



STATE OF TENNESSEE DEPARTMENT OF COMMERCE &
INSURANCE COMMISSION ON FIRE FIGHTING

WORK SESSION MINUTES

August 21, 2019 1:00
P.M. Central Time
Madison County Fire Department
2432 Technology Center Drive
Jackson, Tennessee 38301

CALL TO ORDER (Commissioner Biggs)

ROLL CALL (Director Fox)

Commissioner Brian C. Biggs

Commissioner Michael Henry

Commissioner Tommy Kelley

Commissioner Darryl Kerley

Commissioner Jay Moore

Commissioner Stephanie Specht

Commissioner Steve Majchrzak

Commissioner Toran Hedgepath

Members not present

Commissioner Carter Lawrence

Commissioner David Windrow

A quorum has been established

Commerce and Insurance/Fire Prevention Staff Present:

Randy Fox- Executive Director- Fire Commission

Joseph Underwood- Chief Counsel

Brian Nicholson – Fire Coordinator

Fred McCay – Accreditation Manager

Michael Miranda – Fire Coordinator

Guest Present

David Dorris - Jackson FD

Greg Gruthoff – Millington FD

Wesley Vaughn – Lexington FD

Kevin Bedford – Lawrenceburg FD

Randall Beaver – Dyersburg FD

Jim McMillen – Arlington FD

Bobby Cannon – Collierville FD

Jeremy Channell – Covington FD

James Jennings – Franklin FD

Blake Boros – Bartlett FD

Jeff Elliott – Director, Fire service Program

The meeting has been called to order:

Mr. Biggs: Director Fox and I received a resignation via e-mail from Chairman Sorge on August 1, 2019. I will let Director Fox talk about this.

Director Fox: The email stated " After much consideration, I am resigning effective immediately as chairman and my seat as a commissioner. This was not a decision I came to lightly. It's been a privilege to serve the firefighters of the great state of Tennessee as a member of this board. It has been a honor to serve as chairman and work side by side with some of the utmost professionals in the fire service. I look forward to the continued success and excellence that will be achieved by this commission and Tennessee Fire Service. "Since then, legal, along with Assistant Commissioner Farley, has sent a letter to the Professional Firefighters Association making notification to them.

MR. UNDERWOOD: Well, per the statute and state law, they will submit the three names to the Governor's Office. The governor will review, then make a determination of who to appoint from that list of names submitted by the association for the Commission. It should be for the remainder of the term which expires next year, July 21st, 2020.

MR. UNDERWOOD: So we'll know when the Governor's Office lets us know.

MR. BIGGS: Item 4 on the agenda is election of a vacant position. Per the state law, everybody moves up. The secretary goes to vice chairman, and then that leaves the secretary position available for election.

MR. UNDERWOOD: That's what we've interpreted, to be moved up

MR. BIGGS: July 2020.

MR. UNDERWOOD: For the next year, yes.

MR. FOX: Currently, how that's flowed is **Brian Biggs was the vice chair and steps to the chair seat. David Windrow was the secretary, will step into the vice chair seat. So we will be looking to fill a secretary position today.**

MR. BIGGS: So, with that being said

MR. UNDERWOOD: **Nominations.**

MR. BIGGS: I'll accept nominations from the Commission to elect a secretary.

MR. BIGGS: We need a first and second. **I see nomination from Chief Kerley to elect Stephanie Specht as the secretary.**

MR. MOORE: I'll second that.

MR. BIGGS: Second by Moore. All those in favor signify by saying "aye."

MR. FOX: Any other nominations?

MR. BIGGS: **By default has elected Stephanie Specht as secretary.**

MR. BIGGS: With that, wrapping up that, we'll get right into turning it over to Joe to go over the proposed rule changes.

MR. UNDERWOOD: I will summarize the proposed changes. When proposed rules are filed, in lieu of a rulemaking hearing because they tend to be noncontroversial, standard, and I will summarize here what they are. Proposed rules are submitted pursuant to Tenn. The board will promulgate rules without a rulemaking hearing unless a petition requesting such hearing is filed within 90 days of the filing of the proposed rules. The proposed amendments were developed by the Commission based on: a review from the current Commission's rules; input from the Commission's members; Department Director; and legal counsel. If any rule addresses fee increase, it will not have effective until July 1st the year following the enactment of the rules. There are no fee increases in these proposed rules. That would be controversial. The proposed amendments to the rules of the Commission have been deemed noncontroversial and insubstantial in their impact; therefore, the program has determined to utilize the Proposed Rules Filing Form to effectuate the proposed changes. Such amendments would include changing a specific word or correcting a typo or citation as necessary that appear in the current rules that are incorrect. It will add the requirement that a candidate from the Hazardous Materials Awareness Certification will successfully complete a Commission approved training course compliant with the NFPA 472 or NFPA 1072 as part of the prerequisites to obtain such certification. Similarly, under the rule 0360-03-01-15 also provides that the candidate for Hazardous Materials Operation Certification successfully complete a commission approved training course compliant with NFPA 472 or 1072.

MR. UNDERWOOD: And that is going to be the new standard for these certifications. The Commission-approved training courses are developed to ensure that firefighters received adequate training prior to taking the written and practical examinations for the various levels of certification. They're based upon NFPA recognized performance standards that are adopted in chapter 6, 0360-06-01, miscellaneous certification standards. But changes to chapter 3, rule 0360-03-01-.52 and .53 are designating NFPA 1072 as one of the two acceptable performance standards for determining the qualifications and requirements of obtaining certification as a hazardous materials technician or hazardous materials incident

commander. I don't think this impact will be felt among the firefighters. It will be notification of what standard will be applicable for the examination of the test.

MR. UNDERWOOD: It shouldn't affect the current test at all. And rule 0360-04-01-06, we're adding the requirement that the applicant successfully pass the examination prior to obtaining the Hazardous Materials Awareness Certification level, designated as NFPA 472 and 1072 as the performance standards for this level of certification. It also allows for the written examination for a Hazardous Materials Awareness Certification to be administered separately or in conjunction with the written examination for Hazardous Materials Operations Certification.

MR. FOX: This is where we're adding the practical to the awareness level by rule.

MR. UNDERWOOD: And because it's required by the accredited bodies, Pro Board and IFSAC.

MR. FOX: Along with the standard requirements.

MR. UNDERWOOD: And the standard requirements. We also clarified 0360-04-01.09, paragraph (3), subparagraph (c), regarding the rule concerning facial hair and the breathing apparatus to make sure if you have facial hair, you could be prohibited from taking the exam, which I believe everyone is aware of.

MR. UNDERWOOD: So rule chapter 6 of the Adoption by Reference, we have updated certain standards. We have adopted, I believe it's 1001, Standard for Firefighter Professional Qualifications, 2013 edition, it will be the 2019 edition. The 1003, Standard For Airport Firefighter Professional Qualifications, instead of the 2015 edition that's currently adopted, we will be adopting the 2019 edition 1005, the Standards for Professional Qualifications for Marine Fighting for Land Based Firefighters, the 2014 edition will be replaced with the 2019 edition. The 1041 Standard for Fire Service Instructor Professional Qualification, 2012 edition will be replaced with the 2019 edition. The 1081, Standard For Industrial Fire Brigade Member Qualifications, the 2012 edition replaced with the 2018 edition. We are correcting a citation in the rule that's incorrectly in the current rule. We're also clarifying the deadlines of October 1st and March 1st for the Educational Incentive Program, and that any waivers for failing to meet those deadlines will not be granted in two consecutive years. You will only be eligible to receive a waiver for one extra year. As you can see, there's not anything really controversial. Updated some standard, clarifying some language, and referencing a correct standard that was previously not in the rules for the Hazardous Operations and the Hazardous Awareness Certifications.

MR. FOX: Which include course requirements for awareness and operations.

MR. UNDERWOOD: I don't know if there's any questions regarding that. That was all done with the authority given by the Commission, in the previous meetings.

MR. MIRANDA: When does the course requirement go into effect?

MR. UNDERWOOD: It will go into effect when the rules go into the effect. We will not know that tomorrow they will vote on it. Then I will then take it back to my office and send it to the Attorney General's Office to review, and then they will give it to the Governor's Office to review, and once they say okay, I will file with the Secretary of State's Office. Ninety days after that filing date, the rule will go into effect. I would

anticipate by January 1st. It depends how fast the AG and the Governor get to it. I would anticipate January, February at the latest, I would think.

MR. MAJCHRZAK: I should probably, for purposes to kind of explain my question, probably turning back one page where it starts on Hazardous Materials Awareness Certification. But the new language there is the candidates for Hazardous Materials Awareness Certification shall successfully complete all requirements of Hazardous Materials Awareness Certification as described in the Commission rule, regulation, and policy. And then two, a candidate for Hazardous Materials Awareness Certification shall successfully a complete a Commission approved training course compliant with NFPA 472 and NFPA 1072. I'm not sure I understand the intent of that because then further down it's: A candidate for Hazardous Materials Operation Certification shall successfully complete a Commission approved training course.

MR. MAJCHRZAK: But isn't the way that "or" has the effect of saying instead of meeting all the requirements of Hazardous Materials Awareness, you can just take the recruit program, which I don't think is the intent.

MR. UNDERWOOD: That was the current.

MR. MAJCHRZAK: I agree, it's some outdated language. So I'm not sure we want to perpetuate it.

MR. UNDERWOOD: If that was the current practice, to eliminate it or leave it as that.

MR. MAJCHRZAK: Well, I think its sort of misspent language.

MR. FOX: We probably need the take the "or" out.

MR. UNDERWOOD: So do you take the "or" out or the whole language, the "or complete the Hazardous Materials"

MR. MAJCHRZAK: I think the "or" part is redundant. Any class that is approved is approved, and you don't have to go into any of that. The recruit program is approved.

MR. BIGGS: The recruit class is already approved and it's in it. It's included in the package.

MR. UNDERWOOD: Tomorrow in the adoption if we make that amendment official, I can easily do that. Or I could do that with the understanding, I want to make sure everybody understands that will be removed, that language. I will clarify it tomorrow in the presentation officially, yes.

MR. BIGGS: Should we leave "in compliance with NFPA 472 and 1072"?

MR. UNDERWOOD: No, because I think 3 has it below that.

MR. MAJCHRZAK: It will follow the same construction as Awareness if you take everything else out.

MR. BIGGS: I just want to make sure we capture the 472 and 1072.

MR. MAJCHRZAK: Right.

MR. UNDERWOOD: So we went through and tried to make things nonredundant and we added a redundancy.

MR. MAJCHRZAK: It was old language, so I think it was probably wrong for a while. The next one has to do with practical examinations because I think the way it's written may create an unintentional barrier.

MR. UNDERWOOD: And that's going to be chapter 4?

MR. MAJCHRZAK: Further on. Well, I guess chapter 4. It's labeled on the bottom number 4, says 0360-04-01.

MR. MAJCHRZAK: Right. So we talk about number 13 it talks about the practical examination for Hazardous Materials Awareness Certification shall be part of Firefighter I practical or administered separately and shall be passed upon based on an NFPA 472, 1072. Again, it says it shall be part of Firefighter I practical or administered separately. So what isn't is it doesn't let you take both awareness and ops at the same time unless you're taking Firefighter I is the way it reads. So you can take them separately or you can take everything with Firefighter I, but you can't take awareness and ops at the same time is the way it's constructed.

MR. BIGGS: Unless you're taking Firefighter I.

MR. MAJCHRZAK: Unless you're taking Firefighter I. So, I assume people may take an awareness and operations class and may want to take an awareness and operations at the same time.

MR. MAJCHRZAK: Right I'm not sure how to clear that up, but it may be enough to say that's not the intent and explain that. I could well imagine people wanting just to take all your hazmat at the same time, not necessarily take Firefighter I.

MR. UNDERWOOD: Would this (b) affect that at all. I mean, would that be redundant again or?

MR. MAJCHRZAK: No, I think (b) clarifies that I mean, you technically must take it first because it comes first in the sequence, but you don't have to have passed. I think that language is actually right.

MR. UNDERWOOD: Is it the Firefighter I part in part (a) that's the problem?

MR. MAJCHRZAK: Well, it's (b). I think what you would want to say is

MR. BIGGS: I think (a) is okay if you are taking it as part of Firefighter I.

MR. MAJCHRZAK: No, that part is right, but what it's saying you can't take awareness and ops at the same time unless you're by virtue of taking Firefighter I.

MR. BIGGS: But read (b). It don't read that way.

MR. MAJCHRZAK: That's the written, though. (B) is the written, (a) is the practical.

MR. FOX: Maybe (a) can read "may be" part of the Firefighter I practical instead of "shall." "May be will clarify that, in my opinion.

MR. BIGGS: Or "could be."

MR. UNDERWOOD: In (b) it is permissive, it's not mandatory. Does that help?

MR. FOX: Remove "shall" and put "may" in its place. That's just an idea.

MR. UNDERWOOD: That will be an easier.

MR. BIGGS: Says it may be part of the Firefighter I practical.

MR. UNDERWOOD: Or it may be administered separately. But it shall be based upon the standards.

MR. MAJCHRZAK: That "shall" is right.

MR. UNDERWOOD: We should change that "shall" to "may" then. Make sure we note that.

MR. BIGGS: Yeah, because (b) is "may be."

