

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

**MINUTES FROM COMMISSION MEETINGS
HELD
MARCH 20 AND 21, 2013**

March 20, 2012 Workshop Meeting

The meeting of the Tennessee Commission on Fire Fighting Personnel Standards and Education was called to order by Chairman Mark Finucane at 9:00 A.M. on March 20, 2013 at the Tennessee Department of Commerce & Insurance, Davy Crockett Tower, 500 James Roberson Parkway, Nashville, Tennessee. Roll was called and Commission Members present at the meeting were: Mark Finucane, Chairman, Michael Naifeh, Gerald Wakefield, Tom McCormack, Frank Cotton, and Charlie Vance. Ex-officio non-voting Member present at the meeting: Roger Hawks.

Commission Member absent from the Meeting: Michael Slay, Secretary. Brian Biggs, and Matthew Sorge. Ex-officio non-voting Member absent: Julie McPeak.

Commission Staff present at the meeting:
Mr. Gary L. West, Assistant Commissioner
Mr. Ed Scudder, Staff Attorney

Commission Field Representatives present at the meeting:
Mr. Terry Priest, Field Representative
Ms. Terri Whiteside, Field Representative
Mr. Chuck Swann, Field Representative

Commerce and Insurance / Fire Prevention Staff present at the meeting:
Mr. Gary West, Assistant Commissioner, Division of Fire Prevention
Mr. Steve Majchrzak, Deputy Commissioner, Department of Commerce and Insurance
Ms. Nancy Jones, General Counsel, Department of Commerce and Insurance
Mr. Jeff Elliott, Tennessee Fire Service and Codes Academy
Mr. Rock Ridenhour, Tennessee Fire Service and Codes Academy

Workshop Agenda Items

1. Commission members were issued and briefed on the use of I-Pads as well as an orientation to the new commission room. This is the second meeting where I-Pads have been used and the first time the commission has met in the new commission room.

2. Marnita Lewis with the C&I Fiscal Office provided a presentation and answered questions on completing travel claims. Commissioners should fill out paper forms and turn in at the end of each commission meeting for travel. Commissioners will need to authorize a proxy to complete the forms on Edison or Commissioners may fill them out themselves. A detailed discussion on mileage as well as how to handle lodging and meals were covered.
3. Deputy Commissioner Steve Majchrzak gave a presentation on a Commission Handbook for Boards and Commissions. All new commission members should go through an orientation to understand the handbook and commission rules. The Commission staff will revise this information at a later date to Commission standards and bring it back for approval by the Commission in a future meeting. Commissioner Majchrzak highlighted several areas of the handbook including the understanding that commission authority does not act individually but rather as a commission. The board sets the policy and the commission office carries out the activities. Nancy Jones, General Counsel reminded commissioners that a meeting of the board is a meeting and work sessions are considered meetings. Proper notice must be given before holding a meeting.
4. Deputy Commissioner Majchrzak led the discussion on the new director search process. He summarized the process in acknowledging the following:
 1. There is a vacancy in the director's position and the Commission has the ability to hire.
 2. The Job Description for this position is based on a Reg Board Director 1 classification under the state system and standards or requirements may be set forth by the Commission.
 3. The job has a pay range set and job duties are generally established.
 4. Commissioners should decide and agree on minimum job requirements and search criteria. Advertising, job posting and notice should be set in advance as well as a deadline for submission.
 5. The Commissioners should schedule dates to receive applications and interview.
 6. The Committee should be able to narrow the candidate list down to 3-5 candidates. Commission will select who is hired in an open meeting and all discussions must be held in an open meeting format.

The Commission discussed the pay range and the need to offer an appropriate salary to a qualified candidate. Deputy Majchrzak discussed several factors included the state pay program that affect the range including the number of people someone supervises, job duties, and responsibilities.

The pay range for the position is reported as between \$33,828 to 54,120 with a midrange as \$43,120.

Commission members discussed hiring a new director before July 1, 2013. Chairman Finucane will select the committee and Assistant Commissioner West will contact Commission members on his decisions. Commission members discussed the need for the new director to have a public relations background and experience.

