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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: Tennessee Commission on Fire fighting Personnel Standards and Education
Division:
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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:

ADA Contact: Don Coleman
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Memphis Fire Department, Chester Anderson Training Center
Address 2:	4341 O.K. Robertson
City:	Memphis, Tennessee
Zip:	38127
Hearing Date:	July 29, 2009
Hearing Time:	9:30 A.M. <input checked="" type="checkbox"/> CST <input type="checkbox"/> EST

Additional Hearing Information:

Revision Type (check all that apply):

Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only **ONE** Rule Number/RuleTitle per row.)

Chapter Number	Chapter Title
0360-01-01	General
Rule Number	Rule Title
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-.02	Vocational Schools and Institutions of Higher Education
0360-02-01-.03	Special Courses and Programs
0360-02-01-.04	Advanced Courses and Seminars

Chapter Number	Chapter Title
0360-02-02	Instructor Certification
Rule Number	Rule Title
0360-02-02-.03	Fire Department Instructor II
0360-02-02-.04	Fire Department Instructor III
0360-02-02-.06	Vocational School and Higher Education Instructor

Chapter Number	Chapter Title
0360-03-01	Classifications for Full-Time and Volunteer Fire Fighters
Rule Number	Rule Title
0360-03-01-.01	Recruit Fire Fighter
0360-03-01-.02	Fire Fighter I
0360-03-01-.03	Journeyman Fire Fighter/Fire Fighter II
0360-03-01-.09	Fire Officer I
0360-03-01-.10	Fire Officer II
0360-03-01-.11	Fire Officer III
0360-03-01-.12	Fire Officer IV
0360-03-01-.16	Hazardous Materials Awareness
0360-03-01-.17	Hazardous Materials Operations
0360-03-01-.23	Fire Safety Compliance Officer I
0360-03-01-.24	Fire Safety Compliance Officer II
0360-03-01-.29	Vehicle and Machinery Rescue
0360-03-01-.30	Exterior Industrial Fire Brigade Member
0360-03-01-.31	Interior Structural Fire Brigade Member
0360-03-01-.32	Non Fire Fighter Recruit

Chapter Number	Chapter Title
0360-04-01	Examinations
Rule Number	Rule Title
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0360-04-01-.02	Applications
0360-04-01-.03	Character of Examinations
0360-04-01-.04	Grading
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0360-04-01-.08	Written Examinations
0360-04-01-.09	Practical Examinations

Chapter Number	Chapter Title
0360-05-01	Revocation of Certification
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0360-05-01-.02	Separation from Active Fire Service
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0360-06-01	Miscellaneous Certification Standards
Rule Number	Rule Title
0360-06-01-.01	Adoption by Reference
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-.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

(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

New Rule
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0360-01-01-.04 Appeals Process

0360-01-01-.04 Appeals Process.

All decisions by the Director shall be made in accordance with the Commission's rules. In the event an individual or fire department wishes to appeal a decision of the Director, the individual or fire department must submit a written request for appeal along with justification to the Commission at least ten (10) calendar days prior to the next regularly scheduled Commission meeting and the appeal will be heard by the Commission at that meeting. The individual or a fire department representative must be present at the meeting in order for the appeal to be considered.

Authority: T.C.A. § 4-24-107(3).

Chapter 0360-01-02
Definitions

Amendments

Rule 0360-01-02-.01 Definitions is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) "Commission" shall mean the Tennessee Commission on Fire Fighting Personnel Standards and Education.
- (2) "Department" shall mean the agency that provides fire protection service to a district and agrees to abide by standards adopted by the Commission.
- (3) "IFSAC" shall mean the International Fire Service Accreditation Congress.
- (4) Journeyman Fire Fighter shall be equivalent to Fire Fighter II.
- (5) "NFPA" shall mean the National Fire Protection Association.
- (6) "A Non Fire Fighter Recruit" shall mean an individual who is not a member of a participating fire department, but seeks training pursuant to T. C. A. § 4-24-107(7).
- (7) "TC" shall mean the Training Committee composed of a minimum of three (3) members with equal representation from the Department officers and employees.
- (8) "Trainee" shall mean a member of a department who is engaged in learning the craft of Journeyman Fire Fighter or Fire Fighter II.

Authority: T.C.A § 4-24-107(3).

Chapter 0360-02-01
Certification of Training and Education Programs

Amendments

Paragraph (3) of rule 0360-02-01-.02 Vocational Schools and Institutions of Higher Education is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (3) Courses in fire training must meet or exceed performance standards as set forth in these rules and regulations and be correlated to the appropriate NFPA Standards.