MR. UNDERWOOD: But on 13(a) do you still want it to be "shall" there, shall be part of firefighter, or you want it to be a "may be"?

MR. FOX: It needs to be "may be."

MR. BIGGS: It needs to be "may be." 13(a) the first "shall" should "be may."

MR. UNDERWOOD: As well in 14(a).

MR. FOX: 14 is already "may."

MR. BIGGS: No, it's not. That should be the same.

MR. UNDERWOOD: We can do that. We make it "may."

MR. BIGGS: We got "may" in the (b)s, but not in the (a).

MR. BIGGS: You got the "may" on the other 14, correct? Everybody just take a minute, make sure we don't miss anything else.

MR. FOX: You read these things about 10 times, they all start running together.

MR. UNDERWOOD: In that chapter right there, really those are the only two changes in that chapter except for page 12. Top of page 12 cleans up the mess of the facial hair issue. That's really the only changes in that chapter.

MR. UNDERWOOD: It's an existing rule. I just had to keep it together to make sense when it is read. I do want you to make sure we have the waiver language there in the back. The only change would be chapter 7, which you might want to close it out. I've added some language in there regarding, the Commission's authority to the Commission and clarifying the citation because that was that chapter. Chapter 7(6), rule 6, waivers.

MR. BIGGS: On the waivers, while we're on that, it says a waiver shall not be granted in two years unless authorized by the Commission.

MR. UNDERWOOD: You're talking about the new language?

MR. BIGGS: Yes.

MR. UNDERWOOD: Yeah, I want shall not be granted two consecutive years unless That gives you the authority to give more than two years if you so choose to.

MR. FOX: Due to hardships.

MR. UNDERWOOD: Something may happen, an agency loses a firefighter or training officer. You may have consideration.

MR. FOX: If you're not careful, you'll dig yourself in a hole you can't get out on.

MR. UNDERWOOD: The whole fire department will lose out on incentive pay, basically just the filing of the deadline.

MR. FOX: Understand these waivers are in chapter 7. These waivers only deal with educational incentive pay and certification related to that. So everything outside of that house, I'll defer that to Joe.

MR. UNDERWOOD: Yeah, that would be waived if what you waiver on other things. Not as large as the last rulemaking we did, every single chapter, every single one. We had 40 pages, I believe.

MR. BIGGS: We're 38 this time, so we didn't do too bad this time. Any other questions?

MR. UNDERWOOD: And we are updating the standards to make sure we're complying with our accrediting agencies; is that correct, Director?

MR. BIGGS: Right.

MR. UNDERWOOD: That's kind of the standard. I think we'll be in good shape after this one for a little while until they publish new editions, right.

MR. FOX: And that's a whole 'other conversation for tomorrow.

MR. MIRANDA: Real quick, to clarify, the HMA, HMO, I understand about the date, but the language says they must have attended a 472 course or a 1072 course. So we'll accept someone through a HMA class 5 years ago, we're okay, the 472 HMA class. HMO class, we're okay with that. So as long as they've attended an approved class at any point for hazmat. I think we're going to be make sure that NFPA 472 is still good.

MR. FOX: Yes, right. And they've updated their awareness and ops to 1072 based on what was submitted to us, but they have not sent us a new 1072 for Tech. From my understanding, this will be voted on tomorrow in the business meeting.

MR. JENNINGS: Where Director Majchrzak struck the language for "or" as part of a firefighter recruit program, so that language was in there so that your course, IFSTA or Jones & Bartlett, they have the requirements, they have the hazmat in the latter Sections of their book, and those sections do meet NFPA 472 and 1072. So that's reason for that language.

MR. JENNINGS: You submit their curriculum with the correlations, and you get approval for HMA, HMO, Firefighter I and II. Will we have to submit separately for HMA and HMO approval along with our Firefighter I and II curriculums.

MR. FOX: You would not, if you're teaching

MR. BIGGS: As a recruit class. If you're teaching separate, you'll have to submit is way it reads, right?

MR. MAJCHRZAK: You would put it in the submission for the recruit class and say this is also the intent for it to be NFPA 472 or 1072, whichever it correlates to. So you would get it all at the same time.

MR. FOX: But the reason that wording was where it was at in there was not necessarily about the coursework, but it was about the certification itself. And correct me if I'm wrong, but that shouldn't have been there where it was at.

MR. MAJCHRZAK: Right.

MR. FOX: It needed to be somewhere else and it is.

MR. MAJCHRZAK: So you're not going to have to do a new process. It's just the course will have to be approved by the Commission. I'd just indicate on there it's covering all the things that you're asking the class to be accredited were covered. You won't have to do an individual one for each. That's your question, right?

MR. JENNINGS: Yes.

MR. MAJCHRZAK: Whether you must do triple work.

MR. UNDERWOOD: We're trying to avoid that.

MR. DORRIS: I have a question. Director Fox, when was TEMA's awareness about the class approved earliest dates of awareness and ops?

MR. FOX: I'll have to go back, but I believe it was 2015.

MR. DORRIS: It's been several years.

MR. FOX: For their awareness, ops, and technician.

MR. MAJCHRZAK: I think you're right, it was April '15, at least '15.

MR. DORRIS: My question is, as a student, how am I going to get my TEMA and ops class that was approved if there's not a date in there like you do in the officer program? Any approved class from this point forward by TEMA was approved or?

MR. FOX: And that's the first time that it was submitted by TEMA into the Commission was in Gatlinburg at the meeting in April 2015.

MR. DORRIS: Like when we did the officer mandatory class, it was an approved class that included up to this date with the academy classes you had. Especially volunteer departments, all they know is they have the certificate. They don't know if it was an approved class or not. You're going to be telling people that before they take a class or a test they may not have done before.

MR. MOORE: If we don't do something like that, we don't have a timeline.

MR. DORRIS: We know that. We don't know when the meeting was. Add that information to a flowchart that you already have so it's available.

MR. UNDERWOOD: Attended classes is mentioned in the rules that I'm aware of.

MR. FOX: It is not. That meeting was 4/29 of '15 was the meeting when it was approved in there.

MR. KERLEY: So what would the scenario be? Would it be a student that had taken awareness and ops 10 years ago, maybe with a 64-hour class, and now they're wanting to test for Firefighter I?

MR. DORRIS: Right.

MR. KERLEY: They've had that, but they haven't become a technician yet?

MR. DORRIS: They may not have gotten an awareness and ops certification, and now they want to get certified. For example, we hire quite a few volunteer firefighters. As volunteers, they don't care about certifications. Now, they're going full-time with the department, they want to get certified. Even putting information on the flowchart, not necessarily the rules, would have that information out there that someone would be able to reference to.

MR. FOX: Adding that to the flowchart is not a problem unless the Commission wants to set that as a date, but that deals with only TEMA.

MR. DORRIS: Each department should know when they have approval or not. No one knows when TEMA has got approved.

MR. FOX: Just out of curiosity, how many departments in your area used TEMA for awareness in 2015?

MR. DORRIS: Most all.

MR. FOX: Well, I don't see that across the state.

MR. DORRIS: Even my recruit program at that point didn't have awareness and ops in it. All we had approved was our fire courses.

MR. MAJCHRZAK: I think this is sort of the age-old problems comes up, when you get a new standard and did the standard really change or did they just change the standard, and was there anything meaningfully different from the class that was taught yesterday? I think that's the question that the Commission always gets in terms of the logistics of it. TEMA is certainly in a good position, which is if they want to go back and submit it the board is willing to entertain it because of the date, if they want to submit their 2015 version or 2014 version or 2010 version and get it

approved by the Commission. There's nothing that says the Commission can't sit today and approve it. The only thing it will bump against is whether the Commission takes the position that some date the standard was significantly different and constituted a real difference between what was offered, and I think that's probably the answer and may be different on different dates going back. But it's the same thing we've had the discussion before with live burn or basic fire requirements, you know, the NFPA standards changed, but it hasn't really changed meaningfully what everyone does daily. But the TEMA is an easy one. When someone has some off-brand class they want to get quoted now, those people won't come forward and provide the information that allows that class to be properly considered. But I think TEMA would be easy to have them if there was a question about somebody took it in 2012, they could probably readily provide the information.

MR. DORRIS: As a training officer, I can very easily justify my program wasn't approved and you have to redo the training, but it's hard for me to tell them TEMA wasn't approved for the state agency. You must have something to show for it.

MR. MAJCHRZAK: The right course of action would be to bring it to the attention of TEMA.

MR. KERLEY: There has been one change made, though, hasn't there, Mr. Elliott? Didn't it go from 32 hours to 40 hours

MR. ELLIOTT: Our current operations went to 48 now.

MR. MAJCHRZAK: But that went a requirement of the standard.

MR. ELLIOTT: Right.

MR. MAJCHRZAK: That was the decision of the course designers to fit everything in.

MR. ELLIOTT: That's just what we feel was a required adequate amount of time to cover everything.

MR. MAJCHRZAK: If it changed from 10 to 40 hours, that would probably be a traumatic difference.

MR. KERLEY: I think that TEMA changed theirs also because there were some arguments about the fact that TEMA and the academy class hours didn't match up.

MR. MAJCHRZAK: Yeah, but they went lower.

MR. JENNINGS: TEMA is 40 for ops.

MR. ELLIOTT: And TFACA is 48. We think encompasses enough time to have Commission come in on day 6 and test. That was important to us, but wasn't a driving factor for TEMA.

MR. BIGGS: So what's the will of the Commission? Do you want to add a date with it or move on? Now is the time to do it.

MR. MOORE: I think we must keep consistent with all the certifications, allow three years from the test after the completed course. If we don't, then we won't have a leg to stand on, in my opinion, when somebody comes up and wants to challenge us for another certification.

MR. FOX: To clarify that, that three years only applies to live burns, not coursework, just to clarify. But, now, if you want to make it blanket across the board

MR. MOORE: I just want it to be consistent, that's the thing, with everything across the board.

MR. FOX: Basically what you would be doing with TEMA and what Commissioner Majchrzak says when he talks about the standard at the time, and I believe it was the 2013 edition of 472, if I'm not mistaken, an option would be to take anything that was taught to the 472 standard of 2013 would be acceptable. That would be another option versus the date.

MR. DORRIS: I know one thing we were supposed to do is trying to get volunteer departments into the incentive program. We have volunteers that have done TEMA training years ago and now Firefighter I and II. They're going to be arguing, I got a certificate from a state program not certified, so.

MR. KERLEY: There's questions on the Firefighter test that covers awareness and operations, or can be, correct?

MR. FOX: Typically now, it's pretty much all awareness and ops takes care of hazmat, and Firefighter I, II, is all firefighter stuff.

MR. KERLEY: Firefighter, okay.

MR. MAJCHRZAK: Question, just a clarification, just to the Commission on Dorris' point, which is what certifications do have a timeline built on them? Now, I know there was a grandfathering of when things went into account of letting people catch up without necessarily doing something or getting a new requirement, but I don't think any of the existing rules have it's everything is based on the fact that your class, if a course is required, the course was approved.

MR. FOX: Right. You've got a year from the date you pass the practical or the written to get the other half to get certification. That's in there on all your officer level stuff. Your firefighter stuff, you must do your practical's first and then your written.

MR. MAJCHRZAK: Correct me if I'm wrong, most of the previous grandfathering discussion, which there's been substantial conversation over time about was, it opened a window for people to have had taken a class in the past, to take it and not be within that one year.

MR. FOX: Not the year but the standard change gives you six months to get out of the old standard into the new standard. After you adopt the new standard, you've got six months to finish up or you've got to start the process over again, and there again, unless the standards didn't change significantly.

MR. MAJCHRZAK: The issue is that in all cases if you can come make the case that your class was approved and it's approved to the point that it doesn't depart from the current standard, I don't see a reason why the board wouldn't approve it. You're just not going to have a blanket ahead of time. If you don't have an approved class and you want to make sure it's approved, you've got to bring it before the board, submit it to the Commission, and get it approved.

MR. FOX: Right. Unless you're doing something going forward, and then you can do the short form on that and submit it.

MR. MAJCHRZAK: I get the point the historical classes. But if the remedy is always just get your that old class approved, even if it wasn't at the time, you can still come back and ask for it to be approved which accomplishes the same thing.

MR. FOX: And we've done that in the past.

MR. MAJCHRZAK: Just some of the things are difficult. Some people have certificates and that group doesn't exist anymore, and there's nobody to bring forward the thing. But in TEMA's case, TEMA still exists. So, theoretically, they could come forward and make their application that gets recognized.

MR. FOX: And there again, the options, just like you spelled out is, you can put a time limit on it, nothing over 5 years or You can do it based on the standard.

MR. BIGGS: All right. David Dorris.

MR. DORRIS: I'm looking at is not really about a full-time department. Like mine is volunteers. If volunteers never hit awareness or ops, they were never even looking at changes to do officer or instructor, you're hitting ground core of starting the entire career in service with this one. I feel this is different than the ropes class where you're going to take a preexisting training or not. It's going to affect people trying to get full-time jobs, something paid, starting everything. If you make it harder on them it's going to detour them from even starting, we have enough hard enough time trying to get volunteers.

MR. FOX: I've seen numerous volunteer departments achieve all the way up to Firefighter I and II. I guess my point is we're talking about people's lives here, and if you see our fail rates on awareness and ops.

