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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.*

<b>Agency/Board/Commission:</b>	Tennessee Commission on Fire fighting Personnel Standards and Education
<b>Division:</b>	
<b>Contact Person:</b>	Patrick W. Merkel
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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:*

<b>ADA Contact:</b>	Don Coleman
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**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Pickwick State Park, Conference Center		
Address 2:	Park Road		
City:	Pickwick Dam , Tennessee		
Zip:	38365-0015		
Hearing Date :	02/18/09		
Hearing Time:	1:00 P.M.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

**Additional Hearing Information:**

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

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here.)

<b>Chapter Number</b>	<b>Chapter Title</b>
0360-01-02	Definitions
0360-02-01	Certification of Training and Education Programs
0360-02-02	Instructor Certification
0360-03-01	Classifications for Full-Time and Volunteer Fire Fighters
0360-04-01	Examinations
0360-06-01	Miscellaneous Certification Standards
0360-07-01	Educational Incentive Pay
<b>Rule Number</b>	<b>Rule Title</b>
0360-01-02-.02	Definitions
0360-02-01-.03	Special Courses and Programs
0360-02-01-.04	Advanced Courses and Seminars
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
0360-03-01-.02	Fire Fighter I
0360-03-01-.16	Hazardous Materials Awareness
0360-03-01-.17	Hazardous Materials Operations
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
0360-04-01-.01	General
0360-06-01-.01	Adoption by Reference
0360-07-01-.01	Minimum Employment Standards – Definitions
0360-07-01-.04	Entry Level Personnel
0360-07-01-.05	Requirements for In-Service Training Programs
0360-07-01-.06	Payment Procedures

Substance of Proposed Rules

Chapter 0360-01-02  
Definitions

Amendments

Paragraph (4) of rule 0360-01-02-.01 Definitions 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:

- (4) "TC" shall mean the Training Committee composed of a minimum of three (3) members with equal representation from the Department officers and employees.

Authority: T.C.A § 4-24-107(3).

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

Amendments

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:

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.

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(2) 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(2) and 4-24-107(3).

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

- (3) This certification expires three (3) years from the date it was issued, but may be renewed.

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

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

Amendments

Rule 0360-03-01-.02 Fire Fighter I is amended by adding the following as a new paragraph (2) and renumbering the existing paragraphs (2) and (3) accordingly.

- (2) A Fire Fighter I must satisfactorily complete Hazardous Materials Awareness and Hazardous Materials Operations as prescribed in these rules.

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 Commissioner 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.

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

#### New Rules Table of Contents

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-.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).

#### Chapter 0360-04-01 Examination

##### 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 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) 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.

Authority: T.C.A. §4-24-107(3).

Chapter 0360-06-01  
Miscellaneous Certification Standards

Amendments

Paragraph (1) of rule 0360-06-01-.01 Adoption by Reference 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) The Commission adopts by reference as currently amended the following National Fire Protection Association (NFPA) Standards in their entirety unless otherwise provided herein:

- 472 Professional Competences of Responders to Hazardous Materials Incidents
- 1001 Fire Fighter Professional Qualifications
- 1002 Fire Apparatus Driver/Operator Professional Qualifications
- 1003 Professional Qualifications for Airport Fire Fighters
- 1005 Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters
- 1006 Rescue Technician Professional Qualifications
- 1021 Fire Officer Professional Qualifications
- 1031 Professional Qualifications for Fire Inspector
- 1033 Professional Qualifications for Fire Investigator
- 1035 Professional Qualifications for Public Fire and Life Safety Educator
- 1041 Fire Service Instructor Professional Qualifications
- 1051 Wildland Firefighter Professional Qualifications
- 1081 Industrial Fire Brigade Member Professional Qualifications
- 1403 Standard on Live Fire Training Evolutions
- 1500 Fire Department Occupational Safety and Health Program
- 1521 Fire Department Safety Officer

Authority: T.C.A. §4-24-107(3).

Chapter 0360-07-01  
Educational Incentive Pay

Amendments

Subparagraph (e) of Paragraph (1) of rule 0360-07-01-.01 Minimum Employment Standards – Definition is amended by adding the language “or general” between the words “honorable” and “discharge”.

Authority: T.C.A. §§ 4-24-107(3) and 4-24-205.

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 Salary Supplement pay until said certification has been obtained.
- (3) Qualified personnel who are separated from the fire service for a period of greater than three (3) years and then reenters the fire service, subsequently must obtain certification in accordance with Rule 0360-5-1-.02.
- (4) Individuals hired into a fire department as Fire Safety Inspectors after December 31, 1990 and who are not trained in fire suppression may meet the requirements of this section by completing certification as prescribed by Tenn. Code Ann. 68-120-113 by the end of the calendar year in which they reach their twelfth (12) month of employment. If an individual is hired as a Fire Safety Inspector and later transfers to fire suppression, the individual must achieve Fire Fighter I /Journeyman Fire Fighter/Fire Fighter II/ Hazardous Materials Awareness and Operations certification within three (3) years after the transfer date.
- (5) Individuals hired into a fire department as Public Fire and Life Safety Educators after December 31, 1990 and who are not trained in fire suppression may meet the requirements of this section by completing certification as Public Fire and Life Safety Educator I and Public Fire and Life Safety Educator II by the end of the calendar year in which they reach their thirty-sixth (36) month of employment. If an individual is hired as a Public Fire and Life Safety Educator and later transfers to fire suppression, the individual must achieve Fire Fighter I /Journeyman Fire Fighter/Fire Fighter II/ Hazardous Materials Awareness and Operations certification within three (3) years after the transfer date.

Authority: T.C.A. §§ 4-24-107(3) and 4-24-205.

Paragraph (1) of rule 0360-07-01-.05 Requirements for In-Service Training Programs is amended by deleting the text of the paragraph in its entirety and substituting the following language so that, as amended, the paragraph shall read:

- (1) Length of Training
  - (a) Certified or recognized programs must be of at least forty (40) hours duration.

- (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.

Authority: T.C.A. §§ 4-24-107(3) and 4-24-205.

Subparagraph (b) of paragraph (4) of rule 0360-07-01-.05 Requirements for In-Service Training Programs is amended by deleting the text of the subparagraph in its entirety and substituting the following language so that, as amended, the subparagraph shall read:

- (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

Authority: T.C.A. §§ 4-24-107(3) and 4-24-205.

Paragraph (5) of rule 0360-07-01-.05 Requirements for In-Service Training Programs is amended by deleting the text of the paragraph in its entirety and substituting the following language so that, as amended, the paragraph shall read:

- (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, writing the word "VOID" and signing each line.

Authority: T.C.A. §§ 4-24-107(3) and 4-24-205.

Subparagraph (b) of paragraph (6) of rule 0360-07-01-.05 Requirements for In-Service Training Programs is amended by deleting the text of the subparagraph in its entirety and substituting the following language so that, as amended, the subparagraph shall read:

- (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.

Authority: T.C.A. §§ 4-24-107(3) and 4-24-205.

Subparagraph (a) of paragraph (7) of rule 0360-07-01-.05 Requirements for In-Service Training Programs is amended by deleting the text "three (3) hours" and substituting the following language "two (2) hours".

Authority: T.C.A. §§ 4-24-107(3) and 4-24-205.

Paragraph (9) of rule 0360-07-01-.06 Payment Procedures is amended by deleting the text "February 15" and substituting the following language "March 1".

Authority: T.C.A. § 4-24-107(3).