers special courses, programs, or seminars in fire related subjects may request approval of such offerings. Approval will be considered, giving due weight to course content and qualifications of instructors.

- (2) When coursework is submitted toward a level of certification, a correlation sheet showing how the coursework meets the appropriate NFPA standard must be attached. Coursework cannot substitute for the practical examination for levels of certification accredited by IFSAC or any other national fire service accreditation body.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(2), 4-24-107 and 4-24-107(3).  
0360-02-01-.04 Repealed.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(2), 4-24-107 and 4-24-107(3).

0360-02-01-.05 Minimum Training.

- (1) (a) In order for the Commission to determine if a training is equivalent to a required training offered by the Tennessee Fire Service and Codes Enforcement Academy, all training programs seeking such determination of equivalency must submit:
  - 1. an outline of the training to be used; and
  - 2. a correlation of the program to the applicable NFPA standards; and/or
  - 3. a correlation of the program to the class offered by the Tennessee Fire Service and Codes Enforcement Academy.
- (b) A fire department may use a previously approved training program on file with the Commission as long as the program meets or exceeds the current Commission-adopted NFPA standard and is approved by the Commission.
- (2) To sit for certification testing each individual must submit documentation of proof of completion of the prerequisites for the appropriate level of certification.
  - (a) An applicant must have satisfied the requirements of T.C.A. § 4-24-112 to challenge a certification examination.
  - (b) Certificates of course completion do not constitute certification.
  - (c) Certification as Fire Fighter I shall be considered proof of a fire fighter's completion of a minimum sixteen (16) hours of initial training and basic and live fire training requirement.

Authority: T.C.A. §§ 4-24-101, 4-24-107(3) and 4-24-112.

Chapter 0360-02-02

Instructor Certification

Chapter 0360-02-02 is amended by deleting the chapter in its entirety and substituting the following language, so as amended the new chapter shall read:

Chapter 0360-02-02

## Instructor Certification

### Table of Contents

0360-02-02-.01	Repealed	0360-02-02-.04	Repealed
0360-02-02-.02	Repealed	0360-02-02-.05	Repealed
0360-02-02-.03	Repealed	0360-02-02-.06	Vocational School and Higher Education Instructor

0360-02-02-.01 Repealed.

0360-02-02-.02 Repealed.

0360-02-02-.03 Repealed

0360-02-02-.04 Repealed.

0360-02-02-.05 Repealed.

0360-02-02-.06 Vocational School and Higher Education Instructor.

- (1) An applicant may be certified by the Commission as an instructor in a vocational school or institution of higher education, provided he/she can show to the satisfaction of the Commission that he/she has a sufficient combination of education and experience to qualify him/her to teach the subject matter. In the alternative, the applicant can qualify for certification by passing the Fire Instructor I examination or the equivalent credentials appropriate for the vocational school or institution of higher education.
- (2) The applicant provides information sufficient for the Commission to determine that applicant will utilize their certification at a specialized vocational school or institution of higher learning.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(1), 4-24-107 and 4-24-107(3).

### Chapter 0360-03-01

#### Classifications for Full-Time and Volunteer Fire Fighters

Chapter 0360-03-01 is amended by deleting the chapter in its entirety and substituting the following language, so as amended the new chapter shall read:

### Chapter 0360-03-01

## Classifications for Full-Time and Volunteer Fire Fighters

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0360-03-01-.01	Repealed	0360-03-01-.24	Pumper Driver/Operator
0360-03-01-.02	Fire Fighter I	0306-03-01-.25	Aerial Apparatus Driver/Operator
0360-03-01-.03	Fire Fighter II	0360-03-01-.26	Safety Officer
0360-03-01-.04	Fire Fighter I/II Combined	0360-03-01-.27	Incident Safety Officer
0360-03-01-.05	Fire Department Instructor I	0360-03-01-.28	Health & Safety Officer
0360-03-01-.06	Fire Department Instructor II	0360-03-01-.29	Repealed
0360-03-01-.07	Fire Department Instructor I/II Combined	0360-03-01-.30	Technical Rescuer
0360-03-01-.08	Fire Department Instructor III	0360-03-01-.31	Rope Rescue
0360-03-01-.09	Fire Officer I	0360-03-01-.32	Confined Space Rescue
0360-03-01-.10	Fire Officer II	0360-03-01-.33	Trench Rescue
0360-03-01-.11	Fire Officer I/II Combined	0360-03-01-.34	Structural Collapse
0360-03-01-.12	Fire Officer III	0360-03-01-.35	Vehicle Rescue
0360-03-01-.13	Fire Officer IV	0360-03-01-.36	Surface Water Rescue
0360-03-01-.14	Hazardous Materials Awareness	0360-03-01-.37	Swiftwater Rescue I
0360-03-01-.15	Hazardous Materials Operations	0360-03-01-.38	Swiftwater Rescue II
0360-03-01-.16	Airport Firefighter	0306-03-01-.39	Dive Rescue
0360-03-01-.17	Wildland Firefighter I	0360-03-01-.40	Ice Rescue
0360-03-01-.18	Wildland Firefighter II	0360-03-01-.41	Surf Rescue
0360-03-01-.19	Fire and Life Safety Educator I	0360-03-01-.42	Wilderness Rescue
0360-03-01-.20	Fire and Life Safety Educator II	0360-03-01-.43	Mine and Tunnel Rescue
0360-03-01-.21	Fire Safety Compliance Officer I	0360-03-01-.44	Cave Rescue
0360-03-01-.22	Fire Safety Compliance Officer II	0360-03-01-.45	Machinery Rescue
0360-03-01-.23	Fire Apparatus Operator	0360-03-01-.46	Exterior Industrial Fire Brigade Member
		0360-03-01-.47	Interior Structural Fire Brigade Member
		0360-03-01-.48	Fire Inspector I
		0360-03-01-.49	Fire Investigator

0360-03-01-.01 Repealed.

0360-03-01-.02 Fire Fighter I.

- (1) A Fire Fighter I must meet the entrance requirements of NFPA 472, NFPA 1001, and T.C.A. § 4-24-112.
- (2) A Fire Fighter I must satisfactorily pass the examination(s) as promulgated by the Commission.
- (3) A Fire Fighter I must successfully obtain CPR certification through an entity recognized by the Commission. A copy of the CPR card must be attached to the "Application for Written Examination."
- (4) A Fire Fighter I must successfully complete a Commission approved domestic violence course, a minimum of two (2) hours in length, within the previous three (3) years of the written test date.

- (5) A Fire Fighter I must submit proof with their application of successfully completing NIMS IS-700: An Introduction and ICS-100: Introduction to ICS training or the equivalent of each.
- (6) An individual having previously been Certified by the Commission at a recognized level and whose Certifications are current but wishes to re-challenge a level in order to obtain an IFSAC Seal on their Certifications does not have to wait twelve (12) months before attempting to re-qualify at that level.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107, 4-24-107(3) and 4-24-111.

0360-03-01-.03 Fire Fighter II.

- (1) A Fire Fighter II must successfully complete all of the requirements of Fire Fighter I as prescribed in these rules.
- (2) A Fire Fighter II must satisfactorily pass the examination(s) as promulgated by the Commission.
- (3) A Fire Fighter II must successfully obtain CPR certification through an entity recognized by the Commission. A copy of the CPR card must be attached to the "Application for Written Examination."
- (4) A Fire Fighter II must successfully complete a Commission-approved domestic violence course, a minimum of two (2) hours in length, within the previous three (3) years of the written test date.
- (5) A Fire Fighter II must submit proof with their application of successfully completing NIMS IS-700: An Introduction; ICS-100: Introduction to ICS training; and ICS-200: ICS for Single Resources and Initial Action Incidents training or the equivalent to each.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107, 4-24-107(3) and 4-24-111.

0360-03-01-.04 Fire Fighter I/II Combined.

- (1) A Fire Fighter I/II Combined must successfully complete all of the requirements of Fire Fighter I as prescribed in these rules.
- (2) A Fire Fighter I/II Combined must satisfactorily pass the examination(s) for Fire Fighter I/II Combined as promulgated by the Commission.
- (3) A Fire Fighter I/II Combined must successfully obtain CPR certification through an entity recognized by the Commission. A copy of the CPR card must be attached to the "Application for Written Examination."
- (4) A Fire Fighter I/II Combined must successfully complete a Commission-approved domestic violence course, a minimum of two (2) hours in length, within the previous three (3) years of the written test date.
- (5) A Fire Fighter I/II Combined must submit proof with their application of successfully completing NIMS IS-700: An Introduction; ICS-100: Introduction to ICS training; and ICS-200: ICS for Single Resources and Initial Action Incidents training or the equivalent to each.
- (6) A Fire Fighter I/II Combined must successfully complete a Commission-approved Fire Fighter I/II Combined course of training.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107, 4-24-107(3) and 4-24-111.

0360-03-01-.05 Fire Department Instructor I.

- (1) Qualifications. An applicant for Fire Department Instructor I may be certified by the Commission provided the applicant can meet the following requirements and show to the satisfaction of the Commission that he/she:
  - (a) is a member of the participating fire department; and
  - (b) is certified as a Journeyman Fire Fighter/Fire Fighter II pursuant to Rule 0360-03-01-.03; and
  - (c) has served for a minimum period of three (3) years as a fire fighter in a department; and
  - (d) has satisfactorily passed the examination(s) given by the Commission; and
  - (e) agrees to conduct training and examinations, maintain records, and submit reports in a manner prescribed by the Commission.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-.06 Fire Department Instructor II.

- (1) Qualifications. An applicant for Fire Department Instructor II may be certified by the Commission provided the applicant can meet the following requirements and show to the satisfaction of the Commission that he/she:
  - (a) has successfully completed all of the requirements of the Instructor I as prescribed in these rules and regulations; and
  - (b) has satisfactorily passed the examination(s) given by the Commission; and
  - (c) agrees to conduct training and examinations, maintain records, and submit reports as prescribed by the Commission.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(1), 4-24-107 and 4-24-107(3).

0360-03-01-.07 Fire Department Instructor I/II Combined.

- (1) Qualifications. An applicant for Fire Department Instructor I/II Combined may be certified by the Commission provided the applicant can meet the following requirements and show to the satisfaction of the Commission that he/she:
  - (a) has successfully completed all of the requirements of the Instructor I as prescribed in these rules and regulations; and
  - (b) has satisfactorily passed the examination(s) given by the Commission; and

- (c) agrees to conduct training and examinations, maintain records, and submit reports as prescribed by the Commission.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(1), 4-24-107 and 4-24-107(3).

0360-03-01-.08 Fire Department Instructor III.