MR. DORRIS: Oh, I know. And I'm not arguing the rule. Just if you're going to tell me, I mean, wanting to know the date so they know on the ground floor, especially with TEMA stuff.

MR. FOX: Right.

MR. BIGGS: I mean, they were great about coming out to small departments and doing the boards. It's doable. And the academy, they can do it too as well.

MR. DORRIS: They can but telling volunteers they must go back and take 40 hours of fire training.

MR. BIGGS: No different than the fire training they took 20 years ago that get them to test.

MR. KERLEY: But there's counties that opted out of the minimum training requirements, and we have firefighters that come to us and say they're a Firefighter. They think they're a Firefighter I because they had the 64 class with 22-hour live fires.

MR. DORRIS: I'm all for having you go with it. I'm just asking questions to clarify.

MR. MAJCHRZAK: I think if somebody has taken a bona fide class, and then come up and make their presentation, that class should be considered. I think the Commission would consider it and do it, because you could say five years and somebody comes and I have six years, it's probably better for the people to bring the information that says why theirs should be considered as opposed to setting an arbitrary date where just everybody has got a story why it's one year later than that.

MR. DORRIS: All I'm requesting if there's a start date 2015, put that on a flowchart so training officers have that information.

MR. MAJCHRZAK: One piece you could probably be fairly straightforward to say all these classes are hazmat classes that have previously been approved, and list them

out there so you know these are automatic. If you have another one, contact the office to find out about it.

MR. BIGGS: My fear with putting a date on it exactly what Steve said earlier. If TEMA wants to come back with a 2014 curriculum that they taught, we're limited. We won't be able to do it unless we have a rule change.

MR. DORRIS: That's why I said put it on a flow sheet.

MR. MAJCHRZAK: Mr. Chairman, I recommend the staff put out, as part of the information with this, is to say over some reasonable period these are the previously hazmat classes training classes that have been existing pre-approved, and then if you have a question about if yours is not on the list, contact the office.

MR. MAJCHRZAK: Or contact the people.

MR. BIGGS: that instructed you

MR. MIRANDA: Are we looking at now retroactively approving training and classes?

MR. BIGGS: No

MR. FOX: I think it's on a case-by-case basis.

MR. BIGGS: Yeah, I think he's saying that TEMA did teach something, somebody is in a situation that Dave was talking about, then they could bring it back and it would possibly be approved. I don't think it's going to be something we'll start doing

MR. MOORE: I may be wrong. What I'm understanding from this is anybody that's taken a class from April of 2015 from TEMA is already approved.

MR. BIGGS: They're good.

MR. MOORE: The problem is anybody that took on from April back, it's on them to get with TEMA to build a documentation to make sure it meets NFPA 472 and 1072 and bring it to the Commission for approval. Once it's presented to the Commission for approval, it's approved, then they're ready for their practical's testing.

MR. FOX: If that's the way you as a board want to move forward.

MR. MAJCHRZAK: I was only suggesting contact the board directly because, I mean, they can answer the question and kind of direct them as opposed to going into the agencies, not sure what we're talking. Then they could follow back up. And like I said, all I made the example of TEMA is TEMA is an existing entity. It would be easy to communicate with.

MR. BIGGS: It could be anybody.

MR. DORRIS: It could be TFACA. How far back are those classes approved?

MR. MAJCHRZAK: Every TFACA, by statute, must be approved by the Commission.

MR. DORRIS: Not under NFPA standards. It has already done by an officer. They went back to a certain point. So what point is it standards change in my classes? These are the questions that are going to come up. I'm just asking on ground floor. Nothing about what you're doing, just questions.

MR. FOX: I would be looking at NFPA 472 to the 2013 standard. I think if you're on something older than that, you probably do need to take a course.

MR. DORRIS: If you put it on the flow sheet, we have that information to go by.

MR. FOX: Right. That would just be my opinion because then you're going back and looking at, what is it, 2019 fixing to be 2020 when this goes in effect.

MR. MAJCHRZAK: Well, the other part is just the practical thing, they took the class six years, I mean.

MR. FOX: Yeah. Or longer.

MR. MAJCHRZAK: The point of taking the class is to be educated and prepared for the test. I'm not sure after you get a certain part away. I wanted to play the trumpet 14 years ago like I did 24 years ago. I don't think I would be too good today.

MR. BIGGS: All right. So we do a little administrative housekeeping on that. No action on the rules, is that what I'm hearing? All right. Joe, you had anything else to wrap that up?

MR. UNDERWOOD: That would be the summary of the proposed rule changes taking effect.

MR. BIGGS: Well, all right.

MR. UNDERWOOD: I don't know if there's a discussion of any other consideration of any other future rule change.

MR. FOX: That was what the rest of the session was open for review of the current rules or anything that we have not addressed in this session that may need to be addressed in a future session.

MR. UNDERWOOD: It will not be addressed by January, whatever it is. It will be a little later than that.

MR. FOX: It would be something that goes into the hopper. And in addition to that, all our current rules are on the iPads in the first

MR. BIGGS: They start in the third section of that. No, second page.

MR. FOX: Right.

MR. BIGGS: Policies and procedures rules start right after that. We want to go through them?

MR. FOX: That's strictly up to you today, but that's what this time was set aside for.

MR. BIGGS: All right. We'll just start with policies and procedures.

MR. FOX: Yes. And another thing, if we deal with policies and procedures, anything we do policy wise, goes back to the Secretary of State's office as well, correct?

MR. UNDERWOOD: Yes. The law has been passed any new policy adopted after a certain July 1st of last year, there's an annual report provided by all agencies of the state government that will be submitted to the general assembly and the Secretary of State's office. If there's any change in policy, we'll do it, but we will be part of a database that will they keep and leave with the Office of the Department of Commerce and Insurance, and provide that to the general assembly as required.

MR. FOX: As has been clarified before, our policies and procedures are usually departmentally, and your rules are what affects the customer.

MR. UNDERWOOD: Yes. The fee or any effect to the customer usually right to have is a rule versus a policy.

MR. KELLEY: Mr. Chairman.

MR. BIGGS: Yes, Mr. Kelley.

MR. KELLEY: When can we look at changing the PDO/AADO and requiring the educational part like we done on all other certifications.

MR. FOX: That's what this time is for.

MR. KELLEY: I just feel we're missing out on a great opportunity to provide education like we do every other certification, and I think that it's time we upgrade that as well.

MR. UNDERWOOD: Chapter 3 deals with each of the certification requirements, whatever level of certification you receive.

MR. FOX: It will be 060-03 is what you will be looking for, page 10 of that.

MR. KELLEY: It's just my opinion that on the driver and the aerial operator, that the classroom portion needs to be added to that.

MR. FOX: That would affect 25, 24, and 23 of that chapter.

MR. FOX: What I'm hearing from Commissioner Kelley is adding course requirements on all three of those. That would be to the 1002 standard, I believe 2017 edition currently is what that is.

MR. BIGGS: Would that be number -- make them both number 3? Would that be good with you,

Mr. Kelley?

MR. FOX: Just adding 3 on each one.

MR. BIGGS: Adding a 3 on each one of them requiring a course.

MR. FOX: Course meets NFPA 1002.

MR. KELLEY: That's correct.

MR. FOX: I think while you're there, based on what I'm hearing, you would want to add that to the newest level we just adopted of driver, which is the ARFF Driver, just to clarify.

MR. KELLEY: Yes, sir.

MR. BIGGS: Do we want to drop on Incident Safety Officer I? Because you got Safety Officer and then Incident Safety Officer.

MR. FOX: We don't test anymore for Safety Officer.

MR. BIGGS: I'm saying do we want to scratch that whole section?

MR. FOX: That's what we're doing on Safety Officer and then just leave Incident because we do not test for it, right?

MR. BIGGS: We do not test for it. That's correct.

MR. UNDERWOOD: So Safety Officer is a certification that would be going away?

MR. MAJCHRZAK: Well, I mean, to the point we probably continue recognizing something that happened in the past. You don't offer it anymore. It says it doesn't offer it anymore, but we wouldn't want to strike it, right, because then it goes away as a recognized certification. So the people who had it previously, it wouldn't be a recognized certification anymore, right?

MR. BIGGS: Okay.

MR. FOX: Just keep it.

MR. MAJCHRZAK: Like Firefighter III

MR. BIGGS: We drop that.

MR. KERLEY: Don't be picking on Firefighter III's.

MR. MAJCHRZAK: I didn't say the people were obsolete.

MR. UNDERWOOD: The last ones?

MR. FOX: I think so.

MR. MAJCHRZAK: ARFF drivers are on 18. It already has Commission-approved training.

MR. FOX: Okay. So let's do it. Problem solved.

MR. BIGGS: So we can just take the language out of 2 and add the 3 on the other ones.

MR. UNDERWOOD: Usually if you look at it, the course is usually listed second versus a test, I think most of the time. So I usually try to uniformly do that.

MR. BIGGS: Just so it flows with the test.

MR. UNDERWOOD: Yeah. And some of the language in this you'll see a circled the word. A lot of times these were programs versus course, and I think they're two different things via the rules. So sometimes that language changed where I'll say it's a course versus the program is a series of courses. It's a definition that may need to be added the way the rules are because you approve a training course, a program each year, don't you, a 40-hour training program, Randy.

MR. FOX: That's in service.

MR. UNDERWOOD: And then there's courses in them.

MR. FOX: But educational and certification, they run side by side, but they're two different things.

MR. UNDERWOOD: Right. So I don't want to use the same language being program and course. I meant to differentiate that. That might be a change you see coming.

MR. FOX: Now, a place where we don't have that requirement is an Airport Firefighter. And just to clarify, while you're going down this road, you don't have that requirement in Firefighter I and II, except for the T.C.A. law, which falls way short of meeting 1001, just to clarify. I'm not advocating one way or the other. I'm just making a statement.

MR. UNDERWOOD: Is this something that's going to be added to the Airport Firefighter, the coursework?

MR. BIGGS: It was.

MR. FOX: No, it's not.

MR. BIGGS: It's on the ARFF.

MR. FOX: It's on the ARFF. It's not on the Airport.

MR. BIGGS: I didn't even read that one.

MR. FOX: You did require a following Firefighter I and II. We also have the same issues with Fire and Life Safety Educator I and II.

MR. UNDERWOOD: The numerals.

MR. FOX: Not the numerals, but the course requirements.

MR. UNDERWOOD: I got you.

MR. BIGGS: I feel like we had a whole lot of discussion on at our last meeting about a lot of rules we want to discuss.

MR. KERLEY: So Stephanie asked a good question. What certification should not require a class before testing?

MR. BIGGS: Well, right now we've got several.

MR. FOX: There's several that just started years ago and didn't have and just hadn't been added to it.

MR. FOX: And that's strictly up to you. We did this back, I believe, in '14 when we started with the officer stuff and changed the '14 standard for Fire Officer is when we first implemented that line of thinking.

MR. KERLEY: So Firefighter, Hazmat, Ropes, Officer. What other certifications are we testing for that does not require class completion?

MR. FOX: Well, you actually have the old Safety Officer which we don't test for anymore. Everything that we've updated, we've tried to add that course requirement to it. We have Fire Safety Compliance Officer that doesn't require any coursework; however, it's very seldom tested. Reason it was put there was before Inspector was put there, people had an avenue to get some type of credentialing. That's not IFSAC or Pro Board accredited. It just allowed them to go out and show they had some basic training for pre-fire planning was the purpose for that when it was first put in place.

MR. BIGGS: How do you want to go through these? You want to break out into a couple groups and go through them, or you want to just keep going like you're going until everybody finds something?

MR. MAJCHRZAK: Well, the other discussion point before was about, I think the one you're referring to, was the separation from service.

MR. BIGGS: Yeah.

MR. MAJCHRZAK: I think that was the one that had a lot of discussion about it. I'm not suggesting. Just saying that's what they're talking about.

MR. BIGGS: That's rule number 5.

MR. FOX: Just out of curiosity, are we before we get off of 3, what's the direction for Joe and I, or are you still just wanting to discuss it and come back later with ideas about the training requirements?

MR. UNDERWOOD: I think the question was do you want to add course requirements for the ones that do not have it?

MR. FOX: Yes.

MR. MAJCHRZAK: You probably need to take a vote of the board to see if that's what the wish of the board is to instruct the staff to do.

MR. BIGGS: Do you want to add, is that what you're saying?

MS. SPECHT: For AADO, PDO and ARFF? Yeah, because for Firefighter I and II you must have the recruit class.

MR. FOX: You had to meet the minimal T.C.A. code.

MR. BIGGS: It references the law in that one, I believe, doesn't it?

MS. SPECHT: I'm good with AADO, PDO, and ARFF.

MR. BIGGS: Commissioner Henry has a motion.

MR. HENRY: That we add the number 3 to every certification requirement that we have that doesn't have that currently listed.

MR. UNDERWOOD: A course requirement.

MR. BIGGS: Course requirement.

MR. UNDERWOOD: For all certifications that do not have it.

MR. BIGGS: Commissioner Henry has got a motion on the floor that adds course requirements to all certifications that currently do not have it in the rules.

MR. KELLEY: I'll second.

MR. BIGGS: Second from Kelley; is that right?

MR. KELLEY: Yes.

MR. BIGGS: All right.

MR. BIGGS: Any further discussion by the Commission?