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

Rule 0360-02-01-.03 Special Courses and Programs is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Any entity or organizations not otherwise covered by these rules and regulations which offer 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 can not substitute for the practical examination for levels of certification accredited by IFSAC.

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

Rule 0360-02-01-.04 Advanced Courses and Seminars is deleted in its entirety.

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

Chapter 0360-02-02 Instructor Certification

Amendments

Subparagraph (c) of Paragraph (1) of rule 0360-02-02-.03 Fire Department Instructor II is amended by deleting the text of the subparagraph in its entirety and renumbering the following subparagraphs accordingly.

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

Subparagraph (c) of Paragraph (1) of rule 0360-02-02-.04 Fire Department Instructor III is amended by deleting the text of the subparagraph in its entirety and renumbering the following subparagraphs accordingly.

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

Rule 0360-02-02-.06 Vocational School and Higher Education Instructor is amended by adding the following as new paragraphs (3), (4) and (5):

- (3) The applicant provides information sufficient for the Commission to determine that applicant will utilize their certification at a specialized vocational school or institution of high learning.
- (4) The certification shall list the names of the Commission approved courses that may be taught.
- (5) This certification expires three (3) years from the date it was issued, but may be renewed.

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

Chapter 0360-03-01
Classifications for Full-Time and Volunteer Fire Fighters

Amendments

Paragraph (3) of rule 0360-03-01-.01 Recruit Fire Fighter is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (3) A Recruit Fire Fighter shall serve at least twelve (12) months in this classification or complete two-hundred forty (240) hours of formal entry level training correlated to NFPA 472 and 1001 and contains a minimum of two (2) hours training in the area of investigating sudden unexpected infant death which has the prior approval of the Commission before qualifying to become a Fire Fighter I.

Authority: T.C.A §§ 4-24-106(4), 4-24-107(3) and 68-1-1102.

Rule 0360-03-01-.02 Fire Fighter I is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) A Fire Fighter I must successfully complete all of the requirements of Recruit Fire Fighter or Non Fire Fighter Recruit as prescribed in these rules.
- (2) A Fire Fighter I must meet the entrance requirements of NFPA 1001.
- (3) A Fire Fighter I must satisfactorily complete Hazardous Materials Awareness and Hazardous Materials Operations as prescribed in these rules.
- (4) A Fire Fighter I must satisfactorily pass the examination(s) as promulgated by the Commission.
- (5) 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."
- (6) A Fire Fighter I must successfully complete a Commission approved Domestic Violence Course, a minimum of a two (2) hour in length, within the previous three (3) years of the written test date.
- (7) A Fire Fighter I must submit proof of successfully completing NIMS IS-700: An Introduction and ICS-100 Introduction to ICS training or the equivalent of each.
- (8) A Fire Fighter I shall serve at least twelve (12) months in the classification before qualifying to become a Journeyman Fire Fighter/Fire Fighter II. However, an individual having previously been Certified by the Commission as a Journeyman Fire Fighter/Fire Fighter II and whose Certifications are current but wishes to re-challenge the Fire Fighter I and Journeyman Fire Fighter/Fire Fighter II levels in order to obtain an IFSAC Seal on their Certifications does not have to wait twelve (12) months before attempting to re-qualify as Journeyman Fire Fighter/Fire Fighter II.

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

Rule 0360-03-01-.03 Journeyman Fire Fighter/Fire Fighter II is amended by adding the following as new paragraphs (3), (4) and (5):

- (3) A Journeyman Fire Fighter/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 Journeyman Fire Fighter/Fire Fighter II must successfully complete a Commission approved Domestic Violence Course, a minimum of a two (2) hour in length, within the previous three (3) years of the written test date.

- (5) A Journeyman Fire Fighter/Fire Fighter II must submit proof of successfully completing NIMS IS-700: An Introduction and ICS-100 Introduction to ICS training or the equivalent of each.

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

Rule 0360-03-01-.09 Fire Officer I is amended by adding the following as new paragraphs (3) and (4):

- (3) A Fire Officer I must successfully complete a minimum of a Commission approved Domestic Violence Course, a minimum of a two (2) hour in length, within the previous three (3) years of the written test date.
- (4) A Fire Officer I must submit proof 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 §§ 4-24-106(4), 4-24-107(3) and 4-24-111.

Rule 0360-03-01-.10 Fire Officer II is amended by adding the following as new paragraphs (3) and (4):

- (3) A Fire Officer II must successfully complete a Commission approved Domestic Violence Course, a minimum of a two (2) hour in length, within the previous three (3) years of the written test date.
- (4) A Fire Officer II must submit proof 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 §§ 4-24-106(4), 4-24-107(3) and 4-24-111.

