

*Motion to approve by Specht 2nd by Henry, Motion Passed*



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

**Business Meeting**

**April 24, 2019**

The work session of the Tennessee Commission on Firefighting Personnel Standards and Education was called to order by Chairman Biggs at 9:00 A.M. Eastern Time on Wednesday, 24, 2019, at the Park Vista Hotel, 705 Cherokee Orchard Road, Gatlinburg, Tennessee.

Prayer led by Commissioner Kerley.

The Pledge of Allegiance led by Commissioner Specht.

**Call to Order**

**ROLL CALL** (Director Fox) – Members Present:

Commissioner Tommy Kelley

Commissioner Stephanie Specht

Commissioner Michael Henry

Commissioner David Windrow

Commissioner Darryl Kerley

Commissioner Jay Moore

Commissioner Brian Biggs

Commissioner Toran Hedgepath

Commissioner Steven Majchrzak – TFACA Director

Gary Farley – Assistant Commissioner C&I present on Commissioner McPeak's behalf.

Members Not Present:

Commissioner Matt Sorge

Commissioner Julie McPeak – (ex-officio non-voting member)

A quorum has been established.

**Commerce and Insurance / Fire Prevention Staff Present:**

Randy Fox – Executive Director – Fire Commission

Michael Miranda – Fire Coordinator

Brian Nicholson – Fire Coordinator

Fred McCay – Accreditation Manager

Joseph Underwood – Chief Counsel – C&I

Jeffrey Elliott – Fire Service Program Director – TFACA

**Guest Present**

Blake Boros

Bartlett FD

Byron Smith

Germantown FD

Kevin Bedford	Lawrenceburg FD
Nick Adams	Brentwood FD
Mark Foulks	Murfreesboro FD
Brad Goss	Roane County EMA
Brandley Goss	Kingston FD
Steve Cross	MTAS
Dennis Wolf	MTAS
Brian Robinson	TARS
Joel Jones	Kingsport FD
Rich Hartfield	Fayette County FD
Mike Flynn Sr.	East Ridge FD
Daniel Snyder	Cookeville FD
Lisa Kirkpatrick	Kingsport FD
Keith Large	Cocke County FD
Kory Green	Martin FD
Paul H. Sanfford	Pikeville FD
Chris Knutsen	Pigeon Forge FD
Ty Cobb	Columbia FD
Tim Schultz	Athens FD
Brandon Ainsworth	Athens FD

#### **IV. MINUTES**

**MOTION BY:** Commissioner Windrow

**SECOND BY:** Commissioner Henry

**Motion to: Approve the Commission Minutes from February 25 & 26<sup>th</sup>, 2019 as submitted.**

Call for the question - None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain - 0

**MOTION CARRIED**

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#### **V. ANNOUNCEMENTS:**

**DIRECTOR FOX:** Director Fox asked Jeff Elliott to speak on behalf of Tennessee Fire Codes Academy and give a report.

Guest - Jeff Elliott Mr. Elliott spoke about recruit programs. The Academy has 70 recruits in Firefighter I and II. Training will run in similar fashion in the fall starting August 26th. Registered and on waiting list are right at 60.

There is a lot of grant training opportunities. In conjunction with the annual chiefs conference, three NFA direct deliveries to be held in Murfreesboro 7/13 and 14, health and safety officer, new fire chief contemporary issues, and shaping the future. In conjunction with the Tennessee Fallen Firefighter Memorial, on campus we've got fire service safety culture, which protects firefighters from firefighters. And then in Brentwood we did submit and it was approved our NFPA 1072 awareness and operations correlated to the newest edition. And in with that, TEMA was present. TEMA has granted us to be eligible for the code recipient for the grant money TEMA has. Any firefighter seeking awareness and operations, we're in a very good position to offer approximately 15 of those classes free of charge, including

providing each student with a copy of the textbook.

Keeping with training opportunities -- and Captain Knutson with Pigeon Forge is on the agenda, so he'll give more specifics -- the next large training event in Tennessee is June 8th and 9th and still taking applications for that.

And the Fire Academy was very fortunate in 2016 to be able to start a replacement schedule for the fleet that we originally opened with. May 15 is slated as final inspection for custom pumper that we're getting.

Director Fox asked for any questions. No questions from panel.

Director Fox asked Stephen Snow to give an update on Codes.