MR. KERLEY: I have a question. The one class that the Safety Officer class, what did he refer to it?

MR. FOX: We do not test for that level currently.

MR. KERLEY: No, not the Safety Officer, the other one, Fire Safety Compliance.

MR. FOX: We do test for that. It's very seldom.

MR. KERLEY: Is there a class provided available for it?

MR. FOX: Basically it's a Fire Inspector class. That's a Fire Inspector exam, so that's what the class would be is a Fire Inspector to meet 1031.

MR. KERLEY: And what would the grace period be?

MR. FOX: That's up for you all to decide.

MR. BIGGS: It will be a while, I imagine, before they even get through the rule process.

MR. KERLEY: It will be three years before the rules change.

MR. BIGGS: Probably not three years, but it will be a while, I'm sure. David.

MR. DORRIS: I just have a simple question. Rather than if you're going to add it for every certification, instead of having the language for every line, can we not just add a single rule that says all certifications will be met with an approved course and be done with it?

MR. FOX: I'm going to yield to my legal guy.

MR. UNDERWOOD: To do that, we must repeal everyone that already has it in there and take them out.

MR. BIGGS: Quite a few.

MR. JENNINGS: Should we not be looking at each certification and determine the length of the course or somehow tie it back to the JPRs

MR. BIGGS: Well, the language says a blank course completed a blank approved course. So it would have to be approved.

MR. FOX: And what we look for is an approved course is one that meets the standard.

MR. MAJCHRZAK: The reason they don't stipulate the specifics in the rules, because you see how long the rulemaking changes takes. So if you wanted to change something on the fly to accommodate something, you'd want to do it through a board policy as opposed to put it in the rule.

MR. DORRIS: Okay. Understood.

MR. DORRIS: It makes sense.

MR. BIGGS: Right.

MR. UNDERWOOD: I guess legally we don't want to look at it as to make it tougher to get the certifications. I think we proved and have shown that the courses help people pass the test the first round.

MR. BIGGS: The passage rate is much higher, and it saves a little time than to try to do it on their own without the course

MR. ELLIOTT: Well, no, the question I had just to find out should this be included in verbiage. Driver/Operator and Aerial, the academy has approved curriculums, but because the practical's can be done in-house, would you have to watch your verbiage to get this on the books accurate to where we're going to teach the approved? I'm presenting to you a new aerial program, but within that, we're going to ask that the sponsoring agency do the driving portion at home. So if that verbiage was in the approved curriculum, is it going to affect that part of the practical's are done unsupervised.

MR. MAJCHRZAK: The practical's are independent of the class.

MR. BIGGS: They're a different rule.

MR. ELLIOTT: So none of that verbiage will matter?

MR. BIGGS: Right.

MR. UNDERWOOD: The classifications we found in this chapter 3, it pretty much says you must follow all the Commission policies, you have to pass the examination whenever there's a written and practical, and then you have to take a course or maybe there's a workbook or something else. Then chapter 4 is the examinations which explains what the practical and written examination is for each certification. That should be so you can require this over here, but it still will not affect how you want to do the written or practical.

MR. ELLIOTT: Just one other comment for Chief Jennings. One of the things that we've almost pulled away from is specifying hour base because as we go to blended curriculums, it's very difficult to say what the true power base is. So we're very comfortable if it's a hundred percent instructor led curriculum to tell you what the hour based is, but when we start seeing some highbred classes that are partially blended, I've steered more towards correlation and JPRs versus hour based, and that's the reason that I'm doing it.

MR. UNDERWOOD: I think our rules reflect that they don't have the hour base. They have the standard base, based on whatever the professional standard is for that qualification of certification.

MR. DORRIS: One more question before you vote on that. The general motion was we're just going to add training requirement every course, right, certification? What are the definitions on Firefighter I and II? I mean, the academy is 10 weeks minus 14 weeks, but they're all full-time. There is not anything approved or anything to go by for the volunteer department that's not going to do 10 weeks.

MR. FOX: Well, currently it's already defined. It must meet T.C.A. 4-24-112.

MR. DORRIS: There's no discussion about adding to that.

MR. FOX: Nothing said about adding to I and II, it's already in the T.C.A. requirements.

MR. DORRIS: That's why I want to add it because I know that has come up and discussed in just about every meeting, the problem adding to that.

MR. FOX: Yes.

MR. DORRIS: So it's going to stay the 16, 64 Live Fire requirement.

MR. FOX: Unless they choose to go a different route.

MR. BIGGS: The motion reads it currently does not have that. Firefighter I and II does because it has it listed out in the rule T.C.A. 4-24-112.

MR. FOX: Right.

MR. JENNINGS: I'm sorry. So I and II does have an hour requirement on it or it does not?

MR. FOX: T.C.A. 4-24-112, the minimum training law requirements.

MR. BIGGS: The minimum training law.

MR. JENNINGS: Okay.

MR. BIGGS: It references the T.C.A. in the rules.

MR. JENNINGS: So obviously everybody is going to be resubmitting their I and II their Firefighter I and II curriculum, or a lot of us will.

MR. FOX: The new standard.

MR. JENNINGS: Because of the new standard. So you don't necessarily need to know hours when we resubmit that. You just need to go JPRs and correlation to what we're teaching, and the hours and schedule would be left back up to us.

MR. FOX: Yes, it's kind of my idea because a lot of people do it different ways. Some departments would submit a recruit class for a class. They may teach that class four times this year, but each time they would submit a class. Basically if you're going to submit a class, that class would be good until the standard changes, in my opinion, or you change something in the program. Now, when you change something in the program like you've done, then of course we would want to update that just to have that reflected in your Acadis account.

MR. JENNINGS: Okay.

MR. BIGGS: I think it would be good to have the hours. It's just not good to set from 7 until whatever each day because if you teach it in the fall, it may be different in the spring. You may do them in a different order.

MR. FOX: And I think the hours comes back from before when you had to be a year in the fire service to test, or you had to complete a 400-hour recruit class, but that rule no longer exists.

MR. MAJCHRZAK: Well, the other part, if you're teaching a class of 5 people versus 25 people, you probably get more in an 8-hour day.

MR. JENNINGS: That's the difficulty with the in-service now is, you know, it's got to be 40 hours, and then you've got a 4-hour class, and your make-up class only has 2 people in it to do a make-up class, obviously you're not going to spend 4 hours teaching the same skills and practical courses.

MR. BIGGS: Because you got 2 people.

MR. JENNINGS: Because you only have 2 people instead of 12 people or 15 people in the class.

MR. BIGGS: Yeah, it goes back to the trust thing. You know, you're the leader any further discussion? Hearing none, Director Fox, will you call the roll?

MR. FOX: Sure.

MR. UNDERWOOD: **And to clarify, a vote would be to add the requirement -- affirmative vote would be to add the requirement and negative vote would be to not add the requirement.**

MR. BIGGS: Correct.

MR. FOX: All right. Commissioner Biggs.

MR. BIGGS: Yes.

MR. FOX: Commission Hedgepath.

MR. HEDGEPATH: Yes.

MR. FOX: Commissioner Henry.

MR. HENRY: Yes.

MR. FOX: Commissioner Kelley.

MR. KELLEY: Yes.

MR. FOX: Commissioner Kerley.

MR. KERLEY: Yes.

MR. FOX: Commission Moore.

MR. MOORE: Yes.

MR. FOX: Commissioner Specht.

MS. SPECHT: Yes.

MR. FOX: And Windrow is not here. **So your motion passes.**

MR. BIGGS: Motion carries. All right. Moving on to chapter 4, I guess.

MR. UNDERWOOD: 4 would be the examination part. Are you changing anything in the examination requirements?

MR. FOX: Would it be any extra verbiage that would go in there as a result of chapter 3 changes?

MR. UNDERWOOD: I will peruse that quickly here. No, I think because those just deal with the examinations, the coursework would still be required, but it's not the examination part, it's chapter 4.

MR. FOX: Just to clarify.

MR. BIGGS: And do you think we could have these red lined by our next meeting in November.

MR. UNDERWOOD: I think that will be, yes.

MR. KELLEY: Mr. Chairman.

MR. BIGGS: Yes, Commissioner Kelley.

MR. KELLEY: Does the one-year completion need to be added to those sections on the driver portion?

MR. FOX: One year is in our regular as far as completing, not the courses but the actual test versus the practical.

MR. KELLEY: Right, the completion.

MR. FOX: Yeah, we treat all our certifications that way except for live burn.

MR. KELLEY: Okay. Thank you.

MR. UNDERWOOD: So you can take coursework, you can take longer than a year ago. The examination is the written and practical.

MR. KELLEY: Got you.

MR. FOX: And the clock starts whenever you pass the practical or get the other half.

MR. UNDERWOOD: If you already have your certification prior to this, you don't have to take a class. It's just for those future ones after the date and after the rules, the course requirement would be added that you must take that class.

MR. FOX: Or have had an approved class.

MR. UNDERWOOD: You would show those by, I guess, registering for the examination approved for taking the course.

MR. FOX: Right. That would be a prerequisite.

MR. UNDERWOOD: Chapter 5, separation from active service.

MR. FOX: Going to 5.

MR. KERLEY: I'm trying to see if there's anything other than the military. What are the requirements for you know somebody has been a firefighter for 15 years, and then they go sell computers for three years and want to come back as a firefighter, what's the reentry plan?

MR. BIGGS: If they've had separation it says right there, the individual certification shall automatically terminate upon 3 years of separation is the way I read it.

MR. UNDERWOOD: I would recommend in a lot of probably the rules we refer to as months, 36 months versus years, that the change would be to take the 3 years reference and add 36 months reference.

MR. FOX: And with that timeframe being there and currently existing, I think you should ask yourselves all a question is why is that 3 years there? Why is it 3 years?

MR. UNDERWOOD: I know it's not the same, but by working with the Police Officer Commission, they currently have a 5 to 10, and they're moving to a 3 to 7. After 3 years you would have to go back to some type of coursework or training.

MR. MAJCHRZAK: Single certification.

MR. UNDERWOOD: That's for a single certification. But they also do have a break on 3 years. That's what they're moving to.

MR. MAJCHRZAK: Mr. Chairman.

MR. BIGGS: Go ahead.

MR. MAJCHRZAK: One of the problems is the inherent thing, which is so the way the rules are set up and follow that straight is which you live in Tennessee, you work in fire service 20 years, you take 3 years off, sell computer. Then you're going like you have no certifications in Tennessee. If you got all IFSAC, Pro Board certifications, you can go walk your certifications over to Kentucky -- or not Kentucky maybe, but you could go somewhere, go to another state and they'd recognize you by reciprocity for all those certifications.

MR. BIGGS: Correct.

MR. MAJCHRZAK: So it doesn't seem to make sense that Tennessee wouldn't recognize its own people who have this IFSAC and Pro Board certifications if they're separated.

MR. KERLEY: And I guess that might be where I'm coming up where we're beginning to get out-of-state applicants that are in different career fields but have been, up north, even the volunteers, there's volunteers that are more certified than a lot of our volunteers down here, more certified than our paid firefighters in

Tennessee. But coming into Tennessee, they can get reciprocity if they have that certification unless they've been separated from their department up there for more than 3 years. So as an employer I want to hire this person, but this three year law says that they're no longer a valued firefighter.

MR. FOX: And just to add to that discussion, if you go to Separation from Active Service in item 4, the way it's stated in the rule, you only lose Firefighter I, awareness, and ops. It doesn't say anything about the rest of your certifications. That's the way the rule reads. I don't think that was the intent behind the rule.

MR. KERLEY: So if I hire them as an officer, I'm in good shape.

MR. FOX: There you go.

MR. JENNINGS: What does IFSAC say about separation?

MR. FOX: Nothing.

MR. KERLEY: Pro Board?

MR. BEAVER: There's been talk about having recertification, but it has been pushed down every time it's arose because people don't want to do it.

MR. BIGGS: Got you.

MR. BEAVER: It says certification, you know, expired, it says never for IFSAC or Pro Board or whatever.

MR. FOX: Right.

MR. MIRANDA: All right. So six months ago when Middle Tennessee work session discussion was going on about the rope rescue, whether we accept old training or not, I brought up the example of this board had already voted to do away with the three-year rule on reciprocity. So why in state are we arguing you have to have training within three years? Because earlier this year I hired a guy from Kentucky -- actually from Indiana, had an eight-year break, and got reciprocity for I and II, awareness ops I and II. That's where a lot of this discussion came from. I just use that as an example.

MR. BIGGS: I think we need to go back and look at this again.

MR. MIRANDA: Do what? You-all had already voted on that and told the Commission members full-time how to run that. That's the way they were doing it. And that went into a one and a half hour discussion on how you didn't agree with that, and they've been ordered to go back to look for a three year break again due to conflict in rules. So my question I asked last time, I'll ask again to the attorney, if I apply for a job in Tennessee and I'm denied reciprocity, therefore don't get the job based on rule that you have that has a conflict in it, who's going to win? Because your rule says for me to apply for this, but being approved is totally separate, different. There's a wording error in the rules.

MR. BIGGS: Do you know where that error is at? I don't know what he's talking about.

MR. MIRANDA: It's under reciprocity.

MR. FOX: That would be in a different chapter.

MR. UNDERWOOD: It's in chapter 6, rule 5.