5. Assistant Commissioner Gary West opened the next discussion with reporting recent results of individuals taking the hazardous materials certifications. He has met with TEMA as requested by the commission concerning the number of fire service personnel failing the HMA and HMO certifications after taking the TEMA Haz Mat classes. Chris King, TEMA Training Director said he would compare the names of persons who have recently failed commission testing to those who have recently taken TEMA haz mat courses. A concern by Commission members was the fact that TEMA study materials don't include the materials used in the tests. The test objectives are set forth by NFPA and the tests are based on the IFSTA Haz Mat manual material. Commissioners discussed the expense of IFSTA manuals and that most fire departments or individuals cannot afford them. Commissioner West will follow up with TEMA and report back to the Commission on a later date after tested names have been compared with individuals taking the class with TEMA.
6. The Commission discussed the request from Assistant Commissioner West of adding additional testing procedures for employees of the State Fire Marshal's Office and employees of the Department of Commerce and Insurance taking commission testing. The proposal would be to include a commission member being present during testing of these individual. Discussion and a proposal will be included for consideration in the business meeting tomorrow.
7. Commissioner Nafieh was recognized and talked about marketing the firefighting commission. Commission members strive to promote the services and benefits of participating in the commission programs. Discussion also included the participation in association meetings and information promoted to firefighters across the state. Commissioners in each region can go to these association meetings and promote the commission. It was agreed that new opportunities will be available in the future as a new director and full-time field coordinators are hired.
8. The Commission discussed the upcoming Request for Proposals (RFP) for Field Reps. They will include the following:

1. Practical testing – (working in region and working out of region)
2. Written testing in the field.
3. Fire Officer I Grading

Developing and Instructing Commission Classes – Hourly

- a. Coordinated by full-time commission staff

Training Program Assistance – Hourly

- b. Coordinated by the Commission Director

Field reps will bid on one or more of the three grand divisions of the state. Two reps per division will be selected. It will include a separate hourly bid for training program consulting. Sole source contracts (under \$5,000) will be used for training development and instructing. All bids are competitive bids.

9. The Commission heard from Field Representative Chuck Swann on the upcoming deadline of July 1, 2013 for evaluators to take the 2 hour class on how to conduct evaluations. This is a “policy” of the commission that takes effect July 1, 2013.
10. Field Representative Chuck Swann instructed the two hour class on how to conduct practical and written testing for Commission Members.
11. The Commission members discussed the work being conducted by the “committee” looking at the job plan evaluation for the commission director, job duties for the two coordinator positions, and revisions to the field representative RFP’s. They discussed the minimum level of certification for coordinators and how coordinators will work full-time and report to the commission director as their primary job. Coordinators may also work frequently in the Nashville Commission Office. The Commission asked that Assistant Commissioner West contact Vice Chairman Sorge and inform him of the discussion of these matters covered in the today’s workshop since he has worked so much already on these issues. Commissioner West will contact him and schedule a follow up discussion at the next commission meeting.

The discussion continued about the RFP process with Commission Attorney Ed Scudder. He explained that the RFP’s will be a “Cost Based RFP” which is different than before. The minimum requirements previously to submit a RFP are fire instructor I and three years’ experience. They also cannot be previously disciplined under commission rules. Recommendation from Chairman Finucane include that Field Reps have Fire Instructor II, Fire Safety Officer, Fire Officer I, and five years’ experience in the fire service. Other

Commissioners questioned if there are enough people (sufficient pool) qualified to participate as contractors who have these qualifications.

With no further business to come before the Commission, the meeting was adjourned.

Mark Finucane, Chairman

Michael Slay, Secretary

THE TENNESSEE COMMISSION ON FIRE FIGHTING PERSONNEL STANDARDS AND EDUCATION

March 21, 2012 Business Meeting

The meeting of the Tennessee Commission on Fire Fighting Personnel Standards and Education was called to order by Chairman Mark Finucane at 9:00 A.M. on March 21, 2013 at the Tennessee Department of Commerce & Insurance, Davy Crockett Tower, 500 James Roberson Parkway, Nashville, Tennessee. Roll was called and Commission Members present at the meeting were: Mark Finucane, Chairman, Michael Naifeh, Gerald Wakefield, Tom McCormack, Frank Cotton, and Charlie Vance. Ex-officio non-voting Member present at the meeting: Roger Hawks.