- (1) Qualifications. An applicant for Fire Department Instructor III may be certified by the Commission provided the applicant can meet the following requirements and show to the satisfaction of the Commission that he/she:
  - (a) has successfully completed all of the requirements of Instructor II as prescribed in these rules and regulations; and
  - (b) satisfactorily passed the examination(s) given by the Commission; and
  - (c) agrees to conduct training and examination(s), maintain records, and submit reports as prescribed by the Commission.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(1), 4-24-107 and 4-24-107(3).

0360-03-01-.09 Fire Officer I.

- (1) A Fire Officer I must successfully complete all of the requirements of Journeyman Fire Fighter/Fire Fighter II and Fire Department Instructor I as prescribed in these rules and regulations, and by Commission policy.
- (2) A Fire Officer I must satisfactorily pass the examination(s) as promulgated by the Commission.
- (3) A Fire Officer I must successfully complete a Commission-approved domestic violence course, a minimum of two (2) hours in length, within the previous three (3) years of the written test date.
- (4) A Fire Officer I must submit proof with their application of successfully completing NIMS IS-700: An Introduction, ICS-100: Introduction to ICS training and ICS-200: ICS for Single Resources and Initial Action Incidents training or the equivalent to each.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107, 4-24-107(3) and 4-24-111.

0360-03-01-.10 Fire Officer II.

- (1) A Fire Officer II must successfully complete all of the requirements of Fire Officer I as prescribed in these rules and regulations, and by Commission policy.
- (2) A Fire Officer II must satisfactorily pass the examination(s) as promulgated by the Commission.
- (3) A Fire Officer II must successfully complete a Commission-approved domestic violence course, a minimum of two (2) hours in length, within the previous three (3) years of the written test date.

- (4) A Fire Officer II must submit proof with their application of successfully completing NIMS IS-700: An Introduction, ICS-100: Introduction to ICS training and ICS-200: ICS for Single Resources and Initial Action Incidents training or the equivalent to each.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107, 4-24-107(3) and 4-24-111.

0360-03-01-.11 Fire Officer I/II Combined.

- (1) A Fire Officer I/II Combined must successfully complete all of the requirements of Fire Officer I as prescribed in these rules and regulations, and by Commission policy.
- (2) A Fire Officer I/II Combined must complete a Commission-approved course of training and satisfactorily pass the examination(s) for Fire Officer I/II Combined as promulgated by the Commission.
- (3) A Fire Officer I/II Combined must successfully complete a Commission-approved domestic violence course, a minimum of two (2) hours in length, within the previous three (3) years of the written test date.
- (4) A Fire Officer I/II must submit proof with their application of successfully completing NIMS IS-700: An Introduction, ICS-100: Introduction to ICS training and ICS-200: ICS for Single Resources and Initial Action Incidents training or the equivalent to each.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107, 4-24-107(3) and 4-24-111.

0360-03-01-.12 Fire Officer III.

- (1) A Fire Officer III must successfully complete all of the requirements of Fire Officer II and Fire Department Instructor II as prescribed in these rules and regulations, and by Commission policy.
- (2) A Fire Officer III must satisfactorily pass the examination(s) as promulgated by the Commission.
- (3) A Fire Officer III must submit proof with their application of successfully completing NIMS IS-700: An Introduction, ICS-100: Introduction to ICS training, ICS-200: ICS for Single Resources and Initial Action Incidents training, ICS-300: Intermediate ICS training and ICS-400: Advanced Incident Command System or the equivalent to each.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107 and 4-24-107(3).

0360-03-01-.13 Fire Officer IV.

- (1) A Fire Officer IV must successfully complete all of the requirements of Fire Officer III as prescribed in these rules and regulations, and by Commission policy.
- (2) A Fire Officer IV must satisfactorily pass the examination(s) as promulgated by the Commission.

- (3) A Fire Officer IV must submit proof with their application of successfully completing NIMS IS-700: An Introduction, ICS-100: Introduction to ICS training, ICS-200: ICS for Single Resources and Initial Action Incidents training, ICS-300: Intermediate ICS training and ICS-400: Advanced Incident Command System or the equivalent to each.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107 and 4-24-107(3).

0360-03-01-.14 Hazardous Materials Awareness.

- (1) A candidate for Hazardous Materials Awareness certification must successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107 and 4-24-107(3).

0360-03-01-.15 Hazardous Materials Operations.

- (1) A candidate for Hazardous Materials Operations certification must successfully complete all of the requirements of Hazardous Materials Awareness as prescribed in these rules and regulations and by Commission policy or complete the hazardous materials portion of a Commission-approved recruit training program.
- (2) A candidate for Hazardous Materials Operations certification must successfully pass the examination(s) as promulgated by the Commission.
- (3) This level may be taken at the same time as Hazardous Materials Awareness. If the candidate does not successfully pass the examination for Hazardous Materials Awareness, the examination for Hazardous Materials Operations shall not be graded and shall be discarded. Both examinations must be challenged again.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107 and 4-24-107(3).

0360-03-01-.16 Airport Firefighter.

- (1) An Airport Firefighter must successfully complete all of the requirements for Fire Fighter II and Hazardous Materials Operations as prescribed in these rules and regulations and by Commission policy.
- (2) An Airport Firefighter must successfully pass an examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

0360-03-01-.17 Wildland Firefighter I.

- (1) A Wildland Firefighter I must successfully complete all of the requirements for Fire Fighter I as prescribed in these rules and regulations and by Commission policy.

- (2) A Wildland Firefighter I must successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-.18 Wildland Firefighter II.

- (1) A Wildland Firefighter II must successfully complete all of the requirements for Wildland Firefighter I as prescribed in these rules and regulations and by Commission policy.
- (2) A Wildland Firefighter II must successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-.19 Fire and Life Safety Educator I.

- (1) A Fire and Life Safety Educator I must successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-.20 Fire and Life Safety Educator II.

- (1) A Fire and Life Safety Educator II must successfully complete all of the requirements for Fire and Life Safety Educator I as prescribed in these rules and regulations and by Commission policy.
- (2) A Fire and Life Safety Educator II must successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-.21 Fire Safety Compliance Officer I.

- (1) A Fire Safety Compliance Officer I must successfully complete all of the requirements for Fire Fighter II as prescribed in these rules and regulations or be certified in compliance with T.C.A. § 68-120-113.
- (2) A Fire Safety Compliance Officer I must successfully pass an examination(s) as promulgated by the Commission.
- (3) Certification as a Fire Safety Compliance Officer I does not qualify the individual as a fire prevention and building official under Tenn. Code Ann. 68-120-113.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107 and 4-24-107(3).

0360-03-01-.22 Fire Safety Compliance Officer II.

- (1) A Fire Safety Compliance Officer II must successfully complete all of the requirements for Fire Safety Compliance Officer I as prescribed in these rules and regulations and by Commission policy.
- (2) A Fire Safety Compliance Officer II must successfully pass the examination(s) as promulgated by the Commission.
- (3) Certification as a Fire Safety Compliance Officer II does not qualify the individual as a fire prevention and building official under Tenn. Code Ann. 68-120-113.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-106(4), 4-24-107 and 4-24-107(3).

0360-03-01-.23 Fire Apparatus Operator.

- (1) A Fire Apparatus Operator must successfully complete all of the requirements for Fire Fighter I as prescribed in these rules and regulations and by Commission policy.
- (2) A Fire Apparatus Operator must successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-.24 Pumper Driver/Operator.

- (1) A Pumper Driver/Operator must successfully complete all of the requirements for Fire Fighter I as prescribed in these rules and regulations and by Commission policy.
- (2) A Pumper Driver/Operator must successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-.25 Aerial Apparatus Driver/Operator.

- (1) An Aerial Apparatus Driver/Operator must successfully complete all of the requirements for Fire Fighter I as prescribed in these rules and regulations and by Commission policy.
- (2) An Aerial Apparatus Driver/Operator must successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-26 Safety Officer.

- (1) A Safety Officer must successfully complete all of the requirements for Fire Officer I as prescribed in these rules and regulations and by Commission policy.
- (2) A Safety Officer must successfully pass the examination(s) as promulgated by the Commission.
- (3) Safety Officer will not be available after January 1, 2013 and will be replaced by Incident Safety Officer I.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-27 Incident Safety Officer I.

- (1) An Incident Safety Officer must successfully complete a Commission-approved NFPA 1521, Standard for Fire Department Safety Officer, and relevant chapters, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-28 Health & Safety Officer I.

- (1) A Health and Safety Officer I must have successfully completed Fire Officer I
- (2) A Health and Safety Officer I must successfully complete a Commission-approved NFPA 1521, Standard for Fire Department Safety Officer and relevant chapters , compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-03-01-29 Repealed.

0360-03-01-30 Technical Rescuer.

- (1) A Technical Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(2) and 4-24-107(3).

0360-03-01-.31 Rope Rescue.

- (1) A Rope Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(2) AND 4-24-107(3).

0360-03-01-.32 Confined Space Rescue.

- (1) A Confined Space Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(24) and 4-24-107(3).

0360-03-01-.33 Trench Rescue.

- (1) A Trench Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.34 Structural Collapse.

- (1) A Structural Collapse Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.35 Vehicle Rescue.

- (1) A Vehicle Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.36 Surface Water Rescue.

- (1) A Surface Water Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.37 Swiftwater Rescue I.

- (1) A Swiftwater Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.38 Swiftwater Rescue II.

- (1) A Swiftwater Rescuer II must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.39 Dive Rescue.

- (1) A Dive Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.40 Ice Rescue.

- (1) An Ice Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.41 Surf Rescue.

- (1) A Surf Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.42 Wilderness Rescue.

- (1) A Wilderness Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.43 Mine and Tunnel Rescue.

- (1) A Mine and Tunnel Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.44 Cave Rescue.

- (1) A Cave Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.45 Machinery Rescue.

- (1) A Machinery Rescuer must successfully complete a Commission-approved NFPA 1006, Standard for Technical Rescue Professional Qualifications, compliant training program and pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.46 Exterior Industrial Fire Brigade Member.

- (1) An Exterior Industrial Fire Brigade Member must successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.47 Interior Structural Fire Brigade Member.

- (1) An Interior Structural Fire Brigade Member must successfully complete all of the requirements for Exterior Industrial Fire Brigade Member as prescribed in these rules and regulations and by Commission policy.
- (2) An Interior Structural Fire Brigade Member must successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.48 Fire Inspector I.

- (1) A Fire Inspector I must have successfully completed all of the requirements for Hazardous Materials Awareness as prescribed in NFPA 472.
- (2) A Fire Inspector I must successfully complete all of the requirements for Fire Inspector I as prescribed in NFPA 1031 and Commission rules, regulations and policy.
- (3) A Fire Inspector I must complete a Commission-approved training course and successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

0360-03-01-.49 Fire Investigator .

- (1) A Fire Investigator I must successfully complete all of the requirements for Fire Investigator I as prescribed in NFPA 921, NFPA 1033, and Commission rules, regulations and policy.
- (2) A Fire Investigator I must complete a Commission-approved training course and successfully pass the examination(s) as promulgated by the Commission.

Authority: T.C.A §§ 4-24-101, 4-24-106(4) and 4-24-107(3).

Chapter 0360-04-01

Examinations

Chapter 0360-04-01 is amended by deleting the chapter in its entirety and substituting the following language, so as amended the new chapter shall read:

Chapter 0360-04-01

Examinations

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0360-04-01-.01 General.

- (1) All training, practicals and examinations will be based on the performance standards for the appropriate progression level as set forth in these rules and regulations and meet or exceed all applicable NFPA standards, including NFPA 1500. All tests will be given at a location reasonably proximate to local departments in an effort to make it as convenient as possible for applicants.
- (2) Generally, Commission representatives are prohibited from testing personnel from their affiliated fire department. However, Commission representatives may test personnel from their affiliated fire department only in a regional test setting and if a majority of the applicants come from other departments.
- (3) An applicant must be at least eighteen (18) years of age in order to take a certification examination.
- (4) Applicants must present a valid government- issued photo identification card prior to being admitted to any examination.
- (5) Commission members and Commission Representatives who wish to challenge a Commission-administered practical or written examination shall do so only under the proctoring of a Commission-approved person who shall create an examination that is used only once.
- (6) Any individual found cheating on a Commission examination will be prohibited from participating in the Certification program for a period of two (2) years and will be required to restart the certification level upon the expiration of the two (2) years. An individual found cheating a second time will be barred from participating in the Certification program.
- (7) Applicants who do not successfully complete all examinations for a level of certification within one (1) year of the date they first challenge that level of certification's written examination will be required to successfully complete another practical/performance examination for that level of certification prior to retaking the written examination. Individuals called to active military

duty shall have the time for which their practical examinations are valid towards a written examination be extended for the amount of time the applicant was on active military duty. Furthermore, if the applicant is on active military duty for a period greater than six (6) months, the clock will restart on the time allowed for the practical examinations to be valid; the applicant will have one (1) year to complete that level of certification. A letter from the Fire Chief or Training Officer certifying this leave must accompany the application for written examination. If the Commission has adopted a new standard, the applicant will be required to complete a new practical/performance examination which complies with the latest standard adopted by the Commission.

- (8) An applicant may request accommodation for a disability in taking a written examination offered by the Commission. The request for accommodation must be made on the form provided by the Commission and submitted to the Director along with the test application. Any documentation regarding an applicant's disability and his/her need for accommodation in testing will be considered strictly confidential.

Authority: T.C.A. §§ 4-24-101, 4-24-106(2), 4-24-107 and 4-24-107(3).

#### 0360-04-01-.02 Applications.

- (1) Any department electing to host an examination shall contact the Commission office or its representative to schedule an examination date. At the time of the examination, each individual applicant must have a completed application submitted with appropriate documentation of necessary prerequisites.
  - (a) Applications must be received by the Commission a minimum of two (2) weeks before any anticipated examination date. The "Application for Examination" form must be completed in its entirety with original signatures.
  - (b) The Commission office will schedule the examination date based upon requested examinations.
  - (c) This test date shall be open to other applicants unless a specific reason exists to have a closed examination. Approval of the Director must be obtained in order to have a closed examination.
  - (d) The Commission Representative will administer the examination on the examination date. At the end of the examination, the Commission Representative will collect all testing materials and answer sheets and send them to the Commission for grading.

Authority: T.C.A. §§ 4-24-101, 4-24-106(2), 4-24-107 and 4-24-107(3).

#### 0360-04-01-.03 Character of Examinations.

- (1) Written - shall include a written demonstration of each applicant's knowledge and skill in the progression level tested.
  - (a) The Commission shall validate written examination test banks in the following manner:
    1. A Commission representative or designee shall chair a committee of fire service personnel certified at or above the level of certification being validated;

2. The committee will ensure that:
  - (i) each test question is appropriately referenced to the NFPA Standard;
  - (ii) each test question is properly referenced to the reference manual(s) cited by the Commission;
  - (iii) terminology used in the question is appropriate for all manuals cited;
  - (iv) the answer indicated is correct for all manuals cited;
  - (v) the question is job relevant to Tennessee; and
  - (vi) there is only one correct answer.
3. The Commission shall review and approve the work of the committee.

- (2) Oral - may be used to supplement the written examination to obtain information regarding the abilities of the applicant that are not readily determined in a written examination at a particular progression level.
- (3) Performance - shall include such tests of performance as shall determine the ability, manual skills, and leadership of each applicant to perform the work at the appropriate level.

Authority: T.C.A. §§ 4-24-101, 4-24-106(2), 4-24-107 and 4-24-107(3).

0360-04-01-.04 Grading.

- (1) Written - The Commission will prepare a list with the correct answer to each question. Commission office personnel will be responsible for the actual grading of each examination. The passing grade shall be seventy percent (70%) of the total point value of the examination. Any questions concerning the examination or grading thereof must be resolved by the Commission.
  - (a) Disputes over the validity of any test question(s) on the Commission's written examinations must be submitted to the Commission with the proper referencing materials supporting the dispute within thirty (30) calendar days of receipt of the results of the examination. The Commission shall review the dispute and render a decision on the dispute. The decision of the Commission shall be forwarded to the individual.
  - (b) Individuals wanting to review their tests:
    1. must submit to the Commission a written request within thirty (30) days of receipt of the test score which includes the applicant's name, last four (4) digits of applicant's social security number, phone number and test date;
    2. must make an appointment with the Commission Office, for no more than thirty (30) minutes, after submittal of the written request;
    3. must score at least sixty-five percent (65%) on the test;
    4. will not be allowed to take notes when reviewing the test but may not leave the Commission office with the notes;

- 5. will be allowed to see the answer sheet; and
  - 6. will be allowed to review the test only one (1) time
- (c) Test scores will not be released over the telephone.
- (2) Oral - The Commission or its designee will conduct the oral examination where applicable. This portion of the examination will be graded on a pass-or-fail basis.
- (3) Performance - The Commission will designate a qualified individual ~~or the TC~~ to conduct the performance examinations. The Commission will require that each examinee perform these activities and grade that performance on a pass-or-fail basis.
- (a) Disputes over the grading/validity of any written practical must be submitted to the Commission in writing with the proper referencing materials supporting the dispute within thirty (30) calendar days of receipt of the results of the examination. The Commission shall review the dispute, determine the merit of the dispute and determine the appropriate corrective action to be taken, if any is needed within thirty (30) days of receipt of a dispute. The decision of the Commission shall be forwarded to the individual.

Authority: T.C.A. §§ 4-24-101, 4-24-106(2), 4-24-107 and 4-24-107(3).

0360-04-01-.05 Retesting.

An applicant failing any examination may retake such examination, after fifteen (15) days, at the next regularly scheduled examination or any other examination thereafter.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-04-01-.06 Examination Form.

- (1) The examination for Fire Fighter I shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Fighter I as adopted in standards in Chapter 0360-06-01.
- (a) The performance examination requirements for Fire Fighter I shall consist of all of the following:
- 1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on and meeting the standards in NFPA 1001.
  - 2. A live fire practical must be completed. One of the following options must be completed:
    - (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter I Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".
    - (ii) Completion of the live fire objectives in NFPA 1001 for Fire Fighter I during a live fire training. ALL of the exercises listed on the Live Fire Suppression

Verification Sheet for the appropriate level must be completed through the local fire department's training program. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of fourteen (14) calendar days' notice by submitting an Application for Live Fire Training by e-mail, US mail, or fax. A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.

- (2) The examination for Fire Fighter II shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Fighter II as adopted in standards in Chapter 0360-06-01.

- (a) The performance examination requirements for Fire Fighter II shall consist of all the following:

1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on and meeting the standards in NFPA 1001.
2. A live fire practical must be completed. One of the following options must be completed:
  - (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter II Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".
  - (ii) Completion of the live fire objectives in NFPA 1001 for Fire Fighter II during a live fire training. All of the exercises listed on the Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local fire department's training program. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of fourteen (14) calendar days' notice by submitting an Application for Live Fire Training by e-mail, US mail, or fax. A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.

- (3) The examination for Fire Fighter I/II Combined shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Fighter I/II Combined as adopted in standards in Chapter 0360-06-01.

- (a) The performance examination requirements for Fire Fighter I/II Combined shall consist of all the following:

1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on and meeting the standards in NFPA 1001.
2. A live fire practical must be completed. One of the following options must be completed:

- (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter II Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination."
  - (ii) Completion of the live fire objectives in NFPA 1001 for Fire Fighter II during a live fire training. All of the exercises listed on the Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local fire department's training program. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of fourteen (14) calendar days' notice by submitting an Application for Live Fire Training by e-mail, US mail, or fax. A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.
- (4) The examination for Fire Department Instructor I shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Department Instructor I as set forth in Chapter 0360-06-01.
  - (a) Any applicant challenging the Fire Department Instructor I written examination must complete the Fire Department Instructor I Practical Skills Checklist provided by the Commission. This practical is to be graded by an individual certified by the Tennessee Commission on Fire Fighting as either a Fire Department Instructor I or a Vocational and Higher Education Instructor. A completed copy of the checklist must be attached to the "Application for Written Examination."
- (5) The examination for Fire Department Instructor II shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Department Instructor II as set forth in Chapter 0360-06-01.
  - (a) The performance examination for the Fire Department Instructor II shall consist of completing a prescribed Instructor II workbook meeting the current standard.
  - (b) After completion of these materials, the applicant shall return them to the Commission Office for grading on a pass/fail basis and will be notified of his/her results in writing. If the applicant is successful, he/she may apply for the written examination through established procedures; should the applicant be unsuccessful, the applicant will be notified of which areas need improvement and the workbook will be returned for revision.
- (6) The examination for Fire Department Instructor I/II Combined shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Department Instructor I/II Combined as set forth in Chapter 0360-06-01.
  - (a) The performance examination for the Fire Department Instructor I/II Combined shall consist of completing a prescribed Instructor II workbook meeting the current standard.
  - (b) After completion of these materials, the applicant shall return them to the Commission Office for grading on a pass/fail basis and will be notified of his/her results in writing. If the applicant is successful, he/she may apply for the written examination through established procedures; should the applicant be unsuccessful,

the applicant will be notified of which areas need improvement and the workbook will be returned for revision.