Guest - Stephen Snow

Mr. Snow stated Codes having a record-breaking year. A lot of success this year with the Fire Inspector II class, and another one scheduled shortly. Staff is doing a very nice job of developing other classes to support fire inspection, fire marshal, and special topics. They are able to tailor to your interests, so come and tell us what you need and we can try to put something together.

Director Fox asked for questions or comments. No questions from panel.

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## **VII. COMMUNICATIONS**

Director Fox was provided a letter regarding Chris Holmes' resignation effective March 31st. Mr. Holmes served the Middle Tennessee area as contractor, was a firefighter out of Cookeville, retired from Cookeville, moving out of state. He served us well as a contractor for several years. An emergency contract is going into place on May 13, hopeful to have permanent person in position by August. Director Fox asked for any questions or comments. No questions from panel.

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## **VIII. DIRECTORS REPORT:**

**VIII.a** Director Fox yields to legal representative Joseph Underwood.

Joe Underwood states staff is working on the contracts for the examiner. Lifting the freeze on rule-making, May 2nd it passes, so we can start with that process for the next meeting.

Director Fox yields to Commissioner Windrow.

Commissioner Windrow states the legislative session will end next week. They've suspended all the rules so you can't keep up right now, they can do whatever, and that's what they're doing right now.

It looks like the fire investigators will go to TBI. We have no idea what that looks like. Gary can't say anything about it.

Salary supplement is going up to \$200.00 as a result of Professional Firefighters Initiative, effective July 1 of this year. So the guys that haven't been doing the training might want to jump back in for another \$200.00.

Cancer, 40/60. Things are changing by the hour. We got past seven committees in the first year. Some days I'm discouraged; some days I'm not. There's been a bill in the last two years that got no traction, so I guess you could say we've been at these three years. The professional firefighters have put their bill on hold and working closely with the two lobbyist from both organizations to get cancer presumption through this year.

There was a 25-and-out retirement that was not brought from the fire side; the police officers brought it. If you're in TCRS, its 25 years times 1.6, that's your retirement, so I think it's about 40 percent of your salary. The city does not have to provide you insurance if you don't follow their policies. They can, but no city is going to do it that I've talked to. That just came out of nowhere and it passed.

The county fire marshals and county fire investigators is being heard today, should pass. They'll get the same rights that the cities have to do investigations and have police powers. Electrical inspectors being certified has already passed.

That's the high points. I can't tell you anything definitively until they go home next Thursday.

Director Fox asked about the Volunteer Grant Bill.

Commissioner Windrow states there is a grant for volunteer departments behind the budget also. It has some traction. This governor's charge to the whole legislature was to have more focus on rural. If you support rural, that means volunteer firefighters. That grant could come out or might not. Supposedly there is fifteen million dollars for behind the budget projects. There are 100 Reps and 30 Senators wanting to slice that pie up. Everybody wants a piece of that for their projects.

Director Fox asked Commissioner Farley what that looks like as far as the grant program that they got funded.

Commissioner Windrow stated it's more for equipment and department training, not individuals.

Commissioner Farley stated it's what the State would be paying for the match, not sure what the total amount would be.

**VIII.b. Reciprocity Report** Director Fox asked Brian Nicholson to give reciprocity status report.

Brian Nicholson reported that as of this morning 243 certifications by reciprocity year-to-date, which is 33 percent of last year's totals. There are more documentation regulations that have come down a week-and-a-half ago. As of this morning there was no request in the queue. We're constantly receiving requests because being in the Tennessee Fire Service has become more attractive to people, to come here, to work here.

Director Fox asked for any questions for Brian Nicholson. I believe Memphis has started more lateral classes as well. Any info from that?

Mr. Nicholson stated Memphis is conducting at least one lateral class each year.

They have one in process now. We're also receiving lateral recruits that are coming into other agencies, even in mid-state.

**VIII.c Training Program Courses** Director Fox introduced the next item, the training program courses by submittal.

Director Fox asked for any questions or comments on the training program report. No questions from panel.

**VIII.d Educational Pay Update** Director Fox introduced next item, educational incentive pay update. Since our February meeting we've had several requests for payments that's been processed. In addition to the one approved in the February meeting, we had one March the 8th where we approved \$1,178,400.00 to 25 departments for 2,914 persons for \$600.00 each. There is a list of those departments as well. In addition to that, we had a second request that I believe was only one department and one person and that was in addition that was left off the original list, that was on 3/22/19 for one person in a department. Since then, we've also had 2 departments send checks back for \$600.00 each because of overpayment. What it was is they were put on the original rosters but they didn't qualify and the Department sent it back to us because it was caught at the Department level. That brings the total so far this year to 106 fire departments, 6,402 firefighters, for 3.8 million dollars, \$3,841,200.00 is where we're at so far this year for educational incentive pay.

Director Fox asked for any questions or comments on incentive pay.

Director Fox states we'll be going to \$800.00 next year. That will be paid out next year for training done this year and following.

**VIII.e IFSAC / Pro Board Update** Director Fox introduced next item, IFSAC for NFPA 1072 Admin Review.

We got a letter back from IFSAC saying they are adding these new levels that are already within our operations as a part of HAZMAT Ops certification. We're going to add 6.3 and 6.4.

Mr. Fred McCay explained giving firefighter credit or certification for stuff they were already doing. So 6.3 is mass decontamination and 6.4 is technical decontamination. It follows the trend throughout the nation.

Director Fox states that also IFSAC has under administrative review ARFF Driver/Operator, and as soon as that gets completed, then we'll be able to start certifying that on the IFSAC side of the house.

Mr. Fred McCay states because we're not airport firefighter certified with the Pro Board, we can't submit it to them.

Director Fox stated we're waiting on IFSAC to bless that for us and it's under admin review.

Mr. Fred McCay stated on the 1072, we're waiting to see if the pro board committee on accreditation to pass that through administrative review and it's up to the COA to approve it.

Director Fox asked for any questions on IFSAC.

Fred McCay and I just got back from our meeting in April. No earth-shattering changes going on other than next year's conference is going to be in Germany. Our fall conference is going to be in Lexington, Kentucky.

**VIII.f 2018 Audits** Director Fox introduced next item, audits for 2018 in-service.

We'll do an LXR selection on 20 Departments. These will be in addition to Bradley County that was put up through the December committee meeting to be a one-year re-audit. Two new Departments that were added, that would be Fayetteville and McGhee Tyson. And also we have the new rule in place that Departments exempt from the 2018 audits, and the only one that fit that description was Milan Fire Department because they've been audited two years in a row.

Director Fox asked for any questions or comments. No questions from panel.

Commissioner Biggs read the following as those selected for 2018 audit in-service:  
**McMinnville, Jefferson City, Cleveland, Cookeville, Kingsport, Wilson County, Fairview, Brownsville, Summerville, Kingston, Murfreesboro, Humboldt, Cocke County, Jonesborough, Signal Mountain, Atoka, Lewisburg, Alcoa, Gallatin, Lawrenceburg, Bradley County, Fayetteville, and McGhee Tyson.**

Mr. Underwood asked Director Fox to email the 2018 audit list to the commissioners.

Director Fox asked for any questions or comments concerning the audits for 2019 for the 2018 in-service. No questions from panel.

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**IX Old Business:**

Director Fox states tabled from last meeting, the HMA/HMO outlines from Jones & Bartlett. No further action on that at this time from our side of the house, unless an association wants to pick that up and run with it.

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**X New Business:**

**Item X.a Columbia Southern Request**

Director Fox recognizes a request from Columbia Southern.

Jesse Kowalewski representing Columbia Southern. Introduced literature. Talked about giving college credit for courses and certifications taught in the field of firefighting. Offering learning partnership that would allow 10 percent discount to firefighters and scholarships to apply for.

Director Fox stated his concern is with legal concerning this, can we do it?

Mr. Underwood stated there's rules adopted by the Commission regarding vocational schools and institutions of higher education and the requirements for submitting it are under 0360-02-01-.02.

Commissioner Biggs asked if they want to recognize our certifications.

Commissioner Windrow states they're wanting to MOU with us so they can place our logo on the Web site and give the discount to the firefighters.

Columbia Southern's representative states it's a route to send the firefighter to get that 10 percent discount.

Commissioner Farley asked if Columbia Southern could partner with the individual who proves that they're a firefighter and give them the discount instead of having to go through the Commission.

Columbia Southern's representative stated it would have to be with the Department, not with the individual.

Commissioner Farley stated it would be a conduit, whether it be like a local government, a fire department, an association, or whatever, to get that discount. Columbia Southern's representative stated we're trying to get that discount to everyone. On the back of that MOU it will explain it's a non-binding, non-legal contract.