Rule 0360-03-01-.11 Fire Officer III is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) A Fire Officer III must successfully complete all of the requirements of Fire Officer II and Fire 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 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 §§ 4-24-106(4) and 4-24-107(3).

Rule 0360-03-01-.12 Fire Officer IV is amended by adding the following as a new paragraph (3):

- (3) A Fire Officer IV must submit proof 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 §§ 4-24-106(4) and 4-24-107(3).

Paragraph (1) of rule 0360-03-01-.16 Hazardous Materials Awareness is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (1) A candidate for Hazardous Materials Awareness certification must successfully complete all of the requirements of Recruit Firefighter as prescribed in these rules and regulations and by Commission policy or after completion of the hazardous materials portion of a Commissioner approved recruit training program.

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

Rule 0360-03-01-.17 Hazardous Materials Operations is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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 after completion of 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 challenged 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.

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

Rule 0360-03-01-.23 Fire Safety Compliance Officer I is amended by adding the following as a new paragraph (3):

- (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 §§ 4-24-106(4) and 4-24-107(3).

Rule 0360-03-01-.24 Fire Safety Compliance Officer II is amended by adding the following as a new paragraph (3):

- (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 §§ 4-24-106(4) and 4-24-107(3).

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0360-03-01-.29 Vehicle and Machinery Rescue
0360-03-01-.30 Exterior Industrial Fire Brigade Member
0360-03-01-.31 Interior Structural Fire Brigade Member
0360-03-01-.32 Non Fire Fighter Recruit

0360-03-01-.29 Vehicle and Machinery Rescue

- (1) A Vehicle and Machinery Rescuer must successfully pass the examination(s) as promulgated by the Commission.

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

0360-03-01-.30 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 §§ 4-24-106(4) and 4-24-107(3).

0360-03-01-.31 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 §§ 4-24-106(4) and 4-24-107(3).

0360-03-01-.32 Non Fire Fighter Recruit

- (1) A Non Fire Fighter Recruit shall complete a minimum of two-hundred forty (240) hours of formal entry level training correlated to NFPA 472 and 1001 and contains a minimum of two (2) hours training in the area of investigating sudden unexpected infant death which has the prior approval of the Commission before qualifying to become a Fire Fighter I.

Authority: T.C.A §§ 4-24-106(4), 4-24-107(3) and 68-1-1102.

Chapter 0360-04-01 Examinations

Amendments

Rule 0360-04-01-.01 General is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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) An applicant must be at least eighteen (18) years of age in order to take an examination.
- (3) Applicants must present a valid state or federally issued photo identification card prior to being admitted to any examination.
- (4) Field Representatives may only test personnel from their own fire department in a regional test setting if a majority of the applicants come from other departments. In all other circumstances, Field Representatives are prohibited from testing personnel from their own fire department.
- (5) Commission members and Field Representatives who wish to challenge a Commission practical or written examination shall do so only under the proctoring of the Director 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) An applicant who does not successfully complete all examinations for a level of certification within a 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 retesting the written examination. Individuals called to active military duty shall have the time to 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 in advance. Any documentation regarding an applicant's disability and his/her need for accommodation in testing will be considered strictly confidential.

Authority: T.C.A. §4-24-107(3).

Rule 0360-04-01-.02 Applications is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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 fire fighter must have a completed application signed by him/her certified by the TC with original signatures. The application will be that provided by the Commission upon entering into the Certification Program. All testing must be requested by the Fire Chief or the Training Officer of the department and will not be considered when requested by individual members of the fire department.
 - (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 department and the Field Representative will schedule the examination date.
 - (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 Field Representative will administer the examination on the examination date. At the end of the examination, the Field Representative will collect all examinations and answer sheets and send them to the Commission for grading.
- (2) In the event a fire fighter is a member of a fire department which is not participating in the certification program and said fire fighter desires to apply for certification, he/she may attend an approved recruit training academy or identify a sponsoring department for the purpose of meeting application requirements, the following provisions would apply:
 - (a) The sponsoring fire department must accept the responsibility to sponsor the applicant, and provide proof of same to the Commission.
 - (b) The applicant will meet the performance requirements of the sponsoring fire department, which shall be the authority having jurisdiction where applicable.

- (3) The Fire Service and Codes Academy shall only sponsor fire fighters who are from a fire department that is not enrolled in the Commission's program.

Authority: T.C.A. §4-24-107(3).

Rule 0360-04-01-.03 Character of Examinations is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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:
 - (i) A Commission member shall chair a committee of fire service personnel certified at or above the level of certification being validated;
 - (ii) The committee will ensure that:
 - (A) each test question is appropriately referenced to the NFPA Standard;
 - (B) properly referenced to the reference manual(s) cited by the Commission;
 - (C) terminology used in the question is appropriate for all manuals cited;
 - (D) the answer indicated is correct for all manuals cited;
 - (E) the question is job relevant to Tennessee; and
 - (F) there is only one correct answer.
 - (iii) 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. §4-24-107(3).