MR. MIRANDA: And that's where the discussion on the Tennessee rule came up was why do we give outside state members reciprocity with a three-year break but -MR.

FOX: But they're not supposed to.

MR. MIRANDA: I have a training officer -- that's what you-all voted on.

MR. KELLEY: No, sir.

MR. BIGGS: No, sir, that's wrong.

MR. MIRANDA: It's in meeting notes of February of last year.

MR. BIGGS: Which rule did you say?

MR. UNDERWOOD: It's under chapter 6, rule 5. So reciprocity.

MR. MIRANDA: And he's not here. Commission Sorge reminded everybody that he already missed it and it was already voted on.

MR. BIGGS: Rule number 5, number 2 says "Documentation that the applicant has not been out of the fire service within the last three years or more from the date of applying for reciprocity."

MR. MIRANDA: So when I had this guy employed for a month already, he did not have a three-year break from that date.

MR. BIGGS: But that was an internal interpretation because they took it as he was working for you. So there's not a three-year gap from the time he applied. There was an internal mistake.

MR. BIGGS: I'm telling you what the rules say. They're not in discrepancy, are they, Joe? You read them?

MR. UNDERWOOD: I see three years you can't get reciprocity.

MR. FOX: And that goes back to how you interpret that rule, and in our case we were interpreting it if you were applying and you were working, then you're not out of the fire service. But by your clarification, that don't matter. It's where you come from to where you're at today.

MR. BIGGS: He had a gap from the time he received certification until he was applying for reciprocity. That's what the miscommunication was.

MR. UNDERWOOD: Versus the date of end employment to new employment.

MR. FOX: The date you apply.

MR. BIGGS: Correct.

MR. FOX: And that may need clarifying in the rule.

MR. UNDERWOOD: I have written down Tennessee preference, question mark. I don't know if that's something you wanted to discuss, whether you wanted to provide your own in state certified who have been out of service for three years versus out of state.

MR. FOX: And by all means, if you will clarify that in a rule, that will be great for us too. That way somebody in the future might not go down that road.

MR. BIGGS: So did you want to do something with that, Commissioner Kerley?

MR. KERLEY: Well, I'm just thinking about it because some of these scenarios, it's adversely affecting my ability to considering some candidates that have been fully trained but have not participated in the fire service for three the last three consecutive years; whereas, if I can hire somebody out of state, I can hire them and then six months later submit their reciprocity and get it. So I'm trying to figure out

what's right. I mean, the guy we hired is better than some of the guys that's been with me for 15 years, you know. So as it's becoming more difficult, I don't know about the rest of you, we used to have like 300 people apply for the firefighter, and this last go around we had 127 apply, 70 show up for a test, 40 of them passed it, and 6 of them failed the physical ability.

MR. MCMILLEN: You did good. We can't get that many down here in west Tennessee. I'm telling you, that's the truth.

MR. KERLEY: So as it's becoming more difficult to find people, we have found people that are fully certified that haven't been in the service, they done something else for a while and want to get back in.

MR. MIRANDA: I echo your opinion on that. You know, I think someone who has been in maybe for one year and leaves for 10 never really mastered it to begin with, and someone who's done it for 15 and leaves for three, at that point, you know, did they lose all of their skills? More than likely not. Did they lose little bit of muscle memory? Maybe just a touch. Maybe a potential solution for the board to consider, just a potential solution is have someone like that, instead of saying you're done, you got to start from scratch again, maybe look at as a potential solution that they repeat the 16-hour intro course, intro to fire service course that we currently require everyone to do. If they're proficient in their skills at that point, also in conjunction with maybe repeating a live burn, if they successfully pass both of those they can be reinstated. That's a potential solution. I'm not saying that's the only way, but that's a potential solution.

MR. BIGGS: I think that's what the Commission is wanting is something that will allow, just like the police academy, they go back for five weeks in the police academy and get their recertification and they're recertified.

MR. UNDERWOOD: I don't know if you want to increase the 36 months to 60 months. That puts it at five years.

MR. BIGGS: I'm open. I think the Commission is open for some ideas.

MR. MIRANDA: You can be more stringent than that, but the 16-hour course is already out there.

MR. BIGGS: 16 hours would be enough, I think how the rule reads on that, you have to do that anyway.

MR. MIRANDA: It's mandatory 16 hours. It's the equivalent.

MR. UNDERWOOD: Well, because of the three-year rule, they start over.

MR. KERLEY: And the bottom line is it's up to the authority having jurisdiction, me, to make sure that that person is not going to kill himself or somebody else in my department. So before we release them from riding doubled up, we want to make sure that they're knowledge, skill, and ability meets their certifications.

MR. FOX: Nothing in this rule prohibits a local jurisdiction from using that person however they see fit.

MR. MIRANDA: I was just thinking of a way for the Commission to re-recognize them after training, provided they demonstrated proficiency.

MR. FOX: And to me, apparently based on our waiver process in chapter 7, that doesn't really affect this chapter.

MR. UNDERWOOD: There's not a waiver of the 36 months, no, the three years, there's not. The waiver is regarding the filing for the pace of the program, not separation of fire service.

MR. BEAVER: Question or statement, either one you want to go with.

MR. BIGGS: Question.

MR. BEAVER: I'm new to this, so bear with me. If the board would consider possibly moving forward to say those Pro Board or IFSAC seal certifications don't have an expiration, because they don't, am I correct?

MR. FOX: That's from the accrediting body.

MR. BEAVER: Right. Let's say if they've got a seal that says Pro Board or IFSAC on it, you're good, but if you don't, those certifications that don't possess that seal, you have a three-year limit or five-year limit or however you want to go. Could you not do that in addition to the rules that already exist on the books? Is that possible?

MR. FOX: That's up to the board.

MR. DORRIS: You can't get reciprocity without Pro Board or IFSAC seal.

MR. FOX: This is about separation of the fire service. It wouldn't affect the Tennessee firefighters that have Pro Board or IFSAC.

MR. UNDERWOOD: And that's the situation. Reciprocity is not about your own guys who have a break in service. It's about those that come from out of state and their break in service.

MR. BIGGS: It would affect somebody in the state. Just like the commissioner had said, somebody in state could go do something else for four years, come back and want to –

MR. KERLEY: Went and got their degree. Left the fire service, went and got a degree, and can't get back in fire service because they spent four years getting their degree.

MR. BEAVER: We have a gentleman that moved out of our jurisdiction and decided to quit because he moved two hours away. I would take him back today. He was a wonderful firefighter, wonderful driver, wonderful instructor, and would have made a great officer, but he's been more than three years separated. I'm just reiterating the fact it would affect people in state, for sure. I mean, just because he's been separated for three years, I think he still possesses the he's a member of a rescue squad now he's associated with.

MR. BIGGS: Then he hasn't had separation then if it's a recognized fire department.

MR. BEAVER: Well, it's not a fire department. It's a rescue squad.

MR. UNDERWOOD: Separation, if you turn the page, on page 2 of that chapter 5 it talks about work as a full or part-time. So it's not like somebody that quits and goes to work to volunteer. They don't get credit for volunteering. It says -- I mean, it's written -- it's not specifically stated in there that it would. There's a catchall that says for the job responsibilities it says employee of a unit of government, but not limited to the training of fire fighters and fire investigations or significant interaction. Now, does that mean employment or significant interaction? It's vague on that. I'm just saying the way it is, you try to catch it to be broad to do that.

MR. MIRANDA: I just want to clarify that that language doesn't have an educational incentive pay portion.

MR. UNDERWOOD: Right. I'm just saying that doesn't deal with it. It's on the certification part.

MR. BIGGS: Doesn't have educational incentive pay for it?

MR. UNDERWOOD: No. That's in the chapter 5, revocation of certification.

MR. MAJCHRZAK: Yeah, it's sort of establishing certain people are not out of the fire service because they're not in their fire department.

MR. BIGGS: That's on the next page. I see it.

MR. JENNINGS: Which certs do they lose after 36 months?

MR. MAJCHRZAK: Everything.

MR. JENNINGS: Every cert?

MR. UNDERWOOD: Everything.

MR. MAJCHRZAK: Well, I mean, if you've got IFSAC and Pro Board, IFSAC and Pro Board would recognize that, but from Tennessee's perspective, the way the rule stands right now is everything.

MR. MIRANDA: I believe the practical ops, HMA/HMO Firefighter I is what the rules specifically stated, but I think it was intended to imply everything.

MR. JENNINGS: But everything is not listed. Just those are listed.

MR. MAJCHRZAK: That applies to if you don't join a fire department.

MR. BIGGS: So like if you went through the academy, you got those, but then you never join the fire department. It's sort of a redundancy, but actually it's badly worded, but it looks at two different things. One, you were something and you left, and the other one is you never do join anything and you got the certs on the front end.

MR. MCMILLEN: Did I understand you're saying that volunteer, though, does not count.

MR. MAJCHRZAK: I don't think I'd ever say volunteers don't count but go ahead.

MR. UNDERWOOD: It's not specifically mentioned it's not specifically allowed, but it could be interpreted as significant interaction. But it refers to employment. A volunteer is not employed.

MR. MCMILLEN: Because there's a difference between part-time and volunteer. So if I have a guy who remains as a volunteer because he goes and does whatever, but he remains a volunteer, puts in just as many hours, according to the wording of the rules.

MR. MAJCHRZAK: I'll probably disagree with our interpretation of our attorney.

MR. UNDERWOOD: I'm not saying it prohibits it. I'm saying it's not specifically providing for it.

MR. MAJCHRZAK: I think everybody who's a volunteer, chief knows, they're volunteers but they're members of their organization. They're employees of the organization. Even most cities who have combination departments, they're considered because they're under insurance and everything else, they're not full-time employees, but they are employees of the city.

MR. UNDERWOOD: That's the point of the issue is it would be a question.

MR. MAJCHRZAK: That's a discussion, but it's not saying the intent is certainly not to disqualify people of it. It does go to the other question, which is lots of people are on lists for decades and haven't done anything.

MR. MCMILLEN: And in theory, if I wanted to come back, I knew I was coming back, I need get on volunteer department for 30 days, become a member of that department for 30 days, and so now within that three-year period now I'm officially in that department within that period, and I can actually just come on

MR. KERLEY: So that brings me to my next controversial question.

MR. MCMILLEN: So within that 36 I hadn't been separated for 36 months. It was only 34 months that I've been separated.

MR. BIGGS: Then you've beat the rule.

MR. BIGGS: You can do the same thing. I know a police officer did the same thing, went to work before five years was up, worked for 30 or 60 days, and quit again. Clock restarts.

MR. UNDERWOOD: Clock resets.

MR. BIGGS: Done the same thing. Now you've got five more years.

MR. KERLEY: So the next controversial piece of this is the fact that we, the fire service, were the only ones that doesn't require any training to maintain our certification. Even TEMA requires eight hours a year to maintain your tech. Let your EMT or paramedic license run out. How do you get them back?

MR. MIRANDA: They don't.

MR. KERLEY: So there's, you know, apples and oranges to this topic.

MR. KERLEY: You said you wanted to discuss something.

MR. BIGGS: You jumped off in there deep.

MR. BIGGS: So back to separation of active duty fire service.

MR. MAJCHRZAK: Mr. Chair, I might suggest that this is probably a broader discussion than we can probably have today. Maybe set up a committee to discuss the various merits because I think you also got to get back to the question you got to ask, why is this rule in there? You can say if you've been out of the fire service for three years and you're trying to see whether that person should be allowed to go back and in fight a fire, that's one set of things. The three years and you're out is just sort of a broadside.

MR. UNDERWOOD: You can appoint a subcommittee if you want to look at this drafting a rule or looking at the 36 or a way to reentry into that, which I think is what Commissioner Majchrzak was suggesting. I think that creating, I'd say probably a three- or four-person group, not too big of a subgroup. You want them to be able to report back. We could do that. They would have to operate like a work session. They would have to meet before the next committee meeting, or they'd have to set up to meet during the time.

MR. BIGGS: We could set up a meeting at the academy.

MR. UNDERWOOD: You could, but, I mean, it would need to be publicized. The post commission, they have an informal subcommittee that always meets the Thursday before the Friday meeting. It's like this work session. **I would suggest the**

subcommittee work at the next work session prior to the next committee meeting and they be notified that they were meeting to discuss the proposed changes.

MR. BIGGS: All right. Everybody hear that?

MR. UNDERWOOD: You could ask for three volunteers.

MR. BIGGS: Anybody willing? I nominate Chief Kerley, you good?

MR. KERLEY: I'll work on it.

MR. BIGGS: Chief Windrow.

MR. UNDERWOOD: And probably part of it, like you would do the work session, subcommittee will break out at this hour, but during that part of that group, as legal counsel I'll probably be there to discuss it.

MR. BIGGS: Yeah.

MR. UNDERWOOD: And I don't get to vote, so I'm not considered a member of the committee.

MR. BIGGS: I got two. I got Chief Windrow and Chief Kerley. Anybody else? Chief Kelley?

MR. KELLEY: I'll do it.

MR. UNDERWOOD: The next meeting is in Oak Ridge.

MR. KERLEY: Can the meeting meet the night before?

MR. BIGGS: You think you'll have time?

MR. MAJCHRZAK: They can work out their schedule after.

