

**RULES
OF
THE TENNESSEE COMMISSION ON FIRE FIGHTING
PERSONNEL STANDARDS AND EDUCATION**

**CHAPTER 0360-7-1
EDUCATIONAL INCENTIVE PAY**

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0360-7-1-.01 MINIMUM EMPLOYMENT STANDARDS -- DEFINITIONS. The minimum employment standards as established by the Commission shall be as follows:

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

(Rule 0360-7-1-.01, continued)

Authority: T.C.A. §§4-24-107 and 4-24-202. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed April 25, 2005; effective July 9, 2005.

0360-7-1-.02 FIRE FIGHTER -- DEFINITION. For the purpose of qualifying for the pay supplement, a person must meet all of the following criteria:

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

Authority: T.C.A. §§ 4-24-107 and 4-24-201. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed October 14, 1994; effective February 28, 1995.

0360-7-1-.03 REPEALED.

Authority: T.C.A. §§4-24-107. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed September 30, 1983; effective December 14, 1983. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed October 14, 1994; effective February 28, 1995. Repeal filed April 25, 2005; effective July 9, 2005.

0360-7-1-.04 ENTRY LEVEL PERSONNEL.

- (1) It shall be mandatory for all qualified personnel that have entered the Fire Service after December 31, 1990 to become certified, when eligible, at the Fire Fighter I level and progress when eligible through the Journeyman Fire Fighter/Fire Fighter II level of certification in order to become eligible for supplemental pay.
- (2) The Journeyman Fire Fighter/Fire Fighter II 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 Journeyman Fire Fighter/Fire Fighter II 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 one (1) year and then reenters the fire service, subsequently must obtain certification in accordance with Rule 0360-5-1-.02.

Authority: T.C.A. §§4-24-107, 4-24-201 and 4-24-202. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed September 30, 1983; effective December 14, 1983. Amendment filed November 8, 1990; effective December 23, 1990. Repeal and new rule filed October 14, 1994; effective February 28, 1995. Amendment filed April 25, 2005; effective July 9, 2005.

0360-7-1-.05 REQUIREMENTS FOR IN-SERVICE TRAINING PROGRAMS.

- (1) Length of Training
 - (a) Certified or recognized programs must be of at least forty (40) hours duration.
 - (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 within twelve (12) weeks.

(Rule 0360-7-1-.05, continued)

- (2) *Appointment of Training Officer.* Each fire department conducting a forty (40) hour in-service training program must meet the minimum standards as defined in chapter 0360-2-2 of the Commission's rules and regulations.
- (3) *Appointment of Instructor.* Instructors used for in-service training must be approved by the Training Officer and must be qualified by experience and training.
- (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. *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.*
 - (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. Four (4) hours of one (1) or more of the following subjects:
 - (i) Firefighter safety
 - (ii) Stress management
 - (iii) Domestic violence training
 - (iv) 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 State Salary Supplement.
 - (c) Training subjects curricula must demonstrate in-depth training and preliminary subjects that are normally found in basic training will not be acceptable.
- (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; and

(Rule 0360-7-1-.05, continued)

- (b) rank or position; and
 - (c) social security number; and
 - (d) employing department, and
 - (e) test score.
- (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.
 - (b) Test answer sheets must follow a format which must show the following:
 - 1. name; and
 - 2. rank or position; and
 - 3. 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 three (3) hours in duration will be considered for in-service credit toward meeting the forty (40) hour training requirement. 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. 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.

(Rule 0360-7-1-.05, continued)

- (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 state salary supplement.
- (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.
 - (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.

Authority: T.C.A. §§ 4-24-107, 4-24-111, and 4-24-202. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed October 14, 1994; effective February 28, 1995. Amendments filed April 25, 2005; effective July 9, 2005.

0360-7-1-.06 PAYMENT PROCEDURES. The Commission shall disburse to eligible units of government the salary supplements awarded to fire fighters who have established eligibility for such under the provisions of the

(Rule 0360-7-1-.06, continued)

Commission's rules and regulations. The disbursement of these funds shall be subject to all of the following conditions:

- (1) The salary supplement 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, as prescribed in these rules and regulations, within the calendar year by all recipients of the state salary supplement.
- (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, state salary supplemental 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 February 15, of each calendar year.

Authority: T.C.A. §§ 4-24-107 and 4-24-202. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990.

0360-7-1-.07 WAIVER. The Commission reserves the right to waive any of the foregoing rules and regulations, upon good cause show, including but not limited to:

- (1) hardships on fire departments through time or facilities limitations;

(Rule 0360-7-1-.07, continued)

- (2) unavailability of qualified instructors due to financial constraints; and
- (3) inclement weather, natural disasters, etc.

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

0360-7-1-.08 AUDIT. All accounts shall be subject to audit by the State Comptroller. All records pertaining to the state salary supplement shall be available for inspection by a member of the Commission or its staff.

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

0360-7-1-.09 DISCIPLINARY MATTERS.

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

Authority: T.C.A. §§ 4-24-107 and 4-24-201. **Administrative History:** Original rule filed October 14, 1994; effective February 28, 1995.

0360-7-1-.10 PROSECUTION OF FALSE CLAIMS FOR SALARY SUPPLEMENT.

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

Authority: T.C.A. §§4-24-201, 4-24-107. **Administrative History:** Original rule filed October 14, 1994; effective February 28, 1995.

0360-7-1-.11 THROUGH 0360-7-1-.18 REPEALED.

Authority: T.C.A. §4-2047. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Repeal filed November 8, 1990; effective December 23, 1990.