- (7) The examination for Fire Department Instructor III shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Department Instructor III as set forth in Chapter 0360-06-01.
- (8) The examination for Fire Officer I shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Officer I as set forth in Chapter 0360-06-01.
  - (a) The performance examination for Fire Officer I shall be administered by the Commission in conjunction with written examinations. The practical requirement shall be completion of two projects assigned to the applicant at random which are derived from NFPA 1021. These projects will be graded by designated Commission representatives.
- (9) The examination for Fire Officer II shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Officer II as set forth in Chapter 0360-06-01.
  - (a) The performance examination for the Fire Officer II shall consist of completing a workbook based on NFPA 1021 for Fire Officer II. The workbook may be obtained from the Commission. This project will be graded by the Commission.
- (10) The examination for Fire Officer I/II Combined shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Officer I/II Combined as set forth in Chapter 0360-06-01.
  - (a) The performance examination for the Fire Officer I/II Combined shall consist of completing a workbook based on NFPA 1021 for Fire Officer II. The workbook may be obtained from the Commission. This project will be graded by the Commission.
- (11) The examination for Fire Officer III shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Officer III as set forth in Chapter 0360-06-01.
  - (a) The performance examination for the Fire Officer III shall consist of completing a workbook based on NFPA 1021 for Fire Officer III. The workbook may be obtained from the Commission. This project will be graded by the Commission.
- (12) The examination for Fire Officer IV shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Officer IV as set forth in Chapter 0360-06-01.
  - (a) The performance examination for the Fire Officer IV shall consist of completing a workbook based on NFPA 1021 for Fire Officer IV. The workbook may be obtained from the Commission. This project will be graded by the Commission.
- (13) The examination for Hazardous Materials Awareness shall consist of a written examination. The subjects tested shall be substantially derived from the performance standards for Hazardous Materials Awareness as set forth in Chapter 0360-06-01.

- (14) The examination for Hazardous Materials Operations shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Hazardous Materials Operations as set forth in Chapter 0360-06-01.
- (a) The performance examination for Hazardous Materials Operations Level Certification shall be part of the Fire Fighter I hands-on practical or administered individually. A minimum of one evolution shall be selected from NFPA 472 Hazardous Materials Operations level.
  - (b) The written examination for Hazardous Materials Operations level will be administered in conjunction with the Hazardous Materials Awareness written examination or administered individually.
- (15) The examination for Airport Firefighter shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Airport Firefighter as set forth in Chapter 0360-06-01.
- (a) The performance examination requirements for Airport Firefighter shall consist of all the following:
    - 1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on the standards in NFPA 1003.
    - 2. A live fire practical must be completed. One of the following options must be completed:
      - (i) Completion of a Federal Aviation Administration training course where, at minimum, all requirements of the Commission's Airport Live Fire Verification Sheet are accomplished.
      - (ii) All of the exercises listed on the Airport Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local airport fire department's training program. An Airport Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of seventy two (72) hours prior notification of live fire exercises, either by e-mail, US mail, or fax. A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.
- (16) The examination for Wildland Firefighter I shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Wildland Firefighter I as set forth in Chapter 0360-06-01.
- (a) The performance examination for Wildland Firefighter I shall consist of one (1) of the following:
    - (i) Completion of a performance examination based upon NFPA 1051 which has been submitted to the Commission for approval, or
    - (ii) Completion of the "Task Book for the Position of Firefighter Type 2" offered by the Tennessee Division of Forestry.

- (17) The examination for Wildland Firefighter II shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Wildland Firefighter II as set forth in Chapter 0360-06-01.
- (a) The performance examination for Wildland Firefighter II shall consist of one (1) of the following:
1. Completion of a performance examination based upon NFPA 1051 which has been submitted to the Commission for approval, or
  2. Completion of the "Task Book for the Position of Advanced Firefighter/Squad Boss" offered by the Tennessee Division of Forestry.
- (18) The examination for Fire and Life Educator I shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Fire and Life Safety Educator I as set forth in Chapter 0360-06-01.
- (a) The performance examination for Fire and Life Safety Educator I shall consist of completing a workbook based upon NFPA 1035 for the appropriate level and returning it to the Commission for grading. Once the performance examination has been passed, the applicant can submit his/her application for written examination. An applicant has one year from the completion of the workbook to pass the written examination or must redo the workbook. The workbook can be obtained upon request from the Commission.
- (19) The examination for Fire and Life Educator II shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Fire and Life Safety Educator II as set forth in Chapter 0360-06-01.
- (a) The performance examination for Fire and Life Safety Educator II shall consist of completing a workbook based upon NFPA 1035 for the appropriate level and returning it to the Commission for grading. Once the performance examination has been passed, the applicant can submit his/her application for written examination. An applicant has one (1) year from the completion of the workbook to pass the written examination or must redo the workbook. The workbook can be obtained upon request from the Commission.
- (20) The examination for Fire Safety Compliance Officer I shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Fire Safety Compliance Officer I as set forth in Chapter 0360-06-01.
- (a) The performance examination for personnel assigned to fire suppression shall consist of:
1. the applicant monitoring a minimum of eight (8) fire safety inspections conducted by a Fire Safety Compliance Officer II or an individual certified by the State Fire Marshal's Office in accordance with T.C.A. 68-120-113 utilizing Standards outlined in NFPA 101 and 1031. Two (2) fire safety inspections of each of the four (4) occupancies, industrial, educational, general business, and institutional, as defined in the NFPA 101 Life Safety Code, are to be conducted; or
  2. becoming certified by the State Fire Marshal's Office in accordance with T.C.A. 68-120-113.

- (21) The examination for Fire Safety Compliance Officer II shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Fire Safety Compliance Officer II as set forth in Chapter 0360-06-01.
- (a) The performance examination for personnel assigned to fire suppression shall consist of:
1. the applicant conducting a minimum of eight (8) fire safety inspections under the supervision of a Fire Safety Compliance Officer II or an individual certified by the State Fire Marshal's Office in accordance with T.C.A. 68-120-113 utilizing Standards outlined in NFPA 101 and 1031. Two (2) inspections of each of the four (4) occupancies, industrial, educational, general business, and institutional, as defined in the NFPA 101 Life Safety Code, are to be conducted. The evaluator shall evaluate each inspection on a pass/fail basis determining whether the applicant conducted a thorough and complete inspection ensuring compliance with NFPA Standards and any applicable local ordinances. In order to successfully complete the performance examination, the applicant must receive a passing grade for each of the inspections on each of the four (4) occupancies; or
  2. becoming certified by the State Fire Marshal's Office in accordance with T.C.A. 68-120-113.
- (22) The examination for Fire Apparatus Operator shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Fire Apparatus Operator as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1002, Chapters 4, 5, and 6. In order to challenge this level, the applicant must be able to perform the evolutions on both pumper and aerial apparatus equipment.
- (23) The examination for Pumper Driver/Operator shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Pumper Driver/Operator as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1002, Chapters 4 and 5.
- (24) The examination for Aerial Apparatus Driver/Operator shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Aerial Apparatus Driver/Operator as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1002, Chapters 4 and 6.
- (25) The examination for Safety Officer shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Safety Officer as set forth in Chapter 0360-06-01.
- (a) The performance examination for Safety Officer shall be the completion of a written outline of the Safety Officer's role, duties, and responsibilities in accordance with NFPA 1521, OSHA, and other standards given an incident scenario provided by the Commission. The applicant will be provided the incident scenario in a written

examination setting. This outline will be evaluated by a Committee of the Commission which will meet in conjunction with a regularly scheduled Commission meeting on an as-needed basis. Successful completion of this outline will qualify the applicant to challenge the written examination for Safety Officer.

- (26) The examination for Incident Safety Officer I shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Incident Safety Officer I as set forth in Chapter 0360-06-01.
- (a) The performance examination for Incident Safety Officer I shall be the completion of a written outline of the Incident Safety Officer I's role, duties, and responsibilities in accordance with NFPA 1521, OSHA, and other standards given an incident scenario provided by the Commission. The applicant will be provided the incident scenario in a written examination setting. This outline will be evaluated by a Committee of the Commission which will meet in conjunction with a regularly scheduled Commission meeting on an as-needed basis. Successful completion of this outline will qualify the applicant to challenge the written examination for Safety Officer.
- (27) The examination for Health & Safety Officer I shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Health & Safety Officer I as set forth in Chapter 0360-06-01.
- (a) The performance examination for Health & Safety Officer I shall be the completion of a written outline of the Health & Safety Officer I's role, duties, and responsibilities in accordance with NFPA 1521, OSHA, and other standards given an incident scenario provided by the Commission. The applicant will be provided the incident scenario in a written examination setting. This outline will be evaluated by a Committee of the Commission which will meet in conjunction with a regularly scheduled Commission meeting on an as-needed basis. Successful completion of this outline will qualify the applicant to challenge the written examination for Safety Officer.
- (28) The examination for Technical Rescuer shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Technical Rescuer as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 4 and 5.
- (29) The examination for Rope Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Rope Rescue as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 6.
- (30) The examination for Confined Space Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Confined Space Rescue as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 7.

- (31) The examination for Trench Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Trench Rescue as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 8.
- (32) The examination for Structural Collapse shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Structural Collapse as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 9.
- (33) The examination for Vehicle Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Vehicle Rescue as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 10.
- (34) The examination for Surface Water Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Surface Water Rescue as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 11.
- (35) The examination for Swiftwater Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Swiftwater Rescue as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 12.
- (36) The examination for Dive Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Dive Rescue as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 13.
- (37) The examination for Ice Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Ice Rescue as set forth in Chapter 0360-06-01.

- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 14.
  
- (38) The examination for Surf Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Surf Rescue as set forth in Chapter 0360-06-01.
  - (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 15.
  
- (39) The examination for Wilderness Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Wilderness Rescue as set forth in Chapter 0360-06-01.
  - (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 16.
  
- (40) The examination for Mine and Tunnel Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Mine and Tunnel Rescue as set forth in Chapter 0360-06-01.
  - (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 17.
  
- (41) The examination for Cave Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Cave Rescue as set forth in Chapter 0360-06-01.
  - (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 18.
  
- (42) The examination for Machinery Rescue shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Machinery Rescue as set forth in Chapter 0360-06-01.
  - (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 5 and 19.
  
- (43) The examination for Exterior Industrial Fire Brigade Member shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Exterior Industrial Fire Brigade Member as set forth in Chapter 0360-06-01.
  - (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1081, Chapters 4 and 6.
  
- (44) The examination for Interior Structural Fire Brigade Member shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the

performance standards for Interior Structural Fire Brigade Member as set forth in Chapter 0360-06-01.

- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1006, Chapters 4 and 7.
- (45) The examination for Fire Inspector I shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Fire Inspector I as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1031, Chapter 4.
- (46) The examination for Fire Investigator I shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Fire Investigator I as set forth in Chapter 0360-06-01.
- (a) The applicant must complete a hands-on performance/practical examination promulgated by the Commission utilizing the Standards outlined in NFPA 1033.

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107, 4-24-107(3), 4-24-110 and 68-1-102.

0360-04-01-.07 Repealed.

Authority: T.C.A. § 4-24-107.

0360-04-01-.08 Written Examinations.

- (1) Written examinations will be scheduled by the Commission office.
- (2) A test site for a written examination must:
  - (a) have sufficient space with tables/desks and chairs for the applicants;
  - (b) have sufficient lighting;
  - (c) be sufficiently free of outside noise or other distractions which could interfere with the examination;
  - (d) be reasonably comfortable with respect to the environment so as to not provide a distraction from the examination; and
  - (e) meet all ADA requirements.
- (3) The Commission representative shall ensure that the test site meets these requirements prior to the start of the written examination.

Authority: T.C.A. §§ 4-24-101, 4-24-106(2) and 4-24-107(3).

0360-04-01-.09 Practical Examinations.

- (1) One department may administer a performance/practical examination to another participating department and/or may enroll students from another department in an approved Recruit Training Program provided the following conditions are met:
  - (a) The administering department's practical/performance examination and/or Recruit Training Program have been approved by the Commission;
  - (b) Both departments have agreed to allow the applicant(s) to utilize the administering department's practical examination; and
  - (c) Proof of successful completion of the practical is sent to the applicant(s)' fire department and placed on file.
- (2) The application for examination shall be submitted by the fire department of which the applicant is a member and the examination results will be forwarded to that department.
- (3)
  - (a) For hands-on or live burn practical examinations, compliance with 29 CFR 1910.134, Respiratory Protection Standard, is required. An applicant is required to have been SCBA fit tested within twelve (12) months of the examination and a SCBA Fit Testing Verification form is to be completed. Appropriate documentation shall include: 1) the signature of the Fire Chief from the applicant's sponsoring fire department; and 2) documentation from an authorized fit-testing entity. No one will be allowed to participate in the hands-on or live burn practical examination in which a SCBA is used unless their fit testing is documented.
  - (b) Candidates for Tennessee State Fire Commission Certification in Fire Fighter I or II hands-on or live burn practicals, who have beards or facial hair in the area of the SCBA face piece seal (examples may include full-face beards, muttonchops, goatees, sideburns, mustaches, or even a few days growth of stubble etc.) will not be allowed to participate in the skills exam. Facial hair between the wearer's skin and the sealing surfaces of the face piece will prevent a good seal. A fire fighter shall not enter an area in which it has been determined that respiratory protection is necessary when conditions prevent a good seal of the respirator facepiece to the face. This will be enforced regardless of the live fire skills being tested at any site. No exceptions to this policy will be granted. This is in conjunction with 29 CFR 1910.134 Respiratory Protection Standard.
  - (c) Ordinary eyeglasses shall not be used with full-facepiece respirators. Eye glasses with temple bars or straps that pass between the sealing surface of a full-facepiece and the fire fighter's face will prevent a good seal. Special spectacle kits can be ordered and mounted inside a full-facepiece respirator.
- (4)
  - (a) For Regional Practical Examinations, a fire department is required to furnish a minimum of one (1) evaluator for every two (2) applicants that the department submits for examination. If a department submits less than two applicants, that department will not be required to provide an evaluator but is strongly encouraged to do so.
  - (b) Evaluators must be certified by the Commission at a minimum of Fire Fighter-II level (Fire Fighter-III for 1987 NFPA Standard or earlier) and are encouraged to be certified at the Fire Department Instructor-I level.

- (c) Evaluators will be required to successfully complete a Commission-approved examination before being allowed to serve as an Evaluator. The Evaluator training and examination may be available online over the internet.
- (5) Regional Practical Examination Site Requirements. The department hosting a regional practical exam must be able to meet the following conditions:
- (a) have adequate space to conduct the practical examinations;
  - (b) be able to provide all equipment required for the examination, excluding the equipment each applicant must provide in accordance with Commission rules;
  - (c) a member of the host department must have attended a regional practical examination before hosting one within the department;
  - (d) provide a minimum of three (3) evaluators who are certified by the Commission at a minimum of Fire Fighter-II level (Fire Fighter-III for 1987 NFPA Standard or earlier) and are encouraged to be certified at the Fire Department Instructor-I level;
  - (e) the proposed test site was inspected by the Commission representative in order to ensure it meets the requirements of the program; and
  - (f) provide for their firefighters and for practical examinations equipment which has been inspected and meets all applicable NFPA safety standards.
- (6) A host fire department for a practical examination must provide the Commission representative on the day of the practical examination a letter addressed to the Commission and signed by the Fire Chief or Training Chief certifying that all equipment used in the practical examination meets all applicable NFPA, OSHA and other applicable Standards for safety and required inspections. Included in the letter shall be a certification statement that all equipment that is required to be tested according to said Standard (e.g., ladders, hose, pumps, SCBA, etc) has been tested according to the Standard. Failure to provide this letter will result in cancelation of the practical examination for that day.
- (7) All instructors, evaluators, and approved applicants who participates in a live fire practical must meet the requirements of Chapter 4, Section 4.3, Student Prerequisites, of the latest-adopted edition of NFPA 1403. Written documentation of completion of this training must be kept on file by the fire department and will be subject to audit by the Commission. All requirements listed in the Live Fire Training Requirements Book must be completed.
- (8) Hands-on practical skill sheets shall be available to all applicants through the Commission internet website.
- (9) Practical examination sites must have adequate space to safely hold the examination. The test site should have an isolated holding area for the applicants waiting to take the examination and a separate area for applicants who have completed the examination. The Commission representative shall ensure that the test site meets these requirements prior to the start of the examination.
- (10) Guidelines for Hands-On Practical and Live Burn Practical Examinations:
- (a) No fee will be charged by the Commission for these examinations.

- (b) Hands-on Practical regional test sites are to be established in each Commission representative's territory, on an as needed basis in order to meet the needs of the fire departments within their territories.
- (c) Live Fire Practical Tests sites are to be established by the Commission representatives in conjunction with fire departments able to host this type of practical and must be NFPA 1403 compliant.
- (d) Applicants may travel out of their region to test at other test sites.
- (e) The Commission Representative is to conduct a training seminar for evaluators prior to each practical examination to ensure the evaluator's understanding of testing procedures, grading procedures, performance criteria, and instructions on completing required paperwork. The Commission will provide the Commission representative with documents to be utilized during this training. Any evaluator who fails to attend this training will not be allowed to serve as an evaluator.
- (f) Applications to challenge the practical examination must be submitted to the Commission a minimum of two (2) weeks prior to the examination date. A minimum of ten (10) applicants must be scheduled in order to conduct the practical examinations; a maximum of fifty (50) applicants can be tested per day. The Director may waive this requirement if justification exists.
- (g) An applicant who fails any evolution shall be notified immediately of his/her failure and will be allowed to leave the practical immediately.
- (h) Copies of the entire practical examination will be provided to all fire departments. A copy may also be requested by individuals from the Commission Office either by e-mail or US mail.
- (i) Applicants who complete the examination must remain at the host facility until the end of the day to assist in cleaning and restoring the host facility to original condition prior to receiving test results. Leaving early will result in automatic failure unless the applicant is given permission to leave by the field representative.
- (j) Persons who have completed their practical must remain separate from those waiting to challenge.
- (k) Persons waiting to challenge the practical examination must be secluded from the actual practical. Under no circumstances should an applicant waiting to challenge the practical examination be allowed to see the practicals being administered or be in contact with any individual who has completed the practical.
- (l) The applicant or the applicant's sponsoring department must provide at least one SCBA and mask; and each applicant must bring a mask which has been fit tested to them.
- (m) The applicant or the applicant's sponsoring department shall inspect each applicant's equipment to ensure it meets applicable safety standards. These standards include:
  - 1. NFPA 1981
  - 2. NFPA 1971

3. NFPA 1976
  4. NFPA 1977
  5. NFPA 1982
- (n) Each applicant must bring his/her own Personal Protective Equipment including SCBA.
  - (o) The host department shall provide the equipment to be used for testing, e.g. ladders, hose, etc.
  - (p) The applicant must assume liability in case of injury. A statement to this effect is included on the application which must be signed by the applicant.
  - (q) The Commission will solicit individuals who are Fire Fighter II or Fire Instructor I certified or individuals deemed by the Commission to be subject matter experts in the area of firefighting and are interested in serving as evaluators, who will be required to submit their names and qualifications. This list of names will be maintained by the Commission office who will rotate through the names for each examination. Individuals may add their names at any time.
  - (r) An applicant must perform the evolutions provided. An applicant cannot discard an evolution because their department does not have the equipment specified.
  - (s) The Commission Representative shall have the authority to adapt these guidelines to address specific life safety problems as they arise.

Authority: T.C.A. §§ 4-24-101, 4-24-106(2) and 4-24-107(3).

#### Chapter 0360-05-01

#### Revocation of Certification

Chapter 0360-05-01 is amended by deleting the chapter in its entirety and substituting the following language, so as amended the new chapter shall read:

#### Chapter 0360-05-01

#### Revocation of Certification

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0360-05-01-.01 Failure to Meet Certain Conditions.

The Commission may revoke, modify, suspend or condition its certification of an individual, a training course, or a training program if it finds, after appropriate notice and hearing, that:

- (1) the requirements for certification had not been met prior to certification; or
- (2) any continuing responsibilities associated with certification are not being fulfilled; or
- (3) any fraud, collusion, misrepresentation or substantial mistake was involved in the procurement of the certification.

Authority: T.C.A. §4-24-107.