Commission Member absent from the Meeting: Michael Slay, Secretary. Brian Biggs, and Matthew Sorge. Ex-officio non-voting Member absent: Julie McPeak.

Commerce and Insurance / Fire Prevention Staff present at the meeting:
Gary West, Assistant Commissioner, Division of Fire Prevention
Steve Majchrzak, Deputy Commissioner, Department of Commerce and Insurance
Jeff Elliott, Tennessee Fire Service and Codes Academy
Rock Ridenhour, Tennessee Fire Service and Codes Academy
Ed Scudder, Staff Attorney

Guests present at the meeting:

Stacey Rucker	Nashville Fire Department
Terry Priest	Fire Commission
Terri Whiteside	Fire Commission/Chattanooga
Blake H. Boros	Bartlett Fire Department
Terry Wiggins	Bartlett Fire Department
Randy Fox	Columbia Fire Department
Russell Peterson	Brentwood Fire Department
Brad Goss	Harriman Fire
Michael Srillings	Harriman Fire
Bradley Goss	Harriman Fire
Rock Ridenhour	Tennessee Fire and Codes Academy
Al Thomas	Nashville Fire Department
Joseph Durham	Oak Ridge Fire Department
Josh Waldo	Oak Ridge Fire Department
Jeff Elliott	Tennessee Fire and Codes Academy
John N Jewel	Wilson EMA
Shannon Cooper	Wilson EMA
Charles Armstrong	SFD Shelbyville

Announcements

Commissioner Vance reported on the Smoky Mt Weekend which was very successful with 699 participants.

Guests

Jeff Elliott, Tennessee Fire and Codes Academy (TFACA) Program Director gave a report on the academy recruit classes and upcoming classes. September 27-29 is the National Fire Academy, Tennessee-Virginia weekend.

A presentation was given by Captain Terri Whiteside, Field Representative, on new online classes for the firefighting commission. Captain Whiteside has developed these classes and the website free of charge to anyone in the fire service at www.tnfiretraining.com. To participate simply go to this website and request a user name and password. Three online classes are currently available: CISM, IAFF Emergency Vehicle Driving, and Hazardous Materials Awareness. The website allows firefighters to take the classes and print a certificate at the end of the course. Terri has been working on this for the commission and is asking for approval to recognize the classes. Clarification on whether these classes were being developed as a personal project or as a commission project was explained by Terri saying that she used some commission time to work on developing the classes but has personally incurred the cost of paying for the website and security. She explained her intent was to offer another avenue for training free of charge. The Commission expressed their thanks for the commitment in providing these services. Future classes will be added soon.

Motion to approve the three classes by Commissioner McCormack and seconded by Commissioner Wakefield:

RESOLVED: To approve the three online classes provided by Captain Terri Whiteside including CISM, IAFF Emergency Vehicle Driving, and Hazardous Materials Awareness.

The motion carried unanimously.

Director's Report

Gary West, Assistant Commissioner for Fire Prevention gave a report on behalf of the Commission office. The office is attempting to clear backlogs on testing and has provided unofficial test scores to as many fire departments as possible. The highest priority has been processing the firefighter pay supplement packages. The Commission office has had a lot of calls concerning reciprocity of certifications. Reciprocity requests will be brought to the next commission meeting for consideration by the commission members. The commission office is

being staffed by several fire prevention employees. Thanks to the support from the field representatives, this would be a difficult task without their assistance.

Deputy Commissioner Majchrzak also discussed the need for updating many of the programs and processes in the commission office. The future will be to focus on the outcome of processes and how systems can be improved to increase efficiencies. One example is the need to review current test grading processes. While there is a series of processes and reporting requirements for each test taken, the printing and mailing of certificates can be conducted in the first phases of the process rather than the last phase.

Old Business

Consideration and approval for the Pleasant View Volunteer Fire Department update on their Basic Training curriculum. Commissioner Wakefield explained that PVVFD was essentially adding additional hours to their existing program. The existing program has already been approved by the Commission.

Motion to approve by Commissioner Wakefield and seconded by Commissioner Vance:

RESOLVED: To approved the Pleasant View Volunteer Fire Department update on their Basic Training curriculum.

The motion carried unanimously.

New Business

Commission Attorney Ed Scudder presented a Consent Order on a Disciplinary Matter where two individuals were caught cheating on a Fire Officer II practical. The commission received the a copy of the consent order with the response from one of the firefighters explaining that he did not want a disciplinary hearing and agreed to the actions of the Commission. He agreed not to participate in the certification program for two years and will start over at Fire Officer II in the certification process if he desires to be recertified after that date. According to legal counsel, this is the most serious action that can be taken by the commission in this matter. Counsel recommended that the commission accept this order of consent.

Motion to approve by Commissioner Wakefield and seconded by Commissioner Naifeh:

RESOLVED: To approve the consent order offered by commission counsel in this matter.

The motion carried unanimously.

The next item on the agenda was the discussion and consideration in the matter of Jefferson City Firefighter James Roy who was issued a Firefighter II certification without having passed a firefighter II practical examination. The certificate is dated for February 11, 2012. Chairman Finucane provided the background information and the fire department made the proposed solution. After consideration, the commission made the following motion:

Motion to approve by Commissioner Vance and seconded by Commissioner Cotton:

RESOLVED: To hold the current Firefighter II certification for Mr. James Roy in abeyance until he provides proper documentation that he has met the requirements. He will have until July 1, 2013 to complete the process. Upon completion, he will be issued a new certificate with the date of which he completed his practical testing.

The motion carried unanimously.

The commission discussed the situation where Memphis Firefighter Timothy J. Greganti was allowed by the commission office staff to take the written test for Fire Officer I before passing the practical testing for Fire Officer I. The written test was taken on February 26, 2013. The Commission office staff has acknowledged that they allowed Firefighter Greganti to take the written test before the practical test due to the long delay in a field representative grading the test. The practical test was graded March 4, 2013.

Motion to approve by Commissioner Vance and seconded by Commissioner Cotton:

RESOLVED: To issue a certificate to Firefighter Timothy J. Greganti with the date at which he completed the entire certification process. The date of the certificate will be March 4, 2013 which is the date that he passed the practical exam.

Roll Call vote was taken. The motion carried unanimously with Commissioner Naifeh Abstained. 5 YES votes, 0 NO votes, and 1 abstention. Motion is approved.

The commission heard a request for a waiver from Training Officer Shannon Cooper for the Wilson County Emergency Management Agency on the 2012 Firefighter Pay Supplement program. Shannon is the new training officer who took over November 29, 2012. She reported that the 2012 WCEMA packet had either been lost or not submitted by the previous training officer. TO Cooper has submitted all of the training documents for the 2012 WCEMA program and is requesting a waiver on behalf of her department. Field Representative Terry Priest acknowledged that he had assisted in trying to find the program and even contacted the former training officer. Chairman Finucane made a recommendation that Wilson County EMA training program be audited in the next audit process.

Motion to approve the waiver by Commissioner Vance and seconded by Commissioner Cotton:

RESOLVED: To grant a waiver of the May 1, 2012 submission of the Wilson County EMA training program.

The motion carried unanimously.

Jeff Elliott, TFACA Program Director presented a request for the approval of Dennis Peek to be considered as an instructor of higher learning. Basic 64 class, NFA classes, and other basic courses. He will attend Train-The-Trainer of each class he teaches. He has not been out of the fire service for more than 3 years.

Motion to approve by Commissioner Cotton and seconded by Commissioner Naifeh:

RESOLVED: To approve TFACA Instructor Dennis Peek as an instructor of higher learning as recognized by the Firefighting Commission.

The motion carried unanimously.

Jeff Elliott, TFACA Program Director presented a request for the approval for the Structural Awareness Class. Previous structural classes have been provided by the commission however one agency has asked for this specific course. The original target audience was the Sumner County jailor staff.

Motion to approve by Commissioner Vance and seconded by Commissioner Wakefield:

RESOLVED: To approve the TFACA Structural Awareness Class as presented as an approved course recognized by the Firefighting Commission.

The motion carried unanimously.

Jeff Elliott, TFACA Program Director presented a request for the approval for the National Traffic Incident Management Responder Course. This class is part of the National Highway curriculum to increase firefighter safety on accident scenes. POST has already approved this as a recognized. It is recommended by TDOT.

Motion to approve by Commissioner Cotton and seconded by Commissioner Vance:

RESOLVED: To approve the TFACA National Traffic Incident Management Responder Course as presented as an approved course recognized by the Firefighting Commission.

The motion carried unanimously.

The commission heard a presentation from Assistant Commissioner Gary West concerning two items that are not on the agenda but needs consideration by the Firefighting Commission. They are as follows:

1. Approval of a waiver for the Oak Ridge Fire Department for the submission of the 2012 Firefighter Pay Supplement submittal. The deadline was March 1, 2013.

2. Approval of a waiver for the Wilson County Emergency Management Agency for the submission of the 2012 Firefighter Pay Supplement submittal. The deadline was March 1, 2013.

Motion to approve by Commissioner Wakefield and seconded by Commissioner Cotton:

RESOLVED: To add the consideration for the 2012 pay supplement for the Oak Ridge Fire Department and the Wilson County Emergency Management Agency to the commission agenda.

The motion carried unanimously.

Assistant Chief / Training Officer Josh Waldo from the Oak Ridge Fire Department made a request for a waiver for submission past the deadline date of March 1, 2013 of their 2012 Firefighter Pay Supplement Program. Assistant Chief Waldo said the reason the fire department did not meet the deadline was due to a question on one member attempting to gain reciprocity. The request was to include 70 firefighters for the pay supplement.

Motion to approve by Commissioner Vance and seconded by Commissioner McCormack:

RESOLVED: To approve a waiver for the Oak Ridge Fire Department in not meeting the March 1, 2013 submission deadline for the Firefighter Pay Supplement.

The motion carried unanimously.

Training Officer Shannon Cooper from the Wilson County Emergency Management Agency made a request for a waiver for submission past the deadline date of March 1, 2013 of their 2012 Firefighter Pay Supplement Program. The reasons were explained earlier when she asked for approval of their 2012 training program. The request was to include 17 firefighters for the pay supplement.

Motion to approve by Commissioner Vance and seconded by Commissioner Cotton:

RESOLVED: To approve a waiver for the Wilson County Emergency Management Agency in not meeting the March 1, 2013 submission deadline for the Firefighter Pay Supplement.

Supplement.

The motion carried unanimously.

Assistant Commissioner Gary West presented the 2012 Firefighter Pay Supplement request with the two additional fire departments just approved by the Commission to participate.

Motion to approve by Commissioner Vance and seconded by Commissioner Cotton:

RESOLVED: To approve a waiver for the Wilson County Emergency Management Agency in not meeting the March 1, 2013 submission deadline for the Firefighter Pay Supplement.

The motion carried unanimously.

The commission considered reviewing an item not on the agenda concerning the approval of testing procedures for commission employees, commissioners, field representatives, employees of the State Fire Marshal's Office and employees of the Department of Commerce and Insurance.

Motion to add the item to the agenda by Commissioner McCormack and seconded by Commissioner Naifeh:

RESOLVED: To add to the commission agenda the approval of testing procedures for commission employees, commissioners, field representatives, employees of the State Fire Marshal's Office and employees of the Department of Commerce and Insurance.

The motion carried unanimously.

Assistant Commissioner West presented the proposal for the testing procedures for commission employees, commissioners, field representatives, employees of the State Fire Marshal's Office and employees of the Department of Commerce and Insurance to include a commission member to oversee and/or conduct the commission test to assure the integrity of the commission is upheld. Commission members having an association with the applicant, such as being on the same fire department, shall not conduct said testing.

Motion to approve by Commissioner Vance and seconded by Commissioner Wakefield:

RESOLVED: To approve the testing procedure for commission employees, commissioners, field representatives, employees of the State Fire Marshal's Office and employees of the Department of Commerce and Insurance to include a

commission member to oversee and/or conduct the commission test.

The motion carried unanimously.

The commission considered reviewing a second item not on the commission agenda from the Bradley County Fire Department concerning the adoption of the TFACA 16 and 64 hour basic firefighting training program for their volunteer members.

Motion to add the item to the agenda by Commissioner Cotton and seconded by Commissioner Vance:

RESOLVED: To add to the commission agenda the approval of Bradley County Fire Department concerning the adoption of the TFACA 16 and 64 hour basic firefighting training program for their volunteer members.

The motion carried unanimously.

Field Representative Terry Priest acting on behalf of the Bradley County Fire Department is requesting the approval to adopt the TFACA 16 and 64 hour basic firefighting training program for their volunteer members.

Motion to approve by Commissioner Wakefield and seconded by Commissioner McCormack:

RESOLVED: To approve the Bradley County Fire Department concerning the adoption of the TFACA 16 and 64 hour basic firefighting training program for their volunteer members as their program.

The motion carried unanimously.

The commission considered reviewing a third item not on the agenda concerning the discussion and job announcement and advertising for a new director.

Motion to add the item to the agenda by Commissioner Wakefield and seconded by Commissioner Vance:

RESOLVED: To add to the commission agenda the discussion concerning the job announcement and advertising for a new director.

The motion carried unanimously.

Deputy Commissioner Steve Majchrzak opened the discussion concerning the job announcement and advertising for a new director. This is a follow up discussion from the workshop yesterday and included a lengthy discussion.

Motion to approve by Commissioner Wakefield and seconded by Commissioner Naifeh:

RESOLVED: To use the Reg Board Admin Director 1 job description as the job description for the new director and a deadline of April 19, 2013 to receive resumes.

The motion carried unanimously.

Commissioner Wakefield requested the commission to consider adding the possibility of appointing an Interim Director for the Firefighting Commission.

Motion to add the item to the agenda by Commissioner Vance and seconded by Commissioner Wakefield:

RESOLVED: To add to the commission agenda the discussion concerning the appointment of an Interim Director for the Firefighting Commission.

Roll call vote was taken. Voting YES were Commissioners Wakefield, Vance, and Cotton. Voting NO was Commissioner Finucane, Naifeh, and McCormack. Tie vote 3-3 and fails.

The commission considered adding a fourth item not on the agenda concerning the discussion of the Field Representative Request For Proposals (RFP's).

Motion to add the item to the agenda by Commissioner Vance and seconded by Commissioner McCormack:

RESOLVED: To add to the commission agenda the discussion concerning the Field Representative Request For Proposals (RFP's).

The motion carried unanimously.

Commission Counsel, Ed Scudder begin the discussion concerning the upcoming RFP's for Field Representatives. He reviewed the discussion from the previous day workshop and asked the commission for the minimum qualifications for the Cost Based RFP's. Commissioner Wakefield was concerned that the qualification requirement of fire instructor II limited the ability for many qualified candidates to apply and the pool of contractors to participate. Commissioner Vance expressed his concern that many of the current contractors don't have these minimum qualifications and the contractor pool would be limited across the state.

Motion by Commissioner Wakefield and seconded by Commissioner McCormack:

RESOLVED: To reduce the minimum requirements in the proposed RFP's for Field Representatives from Fire Instructor II to Fire Instructor I, Officer II, and five years' experience.

The motion carried unanimously.

Next Meeting: The Commission discussed the upcoming Gatlinburg Commission Meeting (May 1st) and the need to have a Committee meeting on Thursday afternoon (May 2nd) for discussing the hiring of the new director.

Chairman Finucane announced that he would make assignments to the committee for reviewing resumes and provide a list of members to Assistant Commissioner West for distribution to all commissioners.

With no further business to come before the Commission, the meeting was adjourned.

Mark Finucane, Chairman

Michael Slay, Secretary