Commissioner Farley stated as the consumer, if I can prove to you that I'm a firefighter with my credentials, it looks like your college could give me a discount one-on-one instead of being a part of a fire department.

Director Fox stated we don't have any identification or any way to pass out that everybody is a member of our Commission. They don't get an ID card saying they're a member of the Tennessee Firefighting Commission.

Commissioner Kelley stated there's a conflict of interest. I don't see how we can do that.

Mr. Underwood stated that legally, regarding any kind of association with the State of Tennessee, that's going to be at a higher level than we do.

Commissioner Windrow stated we don't have this agreement with anybody else. They want us to sign an MOU. Columbia Southern supports a lot of fire services. It's helped some of the people further their education. But we have to be real careful because we don't want to mislead a firefighter that goes and gets their bachelor's degree at Columbia, that is not transferable if they want to TSU and get their master's degree. It's not an accredited entity through the regional accreditation of the Department of Education. We're the highest ruling authority on certifications and I want to be real careful about touching this. They do great work for the fire service around the country, but we would give a false impression to some firefighter when they go over to MTSU and it doesn't transfer. We have to be real careful about that.

Mr. Underwood stated if they took their class, could they then get certification from the Commission. That's how the approach is usually done.

Commissioner Windrow stated we have to be careful.

Mr. Underwood asked if the representative submitted a letter.

Columbia Southern's representative stated it's the last page in the packet.

Director Fox thanked the representative of Columbia Southern for his presentation.

No action to be taken on that issue.

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**X.b Holston Army Inspector I course.**

**MOTION BY:** Commissioner Kerley

**SECOND BY:** Commissioner Moore

**Motion to: Approve Holston Army Inspector I course X.b.**

Call for the question - None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain -0

MOTION CARRIED

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**X.c. Tri-State Mutual Aid Cleveland Swift Water Class**

**MOTION BY:** Commissioner Biggs

**SECOND BY:** Commissioner Hedgepath

**Motion to: Approve Tri-State Mutual Aid Cleveland Swift Water Class X.c.**

Call for the question - None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain -0

MOTION CARRIED

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**X.d NTRFTA HMA / HMO 1072 Courses**

**MOTION BY:** Commissioner Kerley

**SECOND BY:** Commissioner Hedgepath

**Motion to: Approve NTRFTA HMA / HMO 1072 Courses X.d.**

Call for the question - None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain -1 (Kerley)

MOTION CARRIED

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**X.d NTRFTA Recruit Courses**

**MOTION BY:** Commissioner Specht

**SECOND BY:** Commissioner Henry

**Motion to: Approve NTRFTA Recruit X.d.**

Call for the question - None

RESOLUTION:



Vote: 8 – Yea 0 – Nay 0 – Abstain -0

MOTION CARRIED

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**X.e Smoky Mtn. Weekend Courses**

**MOTION BY:** Commissioner Specht

**SECOND BY:** Commissioner Kerley

**Motion to: Approve Smoky Mtn. Weekend Courses X.e.**

Call for the question - None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain -0

MOTION FAILED

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**X.g Ricky Rescue Fire Investigator Course Issues (Practical)**

Mr. McCay stated Director Fox last year directed him to work with Ricky Rescue on fire investigator to ensure that we could test the skills portion of this course. It being an online course, it's hard to do. Worked with three different people to do a project for fire investigator, told them to take the project from the student, grade it, send it to me, let me review it, and this would be the process moving forward, ensure that it was graded properly before we accepted that as the completed project. Our issue is with both Pro Board and IFSAC that our testing methodology is actual performance evaluation. Once I had the finished project, then I could submit to both Pro Board and IFSAC for a change in testing methodology for just the online course. In the January meeting with Pro Board, the testing methodology with Pro Board is evolving and no longer do they have projects, they have products and processes, which is a little different animal to work with. The issue with Ricky Rescue is I'm at a stalemate, I've not received anything. We've got people from out of state calling, wanting to take the written test because they completed the course, completed everything with Ricky Rescue, and they're telling them to contact us for a written test. They haven't completed the projects.

Director Fox stated it affects in-state people too.

Mr. McCay stated they are advertising this on their Web site as being an approved Tennessee course, and it's not there yet. One person from Shelbyville has already signed up for it and now he's in limbo. I'm asking that you rescind the approval of this course pending further action on their part. Plus, I'm asking that on any online course we have a clear path forward on testing methodology before it's approved by the Commission.

Director Fox stated what we end up having is a lot of people that have taken courses that are put in limbo and it causes a lot of frustration. Fire investigator is a unique course because it is taught at the Fire Academy and it's a two-week course and the skills are done during those two weeks. We do not have the staff or equipment to do a practical skills test for fire investigator ourselves, so we have to rely on somebody else to actually perform that. It's handicapped the student and brought a lot of frustration at this point.

Commissioner Biggs stated we had this conversation when it was approved as to how the skills would be checked off.

Director Fox stated basically the group that brought the fire investigator to us said they wanted 100 percent skills. It's not fair to require one group to do 100 percent and another group not. Fred talked about processes and products and basically going from projects to products, it's more terminology, but basically

at the end of the day for a practical you produce a product, you know, that's the kind of stuff the pro board is getting into. Even the terminology is changing in the world that we work in.

Mr. McCay stated that part of the standard for fire investigator is you would test at using the verbs from NFPA, you would test that with a psychomotor skill and not a product or a process.

Commissioner Biggs stated at the Academy, skill checks are built into the program.

Director Fox stated that's what makes that difficult for a person from the outside to come in and just do the skills. This is something we brought to you for direction on that. The course was approved as a part of a big packet of things.

Commissioner Majchrzak asked just as a comparison, there was a pumper driver operator online that was approved previously, don't they have the same problem?

Director Fox stated they can get checked off in their local Department.

Mr. McCay stated that every department has got a pumper, every department doesn't have a burn house.

Commissioner Majchrzak stated their avenue is the same, it's just whether they have the capability of giving it is the issue.

Director Fox stated it's a lot more technical field.

Commissioner Kerley asked if we have that flashover cell, could we check off our people under the same skill-set like the pumper operator where they have to do the cause and origin and photograph and sampling all the stuff in that cell, would that be a possibility?

Commissioner Biggs stated you would have to have somebody monitor that.

Director Fox stated it goes back to 100 percent of the skills, not just that one cell.

Commissioner Kerley stated the same way we don't test everybody on their HAZMAT skill, we pick a representative sample. But what I'm saying is, if we flash this cell off -- we have two cells, one can be accelerated and one not -- so if we flash this cell off and our fire marshal or an accredited investigator goes through that check-off, can we submit a plan how we would accomplish that, or not just us but any Department in the state that had the capability, would that be something that those Departments could do to accommodate the hands-on portion of it?

Mr. McCay stated we're talking about this one company. No further communication with them since February the 11<sup>th</sup> when they were supposed to be sending me a package. So what do you want me to do? I've bent over backwards with them.

**MOTION BY:** Commissioner Windrow

**SECOND BY:** Commissioner Hedgepath

**Motion to: Rescind Ricky Rescue Fire Investigator Course for not meeting our practical requirements  
X.g.**

Call for the question - None

**RESOLUTION:**

Vote: 8 – Yea 0 – Nay 0 – Abstain -0

**MOTION CARRIED**

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**Item to be added to the Agenda**

**Tennessee Association of Rescue Squads - NFPA-compliant program Extrication Awareness and Operation 24 Hours**

**MOTION BY:** Commissioner Specht

**SECOND BY:** Commissioner Kelley

**Motion to: Add to the agenda**

Call for the question - None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain -0

MOTION CARRIED

**Tennessee Association of Rescue Squads - NFPA-compliant program - Extrication Awareness and Operation 24 Hours**

**MOTION BY:** Commissioner Specht

**SECOND BY:** Commissioner Moore

**Motion to: Approve Tennessee Association of Rescue Squads - NFPA-compliant program - Extrication Awareness and Operation 24 Hours**

Call for the question - None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain -0

MOTION CARRIED

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**XI. Public Comments**

Was asked by the group to restate the audit list in agenda item VIII.f. which was restated.

**XII. Dates of Future Meetings**

Motion by Specht, Second by Henry

Work Session on August 21<sup>st</sup> at 1 p.m. and then Business Meeting at 9 a.m. on August 22<sup>nd</sup> at Madison County Fire Department, Jackson.

Motion Carried

Motion by Specht, Second by Hedgepath

Business Meeting at 9 a.m. on November 20<sup>th</sup> at Oak Ridge, TN.

Motion Carried

**XIII.** Windrow: Motion to adjourn, Second by Moore.

Meeting adjourn at 10:22 AM Eastern