#### 0360-05-01-.02 Separation from Active Fire Service.

- (1) An individual's certification will automatically terminate upon the expiration of three (3) years after such person ceases to be an active member of a fire department. It will be the responsibility of each individual fire department to notify the Commission of any fire service personnel leaving the fire department due to separation, termination, retirement, death, etc.
- (2) Work for the Commission as a Commission Member or Commission staff shall constitute continued work in the fire service and shall not be considered as a separation from active fire service if that individual is no longer employed by a fire department.
- (3) Personnel leaving the fire service for active military duty shall not be subject to termination of certification while on active duty as stated in this part. It will be the responsibility of each individual fire department's Chief of Training to notify the Commission in writing of any fire service personnel leaving the fire department on active military duty for more than twelve (12) months. This notification shall be submitted at the end of each twelve (12) month period.
- (4) The Fire Fighter I/Hazardous Materials Awareness/Hazardous Materials Operations Certificates shall terminate three (3) years from the date of certification if the candidate has not become affiliated with a fire department. If the candidate does become affiliated with a fire department, it is the responsibility of the candidate to have the Chief of the Fire Department notify the Commission Office, in writing, of the date of said affiliation.
- (5) Work as a full- or part-time employee of a unit of government (local, state, or federal) in the State of Tennessee, where the job responsibilities include, but are not limited to, the training of firefighters, fire investigations, fire inspections or significant interaction with the fire services, shall not be considered to be a separation from active fire service. It is the responsibility of the firefighter to provide proof to the Commission that his/her new job duties include training of firefighters, fire investigations, fire inspections or significant interaction with the fire services in the State of Tennessee.

Authority: T.C.A. § 4-24-101, 4-24-107 and 4-24-107(3).

#### Chapter 0360-06-01

#### Miscellaneous Certification Standards

Chapter 0360-06-01 is amended by deleting the chapter in its entirety and substituting the following language, so as amended the new chapter shall read:

#### Chapter 0360-06-01

## Miscellaneous Certification Standards

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0360-06-01-.01	Adoption by Reference	0360-06-01-.04	Progression
0360-06-01-.02	Repealed	0360-06-01-.05	Reciprocity
0360-06-01-.03	Domestic Violence Training		

0360-06-01-.01 Adoption by Reference.

- (1) The Commission adopts by reference the latest adopted editions of the following National Fire Protection Association (NFPA) Standards in their entirety as performance standards unless otherwise provided herein:
  - (a) 472 Professional Competences of Responders to Hazardous Materials/ Weapons of Mass Destruction Incidents;
  - (b) 1001 Fire Fighter Professional Qualifications;
  - (c) 1002 Fire Apparatus Driver/Operator Professional Qualifications;
  - (d) 1003 Professional Qualifications for Airport Fire Fighters;
  - (e) 1005 Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters;
  - (f) 1006 Rescue Technician Professional Qualifications;
  - (g) 1021 Fire Officer Professional Qualifications;
  - (h) 1031 Professional Qualifications for Fire Inspector;
  - (i) 1033 Professional Qualifications for Fire Investigator;
  - (j) 1035 Professional Qualifications for Public Fire and Life Safety Educator;
  - (k) 1041 Fire Service Instructor Professional Qualifications;
  - (l) 1051 Wildland Firefighter Professional Qualifications;
  - (m) 1081 Industrial Fire Brigade Member Professional Qualifications;
  - (n) 1403 Standard on Live Fire Training Evolutions;
  - (o) 1500 Fire Department Occupational Safety and Health Program; and
  - (p) 1521 Fire Department Safety Officer.

Authority: T.C.A. § 4-24-101, 4-24-106(2), 4-24-106(4), 4-24-107, 4-24-107(3) and 4-24-110.

0360-06-01-.02 Repealed.

Authority: T.C.A. §§ 4-24-106 and 4-24-107.

0360-06-01-.03 Domestic Violence Training.

The Commission's curriculum requirements on firefighting standards and education will include materials concerning domestic violence training pursuant to T.C.A. § 4-24-111.

Authority: T.C.A. §§ 4-24-107 and 4-24-111.

0360-06-01-.04 Progression.

- (1) Fire service personnel who have been certified at a specific progression level may take the examination for a lower (regression) level.
- (2) If an applicant who has already achieved certification at a particular level(s) under prior NFPA standards wishes to achieve certification for those levels after the date Tennessee becomes accredited, the applicant will be allowed to do so and the waiting period shall not apply. The applicant will be required to complete all the requirements for the level(s) of certification sought.
- (3) Unless otherwise prescribed in these rules, an applicant may progress to the next level of certification after achieving the prior certification level.

Authority: T.C.A. §§ 4-24-101, 4-24-107 and 4-24-107(3).

0360-06-01-.05 Reciprocity.

- (1) Reciprocity of certification shall be considered by the Commission for applicants who have achieved certification from another agency that has achieved national accreditation from an organization recognized by the Commission and who meet the criteria established by the Commission.
- (2) The following must be submitted to request reciprocity:
  - (a) Application for Reciprocity with a list of certification(s) for which the applicant is requesting reciprocity;
  - (b) Documentation that the applicant has not been out of the fire service for a period of greater than three (3) years; and
  - (c) Proof of Certification (copies of certificates). Certificates of Attendance do not constitute Proof of Certification.
- (3) When considering whether to grant reciprocity to another jurisdiction's certifications, the Commission will only grant reciprocity if the following criteria are met:
  - (a) the Commission certifies an equivalent course;

- (b) the certification was issued by an entity accredited by the IFSAC or the National Fire Service Professional Qualifications Board and the certification is in the registry of the national accrediting agency and the certification was issued after the date the entity became accredited;
  - (c) the applicant has not been out of the fire service for a period greater than three (3) years; and
  - (d) the applicant has not previously failed a written or performance examination for that level of certification in the State of Tennessee.
- (4) If reciprocity is granted, the Commission shall issue a letter recognizing the applicant's certifications in the State of Tennessee and this recognition shall meet the requirements of certification in Tennessee.
  - (5) For progression purposes in the Certification Program and for purposes related to Educational Incentive Pay, the date of recognition of the certification shall be used for "Date of Certification".
  - (6) If a fire department requires or an individual, who has received reciprocity of a level of certification, chooses to pursue certification in the State of Tennessee, the applicant will be eligible to pursue certification but will be required to meet all of the certification requirements in force.
  - (7) The Commission will not recognize or grant reciprocity to a certification issued by a fire department in Tennessee even if that fire department is accredited by a national accrediting agency.

Authority: T.C.A. §§ 4-24-101, 4-24-106(2), 4-24-107, 4-24-107(3) and 4-24-202(b).

Chapter 0360-07-01

Educational Incentive Pay

Chapter 0360-07-01 is amended by deleting the chapter in its entirety and substituting the following language, so as amended the new chapter shall read:

Chapter 0360-07-01

Educational Incentive Pay

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0360-07-01-.01	Minimum Employment Standards– Definitions	0360-07-01-.07	Waiver
		0360-07-01-.08	Audit
		0360-07-01-.09	Disciplinary Matters
0360-07-01-.02	Fire Fighter – Definition	0360-07-01-.10	Prosecution of False Claims for Educational Incentive Pay
0360-07-01-.03	Repealed		
0360-07-01-.04	Entry-Level Personnel		
0360-07-01-.05	Requirements for In-Service Training Programs	0360-07-01-.11	Repealed
		0360-07-01-.12	Repealed
		0360-07-01-.13	Repealed
0360-07-01-.06	Payment Procedures	0360-07-01-.14	Repealed
		0360-07-01-.15	Repealed

0360-07-.16 Repealed  
0360-07-.17 Repealed  
0360-07-.18 Repealed

0360-07-01-.01 Minimum Employment Standards-- Definitions. The minimum employment standards as established by the Commission shall be as follows:

- (1) All persons who are hired as a fire fighter by an eligible unit of government on or after January 1, 1986, shall:
  - (a) be at least eighteen (18) years of age; and
  - (b) be a citizen of the United States; and
  - (c) be a high school graduate or possess equivalency; and
  - (d) have not been convicted of any felony charge, have not pleaded guilty to any felony charge, have not entered a plea of nolo contendere to any felony charge; and
  - (e) have not been released or discharged under any other than honorable discharge from any of the armed forces of the United States; and
  - (f) have no history, within the past three (3) years, of habitual intoxication and/or personal misuse of any drugs, and/or the use of intoxicating liquors, narcotics, controlled substances and/or stimulants in such a manner as to adversely affect the person's ability to perform as a fire fighter to cause discredit to the fire service; and
  - (g) must meet all local requirements; and
  - (h) have passed a physical examination by a licensed physician which, at minimum, meets the requirements of Section E of Occupational Health and Safety Administration ("OSHA") regulation 1910.134; and
  - (i) have a good moral character.
  - (j) or have successfully appealed such cause of ineligibility to the appropriate local authority having jurisdiction.
- (2) All persons hired as a fire fighter by an eligible unit of government prior to January 1, 1986, shall be considered as having met the minimum employment standards.

Authority: T.C.A. §§4-24-107 and 4-24-202.

0360-07-01-.02 Firefighter --Definition. For the purpose of qualifying for the pay supplement, a person must meet all of the following criteria:

- (1) any person in the employ of a unit of government who is a full-time employee of the fire department of such unit; and
- (2) is trained in fire fighting or prevention of fires and is actively engaged in such work; and
- (3) whose primary livelihood is derived from such work.

Authority: T.C.A. §§ 4-24-107 and 4-24-201.

0360-07-01-.03 Repealed.

Authority: T.C.A. §§4-24-107.

0360-07-01-.04 Entry Level Personnel.

- (1) It shall be mandatory for all qualified personnel that have entered the Fire Service after December 31, 1990, to become certified, when eligible, at the Fire Fighter I level and progress when eligible through the Fire Fighter II level of certification in order to become eligible for supplemental pay.
- (2) The Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness and Hazardous Materials Operations certification level must be completed by the end of the calendar year in which the applicant reaches his/her thirty sixth (36th) month of employment with a participating fire department. Fire Service personnel that have not obtained Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness and Hazardous Materials Operations certification after this date will not be eligible for Educational Incentive Pay until said certification has been obtained.
- (3) Qualified personnel who are separated from the fire service for a period of greater than three (3) years and then reenter the fire service, subsequently must obtain certification in accordance with Rule 0360-05-01-.02.
- (4) Individuals hired into a fire department as Fire Safety Inspectors after December 31, 1990, and who are not trained in fire suppression may meet the requirements of this section by completing certification as prescribed by Tenn. Code Ann. 68-120-113 by the end of the calendar year in which they reach their twelfth (12) month of employment. If an individual is hired as a Fire Safety Inspector and later transfers to fire suppression, the individual must achieve Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness and Hazardous Materials Operations certification within three (3) years after the transfer date.
- (5) Individuals hired into a fire department as Public Fire and Life Safety Educators after December 31, 1990, and who are not trained in fire suppression may meet the requirements of this section by completing certification as Public Fire and Life Safety Educator I and Public Fire and Life Safety Educator II by the end of the calendar year in which they reach their thirty-sixth (36) month of employment. If an individual is hired as a Public Fire and Life Safety Educator and later transfers to fire suppression, the individual must achieve Fire Fighter I/Fire Fighter II/Hazardous Materials Awareness and Operations certification within three (3) years after the transfer date.
- (6) The date an individual entered the fire service for participation in the educational incentive pay program shall be the date the individual joins a paid fire department in Tennessee that participates in the educational incentive pay program as a full-time paid firefighter of that department. Service as a volunteer, paid on call, part-time firefighter or other non-full-time firefighter shall not count toward an individual's time in the fire service as it relates to Educational Incentive Pay Program.

Authority: T.C.A. §§ 4-24-101, 4-24-106(5), 4-24-107, 4-24-107(3), 4-24-107(6), 4-24-201 and 4-24-202.

0360-07-01-.05 Requirements for In-Service Training Programs.

- (1) Length of Training
  - (a) Certified or recognized programs must be of at least forty (40) hours duration. A fire department may count one (1) hour for testing as part of the department's forty (40) hour in-service training program.
  - (b) Each subject area segment of the program must be scheduled for not less than two (2) hours.
- (2) Appointment of Training Coordinator.
  - (a) Each fire department conducting a forty (40) hour in-service training program must meet the minimum standards as defined in this chapter of the Commission's rules and regulations.
  - (b) Within twelve (12) months of their appointment, each new Training Officer for a department participating in the Educational Incentive Pay Program must attend a training session on the Commission's laws, rules, programs, policies and procedures. Commission staff may offer one-on-one training sessions at the Commission office and will hold at least one (1) regional training session in each Grand Division of the state per year.
- (3) Appointment of Instructor.
  - (a) Instructors used for in-service training must be approved by the Training Officer and must be qualified by experience and training in the subject matter of the course to be taught.
  - (b) Instructors cannot teach themselves. However, instructors of Commission-approved in-service training classes shall receive one (1) hour credit for each hour taught provided that the teaching does not consist of the use of electronic media exclusively.
  - (c) Fire service personnel who serve as evaluators at Commission Sponsored Hands-on or Live Burn Practical Examinations shall receive four (4) hours Specialized Training Credit for each practical where the firefighter serves as an evaluator up to a maximum of two (2) practicals per calendar year (maximum 8 hours credit). In-house practical/live burn examinations do not qualify. One (1) In-Service Training Substitution form should be submitted per evaluator for the year noting the date(s) the applicant served as an evaluator.
- (4) Course Curriculum Requirements.
  - (a) Course curricula must be based on a needs survey of the area served and courses required by the Commission. All curricula must be substantially derived from the appropriate standards as set forth in the Commission's rules, chapter 0360-06-01 with the exception of any required subject material not adequately covered in these standards, and must be submitted for review by the Director or his/her designee, and be approved by the Commission. At least thirty (30) days prior to commencement of training, a copy of the curriculum noting instructors and their qualifications, the dates and location of training, the dates of testing, and a copy of the test instrument and

answers, and other such data as required by the Commission, must be submitted to the Commission for approval.

1. All Training Programs must be submitted to the Commission office for approval no later than November 1 of the calendar year 2014 for the training conducted in calendar 2015. Thereafter, information and training programs required by the Commission must be received at the Commission office by November 1 of the preceding calendar year in which training is to be taught. Failure to provide all information by the required date may result in a rejection of supplemental pay. All information shall be submitted in a form prescribed by the Commission.
  2. Course dates submitted for a department's In-Service Training Program are the dates on which the courses are to be taught. However, due to unforeseen circumstances, changes must sometimes occur. If a change in a date is necessary less than thirty (30) days from the scheduled date, a fire department is to make note of the change in their program along with the reason for the change. If a change in class date is required thirty (30) or more days before the scheduled date, a written notification must be sent to the Commission office with the new class date and the reason for change. The notice may be submitted by fax, email or by U.S. Mail.
  3. If a fire department must provide a range of dates and locations that a particular class will be taught when submitting their In-Service Training Program, the department must provide to the Commission office the exact dates, times, and locations of the classes a minimum of seventy-two (72) hours prior to the classes being taught. This notice may be submitted in a form prescribed by the Commission; however if by mail, sufficient time should be allowed so that the notice has time to arrive in the Commission Office a minimum of seventy-two (72) hours in advance of the new class dates. No credit will be given for classes for which the Commission office has not received advance notice of specific dates.
  4. A fire department may not use the substantially same in-service training program in consecutive years.
- (b) The Commission requires that the following minimum training be included in all training programs that are submitted for Commission approval:
1. at least eight (8) but not more than sixteen (16) hours on Hazardous Materials; and
  2. at least once every three (3) years, four (4) hours of the following subjects:
    - (i) Firefighter safety;
    - (ii) Post Traumatic/Critical Incident Stress Training;
    - (iii) Domestic violence training/Sudden Infant Death Syndrome ("SIDS") training; and
  3. The Commission also requires that eligible fire fighters be currently trained and demonstrate proficiency in the skills of CPR by an agency recognized by the Commission. A maximum of four (4) hours credit toward the required forty (40) hours in-service training shall be allowed for this training.

4. Should the department elect to participate in a two (2) year CPR training program, a minimum of forty (40) hours in-service training will still be required in order to qualify for the Educational Incentive Pay.
- (c) Training subjects curricula must demonstrate in-depth training and preliminary subjects that are normally found in basic training will not be acceptable.
  - (d) Courses taught by a fire department on routine functions of the fire department (hose testing, pre-planning, pumper testing, vehicle maintenance, station maintenance, etc) will not be considered training for purposes of the in-service training program.
  - (e) Training provided to members of a fire department must be appropriate to a firefighter's rank and responsibility and the size and location of a firefighter's department. (e.g., an Arson Investigator or Codes Enforcement Officer who has no fire suppression duties should not complete a course in fire suppression activities.)
  - (f) Computerized training courses and/or internet courses may be part of a fire department's In-Service Training Program but must meet the following conditions:
    1. The course software must provide sufficient safeguards to ensure each individual claiming credit has completed his/her own work.
    2. The course software must prohibit the student from skipping any of the courses and proceeding to the final examination.
    3. The course software must have a final examination and the examination test bank must be, at a minimum, twice the size of the final examination. The final examination should be randomly generated from this test bank for each student completing the course. If the software cannot meet this provision, then the Training Officer is to develop a final examination for this course based upon Commission requirements for the final examination of an in-service training program to be submitted with the program.
    4. The software provider must provide a Certificate of Completion for each student who successfully completes the course. This Certificate should be kept on file by the fire department for audit purposes.
    5. The software provider must provide information that outlines the course objectives, instructional method(s), and the time it takes to complete the course. This information should be briefly outlined as part of the fire department's In-Service Training Program.
    6. The fire department must schedule the training in accordance with the requirements of the Commission.
    7. The Training Officer or a Fire Department Instructor-I must be available (either in person or by telephone) during the allocated training time to answer any questions that a student may have regarding the course.
    8. The fire department must have audit procedures in place to ensure that a student is completing his/her own work. These procedures should be briefly outlined as part of the fire department's In-Service Training Program.
    9. No more than twenty (20) hours of credit will be given for computerized training.

- (5) Attendance Records. Attendance records must be maintained on each trainee in a form prescribed by the Commission and must be made available for inspection upon request by the Commission or its representative. The Training Officer and head of the department conducting in-service training must certify to the local unit of government those fire fighters who successfully completed the training, and certified records must be maintained in each individual fire department for a period of three (3) years. Such certification must include:
- (a) name (printed and signed);
  - (b) rank or position;
  - (c) Employee Identification Number or last four digits of Social Security Number;
  - (d) employing department;
  - (e) test score;
  - (f) title of class;
  - (g) number of students in class;
  - (h) instructor's name (printed and signed);
  - (i) date of course;
  - (j) length of course (number of hours of course and time it was instructed);
  - (k) test date; and
  - (l) the instructor must void any unused lines on the Class roster by drawing a line through each line and writing the word "VOID".
- (6) Testing Instrument.
- (a) Multiple test instruments must be designed to assure that the same test is not administered to two (2) consecutive training sessions using the same curriculum. The test must include at least forty (40) questions of the multiple choice type. The test must contain at least one (1) question relating to the subject material of each hour of instruction (e.g., sixteen (16) Hazardous Materials questions for a sixteen (16) hour Hazardous Materials course).
  - (b) Test answer sheets must follow a format which must show the following:
    - 1. name;
    - 2. rank or position;
    - 3. Employee Identification Number or last four digits of Social Security Number;
    - 4. employing department; and
    - 5. score of the trainee.
  - (c) Test Instruments which combine the questions with the answer sheet will not be accepted for grading. Answer sheets must be separate and must be maintained as a

record for at least three (3) years and shall be submitted to the Commission office upon request by the Commission.

- (d) The test should be developed, administered and scored by the Training Officer and Instructor. Each trainee must score at least seventy percent (70%). Only one retest will be allowed for individuals failing to achieve 70%.

(7) Approval of Specialized Schools/Courses.

- (a) If a fire fighter attends a specialized school appropriate to his rank (or position) and responsibility, the eligibility of the school must be approved by the Commission office. Only schools of a fire service related nature of at least two (2) hours in duration will be considered for in-service credit toward meeting the forty (40) hour training requirement. When submitting a course for Commission approval, the fire department shall indicate the NFPA Standard Number and Section that is applicable to the course being submitted. When applicable, the course will be submitted for pre-approval by the Commission office. In cases where the curriculum and instructors are unknown and when admittance is by short notice, the curriculum and proof of successful completion will be submitted after the course is completed.
- (b) If no test is administered, the attending fire fighter should submit to his Training Officer a detailed evaluation of the course and a correlation sheet showing how their coursework meets the appropriate NFPA Standard. If satisfied that the training was valid and beneficial, the Training Officer should submit a statement to that effect, along with a copy of the report, to the Commission office. If this is not done, no credit will be given.
- (c) In-service credit requests will be reviewed and may be granted for an individual fire fighter for the current training year only, if the course is relevant to his duties and responsibilities.
- (d) In some instances, the above type training session may be combined with the regularly scheduled and Commission-approved forty (40) hour in-service training sessions. If this is done, the attending fire fighter must be tested on those hours attended in the departmental forty (40) hour program. This will necessitate the local training officer being responsible for identifying the appropriate questions involved in the Commission-approved testing instrument.
- (e) Fire service personnel attending the National Fire Academy and successfully completing courses taught on campus will be given credit. In addition, Hazardous Materials training is required annually and a current CPR certification is required in order to be qualified for the Educational Incentive Pay.

(8) Approval of Fire Courses (Colleges and Universities).

- (a) Any fire fighter who successfully completes a fire related course (or courses) at any accredited institution, institution of higher education, college or university, may be considered for annual fulfillment of all or a portion of the required forty (40) hour in-service training, not to include the eight (8) hours of hazardous material training or the CPR certification requirements as provided for in the provisions herein and approved by the Commission.
- (b) Course completion toward credit for the annual forty (40) hour in-service training requirements may be met by completing three (3) semester hours (45 classroom hours) or four (4) quarter hours (40 class room hours) of instruction with a passing

grade. The completion date of the course must be within the calendar (training) year for which in-service training credit is sought.

- (c) Applicants for in-service training credit under these provisions must have the approval of the department head and must submit the required Commission form for consideration to the Commission office. When submitting a course for Commission approval, the fire department shall indicate the NFPA Standard Number and Section that is applicable to the course being submitted.
  - (d) In some instances, the above type training hours may be combined with the regularly scheduled and Commission-approved forty (40) hour in-service training sessions. If this is done, the attending fire fighter must be tested on those hours attended in the departmental forty (40) hour program. This will necessitate the local Training Officer being responsible for identifying the appropriate questions involved in the Commission-approved testing instrument.
  - (e) Final approval by the Commission is contingent upon official notification from the institution in which the course was completed with a passing grade.
- (9) Approval of Certification Programs.
- (a) Fire fighters completing the required number of hours of preparation training, certified by the training officer, and successfully passing the appropriate progression level examination in the Commission's certification program within the calendar year for which training is sought, shall be considered as having fulfilled the forty (40) hour in-service requirement and therefore eligible for the supplemental pay.
  - (b) Any fire fighter qualifying for in-service training credit in this manner must also meet the eight (8) hours of hazardous material training requirements and the CPR certification requirements as provided in these rules.
- (10) Emergency Medical Training
- (a) Emergency Medical Training shall be considered meeting the requirements of in-service training so long as all other mandatory programs, as provided in these rules, are met.
  - (b) No more than sixteen (16) hours of credit will be awarded for this training.
- (11) Records Storage
- (a) All fire department records related to the Educational Incentive Pay Program shall be kept by the fire department in a secure location. Access to the records shall be limited to the fire chief, the chief of training or their designee.
  - (b) Any fire department that maintains training records via computer or other electronic means, must submit a request to the Commission office in writing. The department's electronic records may be subject to audit by the Commission. The department must describe the electronic records system, identifying the security safeguards that are in place.

Authority: T.C.A. §§ 4-24-101, 4-24-106(5), 4-24-107, 4-24-107(3), 4-24-111, and 4-24-202.

0360-07-01-.06 Payment Procedures. The Commission shall disburse to eligible units of government the Educational Incentive Pay awarded to fire fighters who have established eligibility for such under the provisions of the Commission's rules and regulations. The disbursement of these funds shall be subject to all of the following conditions:

- (1) The Educational Incentive Pay will be based on the availability of funds appropriated by the General Assembly.
- (2) Payment will be made only upon request by the unit of government and upon submission of the necessary documentation by the administrative officer of the eligible department.
  - (a) Proof of the successful completion of a Commission-approved training program, by submission of a copy of the following forms by March 1 of the calendar year:
    1. Educational Incentive Pay Request;
    2. In-Service Training Report;
    3. Notarized Statement of Fire Chief attesting to accuracy and completeness of the Information, and
    4. Training Substitution Forms for previous year.
- (3) Payment will be made in a lump sum directly to the governmental entity handling salary accounts for the eligible fire departments.
- (4) It will be the responsibility of the unit of government to disburse the funds to the individual fire fighters after the deduction of the applicable taxes.
- (5) The unit of government is responsible for any increase in the employer's contribution to social security or like programs necessitated by the increase in the employee's annual base earnings.
- (6) Members of the Fire Service shall not be eligible for supplement pay from more than one agency.
- (7) Effective January 2015, Information and Training Programs required by the Commission must be received at the Commission office by November 1 of the preceding calendar year in which training is to be taught. Failure to provide all information by the required date may result in a rejection for supplemental pay.
- (8) Departments submitting certified list of eligible names of fire fighters who have qualified themselves for the forty (40) hour in-service training, Educational Incentive Pay, must also certify to the Commission that each qualifying individual is a member of the department whose name was on the department payroll as of December 31, of the calendar year in which training was received.

If a qualifying individual is separated from the fire service for any of the following reasons, after becoming qualified, they will be considered as having met the December 31 employment requirements if they:

- (a) become eligible and accept a service retirement and begin drawing retirement benefits; or
- (b) become eligible and accept a disability retirement; or

- (c) die while employed.
- (9) All requests for supplemental pay must be submitted to the Commission office by certified mail and postmarked no later than March 1 of each calendar year.
  - (a) The Commission will not grant a waiver of this date for two (2) consecutive years.
  - (b) A fire department shall have fifteen (15) calendar days from the date it receives notice that a correction is required to their request for Educational Incentive Pay to make the necessary correction and return the request to the Commission.
  - (c) Fire Departments may submit additions to their requests for supplemental pay for up to sixty (60) days from the date Educational Incentive Pay checks were mailed to fire departments. Payment of these additions is contingent upon availability of funds.

Authority: T.C.A. §§ 4-24-101, 4-24-106(5), 4-24-107, 4-24-107(3), 4-24-107(6) and 4-24-202.

0360-07-01-.07 Waiver.

- (1) The Commission shall only consider requests to waive the following rules and regulations:
  - (a) the waiting periods between certifications in Rules ~~0360-02-02~~ and 0360-03-01;
  - (b) the deadline for submission of training programs for approval in Rule 0360-07-01-.05(4); and
  - (c) the deadline for submitting requests for supplemental pay in Rule 0360-07-01-.06(9).
- (2) When considering whether good cause has been shown to grant a waiver pursuant to this rule, the Commission may consider, but is not limited to, the following:
  - (a) hardships on fire departments through time, staffing, budget or facilities limitations;
  - (b) unavailability of qualified instructors or test proctors due to financial, staffing or time constraints;
  - (c) inclement weather, natural disasters, etc.
  - (d) illness, injury or disability of training officer that causes the department to miss the submission deadlines in 0360-07-01(4) and (9).
- (3) A waiver shall not be granted in two (2) consecutive years.
- (4) A request for a waiver must be submitted in writing.

Authority: T.C.A. §§ 4-24-101, 4-24-107, 4-24-107(3) and 4-24-107(6).

0360-07-01-.08 Audit.

- (1) All accounts shall be subject to audit by the State Comptroller.
- (2) All records pertaining to the Educational Incentive Pay Program shall be available for inspection by a member of the Commission or its staff and shall be kept for three (3) years after the Educational Incentive Pay was issued.

- (3) An audit committee of the Commission, made up of the Director and a Commission Member or a Commission-approved designee, shall review the Educational Incentive Pay Program records of a minimum of ten percent (10%) of fire departments participating in the Educational Incentive Pay Program each year. Departments subject to review each year will be chosen at random by each Commission member drawing a minimum of two (2) departments to audit after all Educational Incentive Pay requests have been received.
- (a) The audit committee shall present its findings to the Commission for consideration. The audit committee shall review the records of the fire department to ensure compliance with Commission rules, including, but not limited to:
1. "In-Service Training Verification Sheets" are signed;
  2. attendance records were properly filled out as required by 0360-07-01-.05(5);
  3. test records were properly graded and filled out as required by 0360-07-01-.05(6);
  4. records required by NFPA 1001, Chapter 4 are properly maintained; and
  5. electronic records, if kept, are properly maintained and secured.
- (b) The audit committee should make one of the following recommendations to the Commission:
1. Audit was in compliance with Commission Requirements.
  2. No action required. This would be used for a minor infraction. Committee counselled the department on the corrective actions needed.
  3. Informal Review. This would be used for minor infractions that the committee felt needed to be reviewed to ensure corrective action was taken. This review would only encompass the areas that needed reviewing and would be done by the participants of the original audit.
  4. Probation. This would be used for more significant infractions. The committee would recommend that the fire department be audited again for a period ranging from one (1) to three (3) years.
  5. Formal Hearing. The Committee feels that a major violation of the Commission's Rules or State Statute has occurred; and would recommend a hearing under the Commission's Rules and Regulations for formal discipline under the Commission's rules.

When making its report to the Commission, the Committee may make any additional comments and recommendations it feels are appropriate, but the above are the general guidelines to be used. The Director shall send each Department a copy of the completed audit report.

- (4) Commission staff and Commission Members may conduct unannounced visits to fire departments training classes. The visit will not disrupt the training session; however information may be solicited from the participants and/or instructor during a break or after the class. Documentation will be completed about the visit and filed with that department's In-Service Training Program for that year. If training is not being conducted as scheduled, that department will be invited to the next regularly scheduled Commission meeting to offer an explanation.

Authority: T.C.A. §§ 4-24-101, 4-24-106(5), 4-24-107, 4-24-107(3) and 4-24-107(6).

0360-07-01-.09 Disciplinary Matters.

- (1) The Commission may revoke, modify, suspend or condition the educational incentive pay, to the unit of government, or governmental entity handling salary accounts for the otherwise eligible fire departments, if it finds, after appropriate notice and hearing, that;
  - (a) the requirements for the salary pay supplement had not been met as per the Commission's Rules and Regulations.
  - (b) any fraud, collusion, misrepresentation or substantial mistake was involved in the procurement of the educational incentive pay.

Authority: T.C.A. §§ 4-24-101, 4-24-106(5), 4-24-107, 4-24-107(3), 4-24-107(6) and 4-24-201.

0360-07-01-.10 Prosecution of False Claims for Educational Incentive Pay.

- (1) As an added measure to guard against the misuse of State funds, the Fire Fighting Commission and Staff will vigorously seek criminal prosecution through the State Attorney General's Office against any individual or individuals it finds have engaged in fraudulent conduct or false representation in connection with the completion of training requirements in order to unjustly obtain educational incentive pay.
- (2) The Commission will recognize the possibility of inadvertent mistakes involved in a Department's record keeping, and after close scrutiny of such facts will make the proper recommendation to such Department involved and seek immediate reimbursement of such funds erroneously paid due to the Department's oversight. If such reimbursement is not immediately forthcoming, the Fire Fighting Commission and Staff will commence legal action accordingly.

Authority: T.C.A. §§ 4-24-101, 4-24-106(5), 4-24-107, 4-24-107(3), 4-24-107(6) and 4-24-201.

0360-07-01-.11 through 0360-07-01-.18 Repealed.

Authority: T.C.A. §4-24-107.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 03-12-2014

Signature: C. Edward Scudder, Jr.

Name of Officer: C. Edward Scudder, Jr.

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: 3/12/14

Notary Public Signature: Erica Dunville

My commission expires on: 11/3/15

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Secretary of State

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