MR. BIGGS: We'll work it out. We'll let you know. Okay. We have Commissioner Kelley, Commissioner Kerley, Commissioner Windrow.

MR. FOX: All right. And Biggs.

MR. BIGGS: Thanks.

MR. KERLEY: I take it that we can talk to our constituents as long as three of us aren't together doing it.

MR. BIGGS: Yes. And I want the input from the training officers because they're the ones it will be a public meeting. We'll have to advertise it when they meet. That's what we did in the past, we took it sitting at a round table. It's a lot easier to discuss things. And they was involved in the discussion when we did it.

MR. UNDERWOOD: You could always contact legal if you have a question so I can work on a document.

MR. BIGGS: You can go through legal if you want to talk to one of the commissioners. And we'll let Director Fox set up the meeting and communication with Joe on when to have it.

MR. FOX: And I think for the record we need to state the purpose of the committee. MR. BIGGS: It's for rules review.

MR. UNDERWOOD: Separation of service. I thought it was the separation for the rules review.

MR. BIGGS: No. We are not going to do just one, you're not going to discuss just this one, right.

MR. UNDERWOOD: It could lead to reciprocity. I would say separation of service or reciprocity.

MR. BIGGS: I'll just say rules review.

MR. UNDERWOOD: That can lead wherever it goes.

MR. BIGGS: Stick with that. I don't think we should include the policies in that, just stick with the rules.

MR. UNDERWOOD: Policy would be a different committee, I think.

MR. BIGGS: All right. Why didn't we do that an hour ago? Okay. Any further discussion? **Hearing none, anybody have a motion to adjourn?**

MR. MOORE: Motion.

MR. HEDGEPATH: Second.

MR. BIGGS: Motion by Moore and seconded by Chief Hedgepath. All those in favor signify by saying "aye."

MR. KERLEY: Aye.

MS. SPECHT: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. HENRY: Aye.

MR. BIGGS: All those opposed? **Ayes have it.**



STATE OF TENNESSEE DEPARTMENT OF COMMERCE & INSURANCE
COMMISSION ON FIRE FIGHTING
COMMISSION BUSINESS MEETING
Madison County Fire Department
2432 Technology Center Drive
Jackson, Tennessee 38301
August 22, 2019
9:01a.m-10:25a.m

CALL TO ORDER (Commissioner Biggs)

ROLL CALL (Director Fox)

Commissioner Brian C. Biggs
Commissioner Michael Henry
Commissioner Tommy Kelley
Commissioner Darryl Kerley
Commissioner Jay Moore
Commissioner Stephanie Specht
Commissioner Steve Majchrzak
Commissioner Gary Farley

Members not present

Commissioner Carter Lawrence
Commissioner Toran Hedgepath
Commissioner David Windrow
A quorum has been established

Commerce and Insurance/Fire Prevention Staff Present:

Randy Fox- Executive Director- Fire Commission
Joseph Underwood- Chief Counsel
Brian Nicholson – Fire Coordinator
Fred McCay – Accreditation Manager
Michael Miranda – Fire Coordinator

Guest Present

David Dorris - Jackson FD
Greg Gruthoff – Millington FD
Wesley Vaughn – Lexington FD
Kevin Bedford – Lawrenceburg FD
Randall Beaver – Dyersburg FD
Jim McMillen – Arlington FD
Bobby Cannon – Collierville FD
Jeremy Channell – Covington FD
James Jennings – Franklin FD
Blake Boros – Bartlett FD

Jeff Elliott – TFACA Director, Fire service Program
Jason Sparks, TFACA Field Supervisor

Prayer held by Commissioner Kerley

Motion to approve minutes from previous meeting: Motion approved by Specht, seconded by Henry. Motion Passed

Announcements:

Jeff Elliott announced that some restructuring was done, and Jason Sparks has been promoted to field supervisor, Joey Edwards was promoted to Training Officer II, which serves as on campus supervisor. We were able to hire Jason Edmondson in Joey Edwards place over the recruits. We are conducting two recruit classes this season, which cleaned out the waitlist for recruits. We are conducting two recruit classes this season, which cleaned out the waitlist for recruits. During the annual Chief's conference, we displayed our newest engine. We have a 2016 commercial, 2017 twin, and a 2019 custom pumper now. We hope to replace the 2001 aerial in 2020 or 2021 and will be in good shape for the next 10 to 15 years or so.

The federal government, in the past budgeted two different forms of NFA deliveries, one they called direct deliveries, where they send an instructor out to teach a class and we get none of them a year. Now, if we choose to go to a Tennessee Weekend, however many classes we offered there came out of our nine. With that being said, the government did not fund the 20 classes that they used to where our staff taught the classes. The reason they stop funding those classes was because we have been eligible to apply for AFG grants and they felt it was double dipping, though AFG grants are to buy tangible items and not to cover instructor and training costs. So, it is not a program we dropped, it is a program that did not get funded by the government and we will not have any more grant money for those type of NFA classes.

Each year the at annuals chiefs conference we recognize departments that exceeded 1,000 or more contact hours. My first year we recognized 44 departments, this year we recognized 60 departments. Murfreesboro Fire Rescue had the most training hours from a career department. Rutherford County had the most training hours from a combination department and Williamson County Fire Rescue was the most with the volunteer department status.

On campus this week, the contractor signed the contracts for the 300 day build conference center. It is 19,000 square feet with 450 occupancy and will have one bay door where the apparatus can be pulled into. We are excited to have the conference center because the last three recruit class graduations had to be moved off campus to accommodate the people attending.

Mr. Kerley asked if NFA site ops planning for January will have any effect if they are direct paying?

Mr. Elliott responded that it is a completely different business model, so that one shouldn't be a problem.

Mr. Majchrzak responded that the recruit program is up 150% in enrollments. He also stated that that were fortunate to get TEMA's funding for hazmat training and will offer up to 15 classes for free on hazmat awareness, ops in a blended format doing the hands-on and online learning. We don't have the exact dates currently, but next year, we hope to be able to get more classes in. We are working on funding options so we can provide more classes and training throughout the year, not all will be free but hopefully at a discounted rate since some departments are larger than others and do not have resources to fund more training.

Mr. Majchrzak also states that TBI and TFIR is taking over for investigations section and we have reached an agreement that our staff can continue to teach to teach fire investigations.

Mr. Biggs asked if Director Snow had any reports? Mr. Majchrzak responded with he has had good success with the Fire Inspector II class, and they had plans to add a certification level, work with the commission on developing a plans review class.

Communications

Mr. Fox has stated the following in communications: ARFF driver/operator was approved. We did not seek Pro Board approval on that because our airport firefighter was not Pro Board approved. However, this did meet our need as far as getting that taken care of. We've already looked at ARFF driver test at FedEx in Memphis. I think it was about 75% class that I'm sure those will be going back to test on that. Any question on that? Hearing none, I'll take you to the next item on communications which will be the new Johnsonville Fire Department. I want to really brag on them because their leadership stood up and wanted to get to the certification program working with Brian Nicholson on that. Four of their chief officers, if you read the articles, did the training, and as a result of that, they've got their firefighter certification. They worked through awareness and ops to get that. One of those members was 69 years old, did the live burns and all that. So I think that's to be commended. So for those people that say they can't do it, here's volunteer department that did it and got seven more firefighters following along after them in the process. I'm going to yield the floor to Brian and let him speak to that since he worked with those folks hand in hand.

MR. NICHOLSON: Thank you, sir. Of course, all the credit belongs to them. We met with their chief and he wanted a plan. We told them according to our rules what the regulations were, how to meet the prerequisites, then took them through the process. Our contractor, Philip Grooms, whom is not just a test proctor but a mentor and brought these people up, and I urge all of the departments represented today to take another department under your wing and let them know what the value of these certifications are, and that's what they're doing in new Johnsonville, and they are definitely leading by example. It was an honor to be a very small part of that, but we got the opportunity to go to their pinning ceremony and watch them get dressed, and these are 20-plus year incumbent firefighters that find value and the certifications that we provide. So it's an honor to be a part of that, and we use that as a benchmark for bringing other people up forward.

MR. FOX: Any questions or comments on that? Hearing none, VII(c) was a notification that I got from our office in Nashville, and it's handed down from the Governor's office. It's a gubernatorial appointment for any commission or board that the State had, and putting up access and links across the State's websites. We actually have it in a couple places on our web page and the banner across the top as well. Anybody that's interested on serving on a board for the State can go in and fill this out online, and submit it, then they have notification and record of your interest in being appointed to a board. It doesn't have to be the Fire Commission Board. It can be other boards that you might have an interest in in the state government. But all of those are set up through this link on our website. Any questions comments on those items? All right. Hearing none, I'll go into my director's report, and I will yield to our legal counsel, Joe Underwood, for an update on the report from him and also the action we need to take on the rules.

MR. UNDERWOOD: We will take care of the rules here. I think one thing to report is that there was legislation last year regarding the grants for fire departments. Assistant Commissioner Farley can talk more about that. I believe there's a \$500,000 grant program that's going to be starting January 1st of 2020 to allow fire departments across the state to receive grants through the State Fire Marshal's Office. It will be divided up and all three divisions need to be recipients to pull money to help.

MR. FARLEY: As Joe said, we're working on this right now, the rules. Everything has to be done by January 1, 2020. My office is working on that as we speak and I think there's about 26 fire departments across the state that actually received some kind of AFG grant other grants. We're inviting those people to my office for a meeting on September 5th, all 26 fire departments, because they've been through the process already and we want their input. Representative Timothy Hill, a legislator member that sponsored the legislation, is going to be coming and giving input into it as well. It's \$500,000 the first year, and we are gathering information from states that do this already and Ohio right now is probably one of the biggest ones. We're in discussions with them and getting good information from someone that's been through it and getting the fire departments to give us information and how to set up this program. It's going to be training and equipment, so we're trying to figure out if it's half training, half equipment, or whatever. But we're going to try to fix it so it is equal to everybody across the state of Tennessee. I hope in the near future there's more money actually put into the budget for this because there's volunteer fire departments out there that have turnout gear that's from the '80s, '90s.

MR. UNDERWOOD: The proposed rules, I will read from a script here and it's pretty monotonous, but we will get through it and I'll let the board members vote on a roll call vote to adopt the rules. Again, my name is Joseph Underwood. I serve as the chief counsel for Fire Prevention and Law Enforcement with Department of Commerce and Insurance. Today I'm presenting these proposed rules on behalf of the Tennessee Firefighting Commission. It is Thursday, August 22nd, 2019, and we're in Jackson, Tennessee at the Madison County Fire Station. The proposed rules are submitted pursuant to T.C.A. sections 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is intent of the agency to promulgate these rules without a rulemaking hearing unless a petition is filed within 90 days of the filing of the proposed rules with the Secretary of State. The proposed amendments were developed by the Commission based on: a review of the Commission's rules; input from the Commission's members; the input from the Department Director; and also legal counsel. T.C.A. sections 4-24-107, paragraph (3); 4-24-110, paragraph (b); and 4-24-113, paragraph (5) authorize the Tennessee Commission on Firefighting Personnel Standards and Education and the Director of the Division of Prevention to make reasonable rules and registrations to implement the objectives of T.C.A. Title 4, Chapter 24, Parts 1 and 2. These duties include: certifying fire training instructors; certifying education programs; approving curriculum for higher education fire schools; approving curriculum for the Tennessee Fire Service & Code Enforcement Academy; and administering the annual Firefighter Educational Salary Supplement. T.C.A. 4-5-204 requires the Department to present a summary of the factual information on which the proposal is based. That summary is as follows: Proposed amendments to the rules of the Commission have been deemed as noncontroversial and insubstantial in their impact; therefore, the program has determined to utilize the Proposed Rules Filing form to effectuate the proposed changes. There are several amendments to the rules which may be considered as formatting or housekeeping in nature and made for purposes of uniformity. Such amendments include changing a specific word or correcting a typo or citation as necessary. An amendment to rule 0360-03-01-.14 adds a requirement that a candidate for Hazardous Materials Awareness Certification successfully complete a Commission approved training course compliant with NFPA 472 or 1072, as part of the prerequisites to obtain such certification. Similarly, an amendment to rule 0360-03-01-.15 also provides that a candidate for Hazardous Materials Operations Certification successfully complete a Commission approved training course compliant with NFPA 472 or 1072. These Commission approved training courses are developed to ensure that firefighters receive adequate training prior to taking the written and practical examinations for various levels of certification. Participation in the training courses has significantly increased the success rate in which candidates have passed the written and practical examinations. These training courses are based upon NFPA recognized performance standards adopted by the Commission in chapter 0360-06-01 Miscellaneous Certification Standards. Changes to rules 0360-03-01-.52 and .53 designate NFPA 1072 as one of the two acceptable performance standards for determining the qualifications and requirements of