Rule 0360-04-01-.04 Grading is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (1) Written - The Commission will prepare a list with the correct answer to each question. The executive director 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) Challenges as to the validity of any test question(s) on the Commission's written examinations must be submitted to the local Training Committee. The Training Committee, upon determination that the challenge is justified, shall forward, in writing, the challenge and proper documentation (International Fire Service Training Association (IFSTA) Referencing) supporting the challenge to the Commission within sixty (60) calendar days of the examination. Commission shall review the challenge and render a decision on the challenge. The decision of the Commission is final and shall be forwarded to the local Training Committee via the Training Officer.

- (b) Individuals wanting to review their tests:
 - (i) must submit to the Commission a written request, signed by the Chairman of the Training Committee, within thirty (30) days of receipt of the test score which includes the applicant's name, social security number, phone number and test date;
 - (ii) must make an appointment with the Commission Office for no more than twenty (20) minutes after submittal of the written request;
 - (iii) must score at least sixty percent (60%) on the test; and
 - (iv) will not be allowed to take notes when reviewing the test.
- (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) Challenges as to the grading/validity of any written practical must be submitted to the local Training Officer. The Training Officer, upon determination that the challenge is justified, shall forward, in writing, the challenge and proper documentation (IFSTA Referencing) supporting the challenge to the Commission within sixty (60) calendar days of the examination. A three (3) member Appeals Committee of the Commission shall review the challenge, determine the merit of the challenge and determine the appropriate corrective action to be taken, if any needed within thirty (30) day of receipt of a challenge. The decision of the Appeals Committee is final and shall be forwarded to the local Training Officer.

Authority: T.C.A. §4-24-107(3).

Rule 0360-04-01-.06 Examination Form is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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 set forth in Chapter 0360-06-01.
 - (a) The performance examination requirements for Fire Fighter I shall consist of all the following:
 - (i) A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on the Standards in NFPA 1001.
 - (ii) A live fire practical must be completed. One of the following options must be completed:
 - (A) Completion of the Tennessee Fire Service and Codes Enforcement Academy's twenty-two (22) hour Live Fire Weekend course. (A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination")
 - (B) Completion of ALL of the exercises listed on the Live Fire Suppression Verification Sheet for the appropriate level is 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 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.

- (C) Completion of a Commission administered live fire practical. The practical shall consist of completion of 1 evolution selected at random by the Commission. (If this option is used, the live fire practical must be completed after successful completion of the hands-on practical).

(b) Guidelines for Hands-On Practical and Live Burn Practical Examinations:

- (i) No fee will be charged by the Commission for these examinations.
- (ii) Hands-on Practical regional test sites are to be established in each Field Representatives territory, with a goal of two (2) tests per quarter in each area. Test dates are to be established on a semi-annual basis with additional dates added as needed.
- (iii) Live Fire Practical Tests sites are to be established by the Field Representatives in conjunction with fire departments able to host this type practical.
- (iv) Applicants may travel out of their region to test at other test sites should they choose.
- (v) The Field Representative is to conduct a training seminar for evaluators prior to each practical examination to ensure the evaluators understanding of testing procedures, grading procedures, performance criteria, and instructions on completing required paperwork. The Commission will provide the Field 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.
- (vi) 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 15 applicants must be scheduled in order to conduct the practical examinations; a maximum of 35 applicants can be tested per day. The Director may waive this requirement if justification exists.
- (vii) An applicant who fails any evolution shall be notified immediately of his/her failure and will be allowed to leave the practical immediately.
- (viii) 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.
- (ix) Applicants who complete the examination must remain to the end of the day to assist in cleaning and restoring the host facility to original condition prior to receiving test results. If applicant leaves, this results in automatic failure unless the applicant is given permission to leave by the Field Representative.
- (x) Persons who have completed their practical must remain separate from those waiting to challenge.
- (xi) 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.
- (xii) The applicant's home department must send with their personnel at least one SCBA and mask; and each applicant must bring a mask which has been fit tested to them.
- (xiii) The applicant's home department shall inspect each applicant's equipment to ensure it meets current additions of applicable safety standards. These standards include:

- (A) NFPA 1981
 - (B) NFPA 1971
 - (C) NFPA 1976
 - (D) NFPA 1977
 - (E) NFPA 1982
- (xiv) Each applicant must bring his/her own turn-out gear.
 - (xv) The host department shall provide the equipment to be used for testing, i.e. Ladders, hose, etc.
 - (xvi) The applicant's home department must assume liability in case of injury. A statement to this affect is included on the Application which must be signed by the chief of the applicant's department.
 - (xvii) The Commission will solicit individuals who are interested in serving as evaluators, who will be required to submit their names. This list of names will be maintained by the Field Representative who will rotate through the names for each examination. Individuals may add their names at any time.
 - (xviii) An applicant must perform the evolutions provided. An applicant cannot discard an evolution because their department does not have the equipment specified.

The Commission Representative shall have the authority to amend these guidelines to address specific life safety problems as they arise.

- (2) The examination for Journeyman Fire Fighter/Fire Fighter II shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Journeyman Fire Fighter/Fire Fighter II as set forth in Chapter 0360-06-01.
 - (a) The performance examination requirements for Journeyman Fire Fighter/Fire Fighter II shall consist of all the following:
 - (i) A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on the Standards in NFPA 1001.
 - (ii) A live fire practical must be completed. One of the following options must be completed:
 - (A) Completion of the Tennessee Fire Service and Codes Enforcement Academy's 22 hour Live Fire Weekend course. (A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination")
 - (B) Completion of ALL of the exercises listed on the Live Fire Suppression Verification Sheet for the appropriate level is 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 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.
 - (C) Completion of a Commission administered live fire practical. The practical shall consist of completion of 1 evolution selected at random by the Commission. (If this option is used, the live fire practical must be completed after successful completion of the hands-on practical).

(b) Guidelines for Hands-On Practical and Live Burn Practical Examinations:

- (i) No fee will be charged by the Commission for these examinations.
- (ii) Hands-on Practical regional test sites are to be established in each Field Representatives territory, with a goal of two (2) tests per quarter in each area. Test dates are to be established on a semi-annual basis with additional dates added as needed.
- (iii) Live Fire Practical Tests sites are to be established by the Field Representatives in conjunction with fire departments able to host this type practical.
- (iv) Applicants may travel out of their region to test at other test sites should they choose.
- (v) The Field Representative is to conduct a training seminar for evaluators prior to each practical examination to ensure the evaluators understanding of testing procedures, grading procedures, performance criteria, and instructions on completing required paperwork. The Commission will provide the Field 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.
- (vi) 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 15 applicants must be scheduled in order to conduct the practical examinations; a maximum of 35 applicants can be tested per day. The Director may waive this requirement if justification exists.
- (vii) An applicant who fails any evolution shall be notified immediately of his/her failure and will be allowed to leave the practical immediately.
- (viii) 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.
- (ix) Applicants who complete the examination must remain to the end of the day to assist in cleaning and restoring the host facility to original condition prior to receiving test results. If applicant leaves, this results in automatic failure unless the applicant is given permission to leave by the Field Representative.
- (x) Persons who have completed their practical must remain separate from those waiting to challenge.
- (xi) 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.
- (xii) The applicant's home department must send with their personnel at least one SCBA and mask; and each applicant must bring a mask which has been fit tested to them.
- (xiii) The applicant's home department shall inspect each applicant's equipment to ensure it meets current additions of applicable safety standards. These standards include:
 - (A) NFPA 1981
 - (B) NFPA 1971
 - (C) NFPA 1976
 - (D) NFPA 1977

(E) NFPA 1982

- (xiv) Each applicant must bring his/her own turn-out gear.
- (xv) The host department shall provide the equipment to be used for testing, i.e. ladders, hose, etc.
- (xvi) The applicant's home department must assume liability in case of injury. A statement to this effect is included on the Application which must be signed by the chief of the applicant's department.
- (xvii) The Commission will solicit individuals who are interested in serving as evaluators, who will be required to submit their names. This list of names will be maintained by the Field Representative who will rotate through the names for each examination. Individuals may add their names at any time.
- (xviii) An applicant must perform the evolutions provided. An applicant cannot discard an evolution because their department does not have the equipment specified.

The Commission Representative shall have the authority to amend these guidelines to address specific life safety problems as they arise.

- (3) 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."
- (4) 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 lesson plan for the fire service related subject assigned to him/her at random by the Commission.
 - (b) After completion of this lesson plan, the applicant shall return it 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 make application for the written examination through established procedures; should the applicant be unsuccessful, the applicant will be notified of which areas need improvement and the lesson plan returned for revision.
- (5) 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.
- (6) 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 a committee of the Commission.

- (7) 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 work book based on NFPA 1021 for Fire Officer II. The work book may be obtained from the Commission.
- (8) 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 work book based on NFPA 1021 for Fire Officer III. The work book may be obtained from the Commission.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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 for Airport Fire Fighters shall be promulgated by the Commission utilizing the Standards outlined in NFPA 1003.
- (13) 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.
- (14) 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:

- (i) Completion of a performance examination based upon NFPA 1051 which has been submitted to the Commission for approval, or
 - (b) Completion of the "Task Book for the Position of Advanced Firefighter/Squad Boss" offered by the Tennessee Division of Forestry.
- (15) 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 work book 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.
- (16) 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 work book 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.
- (17) 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:
 - (i) the applicant monitoring a minimum of eight (8) fire safety inspections conducted by a Fire Safety Compliance Office 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, is to be conducted; or [
 - (ii) becoming certified by the State Fire Marshal's Office in accordance with T.C.A. 68-120-113.
- (18) 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:
 - (i) the applicant conducting a minimum of eight (8) fire safety inspections under the supervision of a Fire Safety Compliance Office 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, is 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

- (ii) becoming certified by the State Fire Marshal's Office in accordance with T.C.A. 68-120-113.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) 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.

Authority: T.C.A. §§ 4-24-106(4), 4-24-107(3) and 68-1-1102.

Rule 0360-04-01-.08 Written Examinations is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (1) Written examinations cannot be scheduled unless a minimum of six (6) applicants are scheduled for the examination.
 - (a) If less than six (6) applicants are at the test site when the examination is scheduled to be administered, the examinations may still be administered.
 - (b) If a fire department requests written examination to be conducted within the fire department and the minimum of number of applicants is not present for two examinations within a one (1) calendar year period, the fire department will not be allowed to host written examinations for a period of one (1) calendar year. After the first instance, the chief of the fire department will be notified in writing of the event and the rules of this part.
- (2) A test site for written examinations 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 as to not provide a distraction from the examination; and
- (e) meet all ADA requirements.

The Field Representative shall ensure that the test site meets these requirements prior to the start of the written examination.

Authority: T.C.A. §4-24-107(3).

Rule 0360-04-01-.09 Practical Examinations is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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.

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.

- (2) (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 in the within twelve (12) months of the examination and a SCBA Fit Testing Verification form is to be completed and signed by the Fire Chief or Training Officer from the applicant's sponsoring fire department. 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 fighters face will prevent a good seal. Special spectacle kits can be ordered and mounted inside a full-facepiece respirator.

- (d) An academy or fire department which sponsors a non-firefighter recruit shall be responsible for fit testing the candidate in accordance with Commission Rules and applicable national standards prior to the candidate challenging a written or hands-on practical. The academy or fire department shall sign and submit the applications for written and practical examinations for non-firefighter recruits. The practical examination must be completed at the host academy's or fire department's test site and they shall assume liability for the candidate who is not a member of a fire department.
- (3)
 - (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. Failure to meet this requirement may result in personnel from the department not being allowed to test.
 - (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) For fire departments which participate in the Educational Incentive Pay Program, an evaluator must have participated in this program within the past year, as this ensures training and evaluation have occurred.
 - (d) For departments that do not participate in the Educational Incentive Pay Program, a resume must be submitted of training completed by any person who wishes to serve as an evaluator and must be approved by the Commission prior to serving as an evaluator. The Commission shall maintain a list of approved evaluators who utilize this option. Updated resumes will be required each time the Commission adopts a revised edition of NFPA 1001 Standard.
 - (e) Should a fire department send an unqualified evaluator, the department will be requested to appear before the Commission at the next regularly scheduled Commission Meeting to explain their actions. It is noted that mistakes do occur which would definitely be taken into consideration at the meeting.
- (4) 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 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 field 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.
- (5) A host fire department for a practical examination must provide the Field Representative on the day of the practical examination a letter addressed 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

(i.e. 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.

- (6) Any individual who participates in a live fire practical must meet the requirements of Section 4.1 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.
- (7) Hands-on practical skill sheets shall be available to all applicants. The Commission shall provide each fire department with at least one copy of the skill sheets. It shall be the responsibility of the Training Officer to provide each applicant a copy of the skill sheets prior to the applicant challenging the practical examination for Fire Fighter I/II. Additional copies are available in paper or electronic format from the Commission upon request.
- (8) 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 Field Representative shall ensure that the test site meets these requirements prior to the start of the examination.

Authority: T.C.A. §4-24-107(3).

Chapter 0360-05-01
Revocation of Certification

Amendments

Rule 0360-05-01-.02 Separation from Active Fire Service is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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, deceased, etc.
- (2) Work for the Commission as a Commissioner 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 issued to a non firefighter recruit 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 to 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. §4-24-107(3).

Chapter 0360-06-01
Miscellaneous Certification Standards

Amendments

Rule 0360-06-01-.01 Adoption by Reference is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (1) The Commission adopts by reference the following National Fire Protection Association (NFPA) Standards in their entirety as performance standards unless otherwise provided herein:

472 Professional Competences of Responders to Hazardous Materials Incidents, 2008 edition

1001 Fire Fighter Professional Qualifications, 2008 edition

1002 Fire Apparatus Driver/Operator Professional Qualifications, 2009 edition

1003 Professional Qualifications for Airport Fire Fighters, 2005 edition

1005 Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters, 2007 edition

1006 Rescue Technician Professional Qualifications, 2008 edition

1021 Fire Officer Professional Qualifications, 2009 edition

1031 Professional Qualifications for Fire Inspector, 2009 edition

1033 Professional Qualifications for Fire Investigator, 2009 edition

1035 Professional Qualifications for Public Fire and Life Safety Educator, 2005 edition

1041 Fire Service Instructor Professional Qualifications, 2007 edition

1051 Wildland Firefighter Professional Qualifications, 2007 edition

1081 Industrial Fire Brigade Member Professional Qualifications, 2007 edition

1403 Standard on Live Fire Training Evolutions, 2007 edition

1500 Fire Department Occupational Safety and Health Program, 2007 edition

1521 Fire Department Safety Officer, 2008 edition

Authority: T.C.A. §4-24-107(3).

Rule 0360-06-01-.04 Progression is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (1) Unless otherwise provided in these rules, an applicant may progress to another level of certification after ninety (90) days from the date of the last certification awarded. If an applicant fails a written examination for a level, the applicant must wait ninety (90) days before attempting a different level of certification.
- (2) The Commission may waive the waiting periods for progression for individuals called to active military duty during wartime to allow firefighters to achieve the level of Certification that they would have been eligible to achieve should their firefighting career not have been interrupted by the military service. A letter from the fire department, signed by the Chief or Training Officer,

certifying the individual's military duty must accompany the individual's application requesting this waiver.

- (3) Fire service personnel who have been certified at a specific progression level are prohibited from taking the examination for a lower (regression) level.
- (4) If an applicant who has already achieved certification at a particular level(s) under a prior NFPA standard and 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.

Authority: T.C.A. § 4-24-107(3).

Rule 0360-06-01-.05 Reciprocity is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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 (one form for each level of certification the applicant is requesting reciprocity);
 - (b) Letter(s) from the applicant's previous fire department(s) showing the dates the applicant was a member (employed) by that department as a firefighter; and
 - (c) Proof of Certification (copies of certificates)
- (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. § 4-24-107(3).

Chapter 0360-07-01
Educational Incentive Pay

Amendments

Rule 0360-07-01-.04 Entry-Level Personnel is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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 Journeyman Fire Fighter/Fire Fighter II level of certification in order to become eligible for supplemental pay.
- (2) The Fire Fighter I /Journeyman Fire Fighter/Fire Fighter II/ Hazardous Materials Awareness and 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 /Journeyman Fire Fighter/Fire Fighter II/ Hazardous Materials Awareness and Operations certification after this date will not be eligible for Educational Incentive Pay until said certification has been obtained.
- (2) Qualified personnel who are separated from the fire service for a period of greater than three (3) years and then reenters the fire service, subsequently must obtain certification in accordance with Rule 0360-05-01-.02.
- (3) 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 /Journeyman Fire Fighter/Fire Fighter II/ Hazardous Materials Awareness and Operations certification within three (3) years after the transfer date.
- (4) 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 /Journeyman Fire Fighter/Fire Fighter II/ Hazardous Materials Awareness and Operations certification within three (3) years after the transfer date.
- (6) The date entered 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. §§ 4-24-106(5), 4-24-107(3) and 4-24-202.

Rule 0360-07-01-.05 Requirements for In-Service Training Programs is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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 and must be completed on assigned shift.
- (2) Appointment of Training Officer.
 - (a) Each fire department conducting a forty (40) hour in-service training program must meet the minimum standards as defined in chapter 0360-02-02 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 exclusively of playing a video tape of a previous recorded, Commission approved in-service training class or supervising Commission approved computerized training.
 - (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 four (4) practicals per calendar year (maximum 16 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 0360-6-1 with the exception of any required subject material not adequately covered in these standards and must be submitted for review 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.
 - (i) All Training Programs must be submitted for Commission approval no later than May 1st of the calendar year that the training is to be conducted effective January 1, 1991.
 - (ii) 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, which is less than 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 that is 30 or more days from the scheduled date, a written notification must be

sent to the Commission with the new class date and the reason for change. The notice may be submitted by fax, email or by U.S. Mail.

- (iii) 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 the exact dates, times, and locations of the classes a minimum of 72 hours prior to the class being taught. This notice may be submitted by fax, email or by mail; however if by mail, sufficient time should be allowed so that the notice has time to arrive in the Commission Office a minimum of 72 hours in advance of the new class dates. No credit will be given for classes for which the Commission has not received advance notice of specific dates.
 - (iv) 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 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. (i.e. 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 reachable 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 eight (8) hours of credit will be given for computerized training.
- (5) Attendance Records. Attendance records must be maintained on each trainee 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 must be maintained in each individual fire department for a period of three (3) years. Such certification must include:
- (a) name (printed and signed); and
 - (b) rank or position; and
 - (c) Employee Identification Number or last four digits of Social Security Number; and
 - (d) employing department; and
 - (e) test score; and
 - (f) title of class; and
 - (g) number of students in class; and
 - (h) instructor's name (printed and signed); and
 - (i) date of course; and
 - (j) length of course (number of hours of course and time it was instructed); and
 - (k) employee ID number or last four (4) digits of social security number; and
 - (l) test date; and
 - (m) 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 (ie 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; and
 - 2. rank or position; and
 - 3. Employee Identification Number or last four digits of Social Security Number; and
 - 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 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. 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. 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 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.*

*Note: If this 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 nor 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. 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 outlined previously.
- (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 who maintains training records via computer or other electronic means, must submit a request to the Director in writing. The Director and a Commission Member shall conduct an on-site audit of their electronic system to ascertain the security, safeguards, etc. of the system and make a recommendation to the Commission at the next regularly scheduled Commission Meeting on whether to approve the request and, if needed, any conditions which need to be placed on the approval. All departments who receive approval must obtain signatures of all eligible personnel on the "In-Service Training Verification Sheet" annually.

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

Rule 0360-07-01-.06 Payment Procedures is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

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 each signed "In-Service Training Verification Sheet" and as prescribed in these rules and regulations, within the calendar year by all recipients of the educational incentive pay.
- (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) Information and Training Programs required by the Commission must be received at the Commission office by May 1st of the 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 31st, 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 31st employment requirements if they:

- (a) become eligible and accepts a service retirement and begins drawing retirement benefits; or
- (b) become eligible and accepts 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 corrections 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. §§ 4-24-106(5), 4-24-107(3) and 4-24-202.

Rule 0360-07-01-.07 Waiver is amended by adding the following as a new paragraph (2):

- (2) A request for a waiver must:
- (a) be submitted to the Commission in writing at least ten (10) calendar days prior to a scheduled meeting of the Commission to be heard; and
 - (b) be presented to the Commission in person at the Commission meeting by the Chief of the fire department, or their designee, or the individual requesting the waiver.

Authority: T.C.A. §§ 4-24-107(3).

Rule 0360-07-01-.08 Audit is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (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 Field Representative, 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 for 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 records of the fire department to ensure compliance with Commission rules, including, but not limited to:
 - (i) "In-Service Training Verification Sheets" are signed;
 - (ii) attendance records were properly filled out as required by 0360-7-1-.05(5);
 - (iii) test records were properly graded and filled out as required by 0360-7-1-.05(6);
 - (iv) records required by NFPA 1001, Chapter 4 are properly maintained; and
 - (v) electronic records, if kept, are properly maintained and secured.
 - (b) The audit committee should make one of the following recommendations to the Commission:

- (i) Audit was in compliance with Commission Requirements.
- (ii) No action required. This would be used for a minor infraction. Committee counselled the department on the corrective actions needed.
- (iii) 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.
- (iv) Probation. This would be used for more significant infractions. The committee would recommend the fire department be audit again for a period ranging from one (1) to three (3) years.
- (v) 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. §§ 4-24-106(5) and 4-24-107(3).

Paragraph (1) of rule 0360-07-01-.09 Disciplinary Matters is amended by deleting the text "salary supplement pay" where it occurs and substituting the language "educational incentive pay".

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

The title and paragraph (1) of rule 0360-07-01-.10 Prosecution of False Claims for Salary Supplement Pay is amended by deleting the text "salary supplement pay" where it occurs and substituting the language "educational incentive pay".

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

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: 05/27/09

Signature: *Patrick W. Merkel*

Name of Officer: Patrick W. Merkel

Title of Officer: Chief Counsel for Fire Prevention and Law Enforcement

Subscribed and sworn to before me on: 5/27/09

Notary Public Signature: *Kristina D. Rust*

My commission expires on: 3/10/12

Department of State Use Only

Filed with the Department of State on: 5/29/09

Tre Hargett

Tre Hargett
Secretary of State