attaining certification as a Hazardous Materials Technician or a Hazardous Materials Incident Commander. An amendment to paragraph (13) of rule 0360-04-.06 adds the requirement that an applicant successfully pass a practical examination prior to attaining the Hazardous Materials Awareness Certification level. It designates NFPA 472 or 1072 as the performance standards for this certification level and allows the written examination for Hazardous Materials Awareness Certification to be administered separately or in conjunction with the written examination for Hazardous Materials Operations Certification. Amendment to paragraph (14) of rule 0360-04-01-.06 designates NFPA 472 and 1072 as the performance standards for this certification level and allows the written examination for Hazardous Materials Operations Certification to be administered separately or in conjunction with the written examination for Hazardous Materials Awareness Certification. Amendment to rule 0360-04-01.09 adds language to the rule concerning facial hair to correct typos and make it clear the requirements of facial hair in testing with the mask. Amendments to rule 0360-06-01 Adoption By Reference include updating the edition of some of the currently adopted certification performance standards. Some of the performance standards for firefighters currently adopted are out of date since the publication of newer editions. The updated editions will be adopted and have been verified with the NFPA and the Commission. The updated standards will ensure that persons participating in approved courses of study and those attending TFACA are better trained to fight fires and protect the public, and themselves, while in emergency situations. And the last amendment deals with the proposed amendments to rule 0360-07-01.06. It's payment procedures include formatting and editing changes to eliminate unnecessary repetition and redundancy of a rule. Rule 7 under this chapter, waiver is amended to correct the citations in the rule to other rule sections which are currently printed and to correct the filing deadlines for the Educational Incentive Pay Program. These changes include clarifying that a waiver for failing to meet the deadlines of October 1st and March 1st for the Educational Incentive Pay Program shall not be granted two consecutive years unless otherwise authorized by the Commission. State law Tennessee T.C.A. 4-5-403 requires the Department to prepare a Regulatory Flexibility Analysis and an Economic Impact Statement for each rule that is deemed to affect small businesses. This statement will be filed, along with the rules, with the Secretary of State's office. I will now read these into record. There's six question. First question is: Types and estimated number of small businesses directly affected by this rule. The answer is: It is anticipated that no small businesses will be affected by the promulgation of these rules. Number 2: Projected reporting, recordkeeping, and other administrative costs. The answer is: There is no foreseeable alteration in the existing reporting or recordkeeping utilized by small businesses that will result from the promulgation of these rules. Number 3: The probable effect on small businesses. Response: It is anticipated that no small businesses will be affected by the promulgation of these rules. Number 4: Less burdensome, intrusive, or costly alternative methods. Response: Since the proposed rules will not impact small businesses, a less burdensome, intrusive or costly alternative method has not been identified or recommended for use. Number 5: Comparison with federal and state counterparts. There are no counterparts to these rules. Number 6: The effect of possible exemption of small businesses. There are no exemptions for small businesses to the requirements contained in the proposed rules because proposed rules are not anticipated to impact small businesses. T.C.A. 4-5-220 and 4-5-228 requires that any proposed rule to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments. As local governments have fire departments, these rules will have an impact on local governments. After adoption of the rules by the Commission, the rules will be forwarded to the Attorney General's office and Governor's office for review. After approval by the Attorney General, the rules are filed with the Secretary of State's office, who is responsible for publishing the adopted rules and presenting them to the government operations committees of the General Assembly. These rules become effective 90 days after filing with the Secretary of State's office. That is anticipated to be either in January or February of the new year 2020 and they should become effective. There were some amendments to the proposed language. We were amending some language that required first one removing redundant language,

that was removed for confusion. It was rule 0360-03-01.15, in paragraph (1) the language after the word "policies" all of the language of "or shall complete" further on will be removed from the rule. Furthermore, in rules chapter 0360-04-01, paragraph (13) and (14), subparagraph (a) of both those paragraphs, the word "shall" will be replaced with the word "may." That would be the only amendments that will be made as presented to the Commission today. Commissioners, is there any questions or issues regarding these rules?

MR. BIGGS: No questions.

MR. UNDERWOOD: No questions. May we have a motion to adopt and have a roll call vote? MR.

BIGGS: You may.

MR. BIGGS: **Motion by Commissioner Specht to adopt and seconded by Commissioner Moore.**

Director Fox, roll call.

MR. FOX: Commissioner Biggs.

MR. BIGGS: Yes.

MR. FOX: Commissioner Hedgepath is not the here: Commissioner Henry.

MR. HENRY: Yes.

MR. FOX: Commissioner Kelley.

MR. KELLEY: Yes.

MR. FOX: Commissioner Kerley.

MR. KERLEY: Yes.

MR. FOX: Commissioner Moore.

MR. MOORE: Yes.

MR. FOX: Commissioner Specht.

MS. SPECHT: Yes.

MR. FOX: **Motion passes.**

MR. UNDERWOOD: We will now prepare those and will be processing them through and they will be published on the administrative registrar and will be made policy by the Secretary of State's office in a couple months.

MR. FARLEY: Also, be prepared when the Governor's office meets, if the director and the chairman can be at that meeting if there's any question that may come up, they usually like that.

MR. UNDERWOOD: They require government ops to appear before they adopt. Hopefully it will go on the consent calendar, but they may not, and they may need you to appear with me to explain why we're doing this.

MR. FOX: Brian Nicholson has the reciprocity report, agenda item VIII(b), reciprocity report.

MR. NICHOLSON: For the record, I'm Brian Nicholson, Regional Coordinator for the Tennessee Commission on Firefighting and Reciprocity Manager. Here to today we have issued 454 certifications by reciprocity. The large majority of these as far as the biggest line item will be 113 hazmat operations certifications, and the lion's share of that comes from the IAFF classes that Memphis conducts with their recruit classes. And we although they're in state, we grant reciprocity because the International Association Fire Fighters is a Pro Board accredited training entity. So we recognize those certifications for them. We are right on target from where we were last year and we continue to verify continuous service through that three-year gap in service and all the other documentation that's required for those. Any questions on the report?

MR. FOX: Thank you, Brian. Moving on to item VIII(c), training programs courses by submittal status report. I provided you a document that showing the 12 courses that have been approved by submittal to our office from 4/29 to 8/12. We have some additional ones that didn't make the list since then, but there again trying to make a cut-off date to get documents out to you all. It will be on your report for the November meeting. Any questions on that? Hearing none, I'll move on to

item VIII(d), Educational Incentive Pay report. We did have amendment to what we had done in April. By the way, at least 99 plus percent of our Educational Incentive Pay was in and approved by March the 9th this year, I believe. So I think that was a milestone in and of itself. We always help in getting those things pre-approved and ready to go to the commissioner to be approved and paid. To date, we have a 106 fire departments that are involved in the Educational Incentive Program for 2018. 6,403 firefighters were approved for payment of 3.8 million, \$3,841,800 as of 6/13/19 and with an increase next year going to 800 from 600, that will be \$5,122,400 if we were paying the 800. So that's the kind of increase you're going to see next year in that line item in that budget. Commissioner Farley and I talked the other day about projections into the next few years with additional people in SAFER grants. So that's a difference of \$1.2 million, by the way. Would you like to speak to any of that, Gary?

MR. FARLEY: What we're trying to do is look to the future because just as we talked a moment ago, the training that's going on with the academy recruit class, there was roughly 100 students in that. So we know there's going to be more firefighters coming on board, and we're going to put in 2021 and 2022 budget year to ask for a percentage increase because that's coming, so we can stay ahead of the game.

MR. FOX: Any question or comments on the Educational Incentive Pay? I'm going to skip item (e) and come back to it in just a second. I want to go to item VIII(f), which is memo on practical. Currently affects Michael and the fact that he's traveled all across the state doing Technician, Rope I and II, and basically the memo says we're going to allow people to do that at the local level provided they meet certain conditions, and they will work with Michael to ensure that those certifications are met. He's set up a way to process that and keep track of it, and also I'll just go over those conditions right quick, that we will allow people at the local level to sign off on Technician, Rope I and II practical's. First condition will be that the local training coordinator schedules a practical test event with a Commission coordinator. The evaluator completes the Commission's evaluator's online training in Acadis. The evaluator, slash, local training coordinator submits all required completed practical forms in Acadis. Four, the practical session is treated as an exam. It is not part of the course of instructions. Students being tested are separated from those waiting to be tested except in group evaluations such as Hazardous Materials Technician where several evaluators are observing individual applicants in a skill based scenario. In this situation the training coordinator shall ensure enough evaluators are there to approve the applicants. Five, the evaluator conducting the practical is not part of the instructional staff of the course. Six, the evaluator is certified at or above the level being tested or is a subject matter expert approved by the Commissioner coordinator after review of their credentials. Seven the practical event is approved by the Commission coordinator. Eight, the skills for the event will be selected at random by the Commission coordinator and provided no more than 24 hours prior to the practical event to the evaluator conducting the practical. Nine, the practical event is subject to audit by the Commission to ensure compliance. So basically, Michael has been going one end of the state to another helping facilitate these things, and now he will be able to better facilitate it, you know, without having to do that. Do you have any questions or comments to make to that?

MR. FARLEY: You may have said it. I apologize if you did. Do they have to have certain amount of years of training?

MR. MIRANDA: The prerequisites for Rope I certification, I'll just briefly run through them, is Firefighter I is mandatory for Rope I. They have to attend an approved course. The JPR verification sheet, which is page 3 of the skill package, has to be completed and submitted. Two skills will be drawn at random of the 29 skills for Rope I. The practical event have been being tested. They have to complete the approved course, whether it be the academy's rope operations class or there's a slew of department approved courses now for Rope I. Rope II has Firefighter II as a prerequisite to attending the approved course. There's 8 skills in the Rope II package.

They'll complete all of those as part of the class. They'll have that JPR verification sheet that needs to be on file. From there, they'll do a practical, two skills chosen at random. Previously to this new setup, I was going out and doing just like any other practical checkoff. Now we have enough people who are certified in rope rescue that we feel like we're able to kind of release it now to where I don't have to do it everywhere.

MR. FARLEY: To get these qualifications that you must have, how much experience do you think that a person would have?

MR. MIRANDA: To be able to do the rope practical as an evaluator?

MR. FARLEY: Yes.

MR. MIRANDA: To be an evaluator, I would be looking for personally someone who at least has the class, if they've gone through the curriculum. I would be looking for somebody to hold that certification level. If it's for folks that have been in the fire service for many years and have done unapproved rope classes but they are gurus in rope, they're experts in it, I would just be looking for a bio with documentation of years of experience and facilitated classes, just might not have been Commission approved, but ropes been along for a lot longer than we've been offering this cert.

MR. FARLEY: I just want to make sure that someone is capable of actually doing the evaluation and actually knows more about what's going on so they can actually teach it and evaluate it. I don't want someone who will be training someone and like we've had in the past, maybe someone trains someone in it and they're certified in live burn. That's where I'm getting at.

MR. MIRANDA: Sure. By attending the online evaluator orientation skills evaluator orientation online, it goes through the rules. There's a checklist, it's not subjective, It's objective and they have to meet these benchmarks, whether it's the way their department does it or not. They're judging strictly off this skills sheet, and it's yes or no. I think we run into this at any practical situation where we have evaluators that's non-commission staff and there's going to be a certain amount of integrity, involved in it.

MR. FARLEY: Right. Yes, I understand. Thank you.

MR. FOX: Any other questions or comments for Michael?

MR. MAJCHRZAK: I just wanted to clarify, there's a policy or rule that you have to have a certification to evaluate the certification, right?

MR. FOX: We can use a subject matter expert

MR. MAJCHRZAK: Okay.

MR. MAJCHRZAK: Especially with new certification, that you don't have people certified, but I assume the goal over time is to get people certified.

MR. MIRANDA: To get enough people certified.

MR. MIRANDA: To give you an idea the numbers right now, for a rope certification in the state there are 75 people who have Rope I certification and 33 who have Rope II certification.

MR. MIRANDA: But they're kind of scattered throughout the state. But there are a lot of people in the state who are rope experts that just have not participated in this new certification. For instance, in East Tennessee you've got several different companies that have been doing rope classes for many years.

In Sevier County, Rescue III International, they've been doing the rope and water training out there for 15, 20-plus years, and quite a few of them are instructors for Rescue III, independent instructors or agencies where they can teach the Rescue III NFPA compliant course, but it's not been submitted to the Commission so they can't test. But I promise you they are experts in rope.

MR. FOX: The stickler for us with our accredited bodies is the fact that we don't allow teachers to do the testing. That can be done, but it requires us to have an audit process in place to allow that to happen. In the past, the Commission has stayed away from that, so we're not going down that road at this point unless you all decide you want to do that in the future. Any other questions or comments? Hearing none, I'll move on to item (g) before we go back upstream, NFPA standards consolidation plan. Some of us at the chiefs meeting talked about this back in July. I want to bring it to your attention what's coming down the road with NFPA as far as their plan to consolidate 115 standards into about 20 to 25 standards, and basically what that means in the future is these things come up for updating and new editions, they will take items such as NFPA 1001, NFPA 1002, 1003, 1006, and they will consolidate into one standard, those four or five standards, and call it NFPA 1010. That stuff's going to take place over the next five to six years. So just kind of put that on your plate that that's going to happen in the future. It will turn our world upside down in what we're accustomed to and how we do stuff. It's yet to be seen how Pro Board and IFSAC is going to respond to that as far as the correlation sheets and the documentation that we have to do for them for future stuff, but you will see that affecting the fire service in the next five to six years, no doubt. And I'm sure things will be okay as we go forward, but that documentation needs to be shared with you so you understand the impact that it will have in the future. We were going to have a meeting with an NFPA rep maybe sometime.

MR. BIGGS: I will follow up.

MR. FOX: You will follow up with that, okay. Any question or comments on that? Hearing none, before I go into the audits, I want to go to Michael for anything that he wants to speak to as far as anything with the Educational Incentive Program and the program for 2020. I know he's already set peer review dates for that.

MR. MIRANDA: I believe almost everyone was here yesterday, but we'll rehash it again. The deadline for your program submission for 2020 is October 1st. It was November 1st last year. This year is October 1st to submit your program. Last year we had 1164 courses submitted, and right now I believe we're sitting at 54 courses submitted so far, but there's time. I know we like to wait until the end. Peer review is set for Middle Tennessee for November 5th at TFACA, West Tennessee is on November 6th at Collierville Fire Department, and East Tennessee is set for November 8th at Knoxville Fire Department. Please make plans to attend. I believe most of the folks I see in this room right now come to the peer review for West Tennessee, and we look forward to having you. Maybe you found the process kind of streamlined a little bit, but also any pointers are also accepted, you know, you have any suggestions to improve it. I believe we'll have peer review report in next meeting is in November, right, Commission meeting?

MR. BIGGS: That's correct, November 20.

MR. MIRANDA: So we'll be able to report on the status of the peer review. Everyone's program should be finalized by then.

MR. FOX: Any other questions or comments before we move on? We're going to agenda item (e), VIII(e). We're going to deal with the audits. We drew the audits back in April at the Gatlinburg meeting. First time we had is (e)(i) Commission Biggs' audits. Any questions or comments on that?

MR. BIGGS: It was at **Fairview in Gallatin.**

MS. SPECHT: Motion to approve.

MR. BIGGS: **Motion by Commissioner Specht to approve.**

MR. HENRY: Second.

MR. BIGGS: Seconded by Commission Henry. All those in favor signify by say "aye."

MS. SPECHT: Aye.

MR. HENRY: Aye.

MR. KERLEY: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. FARLEY: Aye.

MR. BIGGS: All those opposed. Aye stays. **Motion Passed**

MR. FOX: All right. Next item we have is item (e)(ii), and I'd also ask you to approve (e)(vi) along with that too. Commission Moore and I conducted these audits.

MR. BIGGS: The audits are for **Wilson County, Murfreesboro, and Fayetteville and McMinnville.**

MS. SPECHT: **Motion to approve.**

MR. KELLEY: Second.

MR. BIGGS: Motion to approve by Commissioner Specht. Seconded by Commissioner Kelley. All those in favor signify by saying "aye."

MR. KERLEY: Aye.

MS. SPECHT: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. HENRY: Aye.

MR. FARLEY: Aye.

MR. BIGGS: All those opposed. Ayes have it. **Motion Passed**

MR. FOX: Next we have is item (e)(iii) Commissioner Specht's audits. Commission Specht audited **Cocke County and Jefferson City.** They both appear to be in compliance.

MR. MOORE: **Motion to approve.**

MR. BIGGS: Motion by Commissioner Moore.

MR. HENRY: Second.

MR. BIGGS: Seconded by Commissioner Henry. All those in favor signify by saying "aye."

MR. KERLEY: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. HENRY: Aye.

MR. FARLEY: Aye.

MR. BIGGS: Those opposed.

MS. SPECHT: I abstain.

MR. BIGGS: One abstention. Ayes have it. **Motion Passed**

MR. FOX: All right. Next I have item (e)(iv), Commissioner Kerley. Commissioner Kerley audited **Kingston Fire Department, McGhee Tyson, and Alcoa Fire Department.** They all appear to be in compliance.

MR. HENRY: Motion.

MR. BIGGS: **Motion to approve by Commissioner Henry.**

MS. SPECHT: Second.

MR. BIGGS: Seconded by Commissioner Specht. All those in favor signify by saying "aye."

MS. SPECHT: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. HENRY: Aye.

MR. FARLEY: Aye.

MR. BIGGS: Ayes have it. Or correction, anyone opposed?

MR. KERLEY: One abstention.

MR. BIGGS: One abstention. Ayes have it. **Motion Passed**

MR. FOX: Next we have Commissioner Windrow's audits on v, viii, and x.

MR. BIGGS: Commissioner Windrow did **Cookeville Fire Department, Lewisburg Fire Department, Lawrenceburg Fire Department, and Signal Mountain.**

MS. SPECHT: Can we go ahead and add Sorge and Hedgepath's audits. Let's go ahead and do that.

MR. FOX: So we're adding vii and ix.

MR. BIGGS: Vii and ix. All right. They all appear to be at the Director Hedgepath would be **Kingsport and Jonesborough; and Sorge was Bradley County and Cleveland.** They also all look to be in compliance.

MS. SPECHT: Motion to approve.

MR. BIGGS: **Motion to approve by Commissioner Specht.**

MR. MOORE: Seconded by Commissioner Moore. All those in favor signify by saying "aye."

MR. KERLEY: Aye.

MS. SPECHT: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. HENRY: Aye.

MR. FARLEY: Aye.

MR. BIGGS: Any opposed? Ayes have it. **Motion Passed**

MR. FOX: Your next items will be audits by Commissioner Kelley.

MR. BIGGS: And it looks like we have the **Somerville Fire Department and the Atoka Fire Department, the Brownsville Fire Department, and Humboldt Fire Department,** and they also all appear to be in compliance.

MS. SPECHT: Motion to approve.

MR. BIGGS: **Motion to approve by Commissioner Specht.**

MR. HENRY: Second.

MR. BIGGS: Seconded by Commissioner Henry. All those in favor signify by saying "aye."

MR. KERLEY: Aye.

MS. SPECHT: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. HENRY: Aye.

MR. FARLEY: Aye.

MR. BIGGS: Any opposed?

MR. KELLEY: Abstain.

MR. BIGGS: One abstention. **Motion Passed.**

MR. FOX: Next item on our agenda, old business.

MR. BIGGS: Old business.

MR. FOX: We don't have any. Next item is under new business for Jeff Elliott and TFACA, and they're request courses. And you may want to do them all in one or however you want to do it.

MR. ELLIOTT: Jeff Elliott, Fire Program Director. I'll talk about them in probably four different blocks, and then you let me know if you have additional questions. So the first three courses we reevaluated the intro to the fire emergency services, the basic firefighting. Both of those really fall under T.C.A. S112 code. Director Fox did provide me with the correlation sheet that is in place for that. Now, my verbiage said that we meet or exceed that. The reason I use the verbiage "exceed," 2012 - 25 NFPA 1403 added building construction to the requirement to be able to allow firefighters to attend live fire. So in 2012 we exceeded what the people that originated the T.C.A. S112 code or adoption called for. We feel like we had to follow the national standard there. So that's why verbiage of why I say it meets or exceeds. The other verbiage that we're going to add, whether we're teaching the class or whether it's part of an ACI program, the people that originated the basic minimum training standard talked about there should be calling the mayday training, but we feel very strong that's a very generic term. It's very specific to the authority adding jurisdiction. So we added verbiage that while we will cover it from the national standard and the curriculums that we're teaching from, the home department should say this is what our specific department's policies are because there's such a wide array. Some are going to send them to a different radio channel, some are going to keep them on the same radio channel and move the other fire grounds to another channel, what the parameters within that department's policy is when you call a mayday. So we just added verbiage that the authority providing jurisdiction should ensure they take that beyond whatever the curriculum does. I guess I should have started by saying this is all taught out the Jones & Bartlett, Fourth Edition. Senior Captain Joel Jones, I believe, in Gatlinburg actually presented that curriculum to the Commission for the Northeast Fire Training Crew. So this Commission has already seen the curriculum and the NFPA correlation. We're just going on the record and saying we're presenting those two curriculums out of the fourth edition. The second or third class in this block I'll talk about is we're officially also submitting the TFACA's 400-hour Firefighter I and II programs are out of Jones & Bartlett, Fourth Edition. In the Brentwood commission meeting, I presented the hazmat awareness and operations portion as a standalone class or referenced that it could be part of the 400-hour program. So that has already been voted on by the Commission. Any question on those first three classes?

MR. BIGGS: Any questions? It looks like these are the Intro Basic Fire and a Recruit Fire I and II.

MR. ELLIOTT: Yes, sir.

MR. FOX: And I'm just going to ask that you probably put them all together, accept them. If you want to go on and cover your other three courses.

MR. ELLIOTT: So the next one I'll talk about is Aerial Apparatus, and there again I will say TFACA has already presented this curriculum once, but we're going on record to say we're going to take what used to be taught on campus as a two-week, meaning four-day class, and we're going to reduce this down to five days. What we're taking out of our curriculum is the students intending on testing for certification will have to have with them when they show up for class where they have had their sponsoring department check them off on the driver portion. We feel as though we're creating an additional hardship on fire departments from a staffing area sending them to us for eight hours, and we really didn't feel that we're giving you any real good sense of security with the fact that they can drive our apparatus within our academy grounds. So we really felt like the best

scenario is ensuring that your training officers or senior officers are checking them off on their specific aerial apparatus. Director Majchrzak did bring to my attention about the isolated incidents where firefighters don't have an aerial apparatus and want certification. With that, we will periodically post some aerial driving days where any firefighter seeking certification has the opportunity where we can cover that with them. Jason, did some research that brought to my attention that we're printing out of, which is still the newest edition that IFSTA offers, actually was printed in 2015 and obviously doesn't correlate to a 2017. Fred is very versed on these standards and it's my understanding the research that Jason did and passed on to me, was the 2017 edition was a short run of them updating that 1002. The portion of having firefighter I was removed in the updated version and I believe the commission still has it in place as a requirement for that certification.

MR. FOX: Right.

MR. ELLIOTT: So what that added verbiage was, in the event that someone was not going to be trained to the firefighter level but go right into the driver/operator, it added back in some prerequisite knowledge that if they were going straight for a driver/operator, you would have to cover some prerequisite knowledge that a firefighter would have yet they don't have to go through that. We're still saying they need to go through at least the basic 64 and 16 hour before they go in for training. So it's our understanding that was the only short upgrade they did for the 2014 to the 2017 standard.

MR. FOX: Fred, correct me if I'm wrong, but didn't they add the communications element in all the driver levels?

MR. MCCAY: Yes.

MR. FOX: Yes, that hadn't been there previously.

MR. MCCAY: What we've done is replicated what's in Firefighter II for communications and put it in the driver/operator.

MR. FOX: That's right, Just to clarify that that was one major change that did take place.

MR. ELLIOTT: Fire and Life Safety Educator I and II we're presenting is updating to a new curriculum. When these programs were first rolled out, we were teaching out of the IFSTA, and those core group of instructors that are teaching now have looked and really liked the second edition of the Jones & Bartlett. I've done the NFPA correlation sheets and the Fire and Life Safety Educator I and II, and I know it was referenced yesterday that was one of the tracks that required training. So we're just going on record that we're officially switching over to the Jones & Bartlett, Second Edition, and the correlation sheets that we have done. Fire and Life Safety Educator I will be slated for 40 hours. The Fire and Life Safety Educator II is 32 hours. We completed our Chief Training Officer Symposium the 1st and 2nd of August. The Fire Commission did have a portion of that where they covered rule changes. We did an overview of three new in-services that we're rolling out for 2020. I'm sure this will be part of what Michael's peer review team will see because we had right at 60 training officers previewing those. I'm presenting to you four even though one of those we hadn't completed, but we're really not going to push it until the '20, '21 years. But the four classes are Combustible Dust Fire and Explosions, Tennessee Commercial Vehicle Driver, Tactical Decision-Making Initial Response to Threat. Captain Brian Ramsey with Eastman Chemical, is the subject matter expert and built the class. This 400 block of class mainly trains firefighters how to use apps that are available on most everyone's smartphones, to do plume forecasting and other things at their fingertips on the scene of an incident and really intergrade technology into their routine instead of trying to read on the scene from books. A captain with Crossville, and an adjunct instructor developed combustible fire dust and explosions. The next one, Tennessee Commercial Vehicle Driver is to give fire departments another option for the Vanessa K. Free training that's required. We're not in a position to take the driver simulator to every department every year. So it's just another four-hour block that meets the intent of the Vanessa K Free law that they're trying to

put it in rotation with the three courses the course has or our driver simulator. The developer of that is a past captain at Kingsport, but he's also very active working with BFIS. So we pulled a lot of current information there just to give fire departments one more option. The fourth class, Tactical Decision-Making Initial Response to Threat stemmed from a class we did last year that covered a gamete of things ranging from human resource issues to fire station banner and how that can get people in trouble, but also then some fire ground. We got overwhelming responses for four hours of tactical decision-making on the fire ground, so we developed this with that intent. All of these are formatted with the minimum 10 questions

MR. BIGGS: we have 10 courses: Intro to Fire, Basic Firefighting, Recruit Firefighter I and II, Aerial Operator, Fire and Life Safety Educator I and II, Combustible Dust Fire and Explosions, Tennessee Commercial Vehicle Driver, Tactical Decision-Making Initial Response to Threat. Take them as a package or break them down?

MR. KERLEY: Make a motion to take them as a package.

MR. BIGGS: **Motion by the Commissioner Kerley to take as a package approving all 10.**

MR. KERLEY: Yes.

MR. HENRY: **On your aerial apparatus driver cert, under grading and successful completion, the wording needs to be change. Says to successfully complete the Fire Instructor I training program. MR. HENRY: Can we change that to Aerial Apparatus Driver program?**

MR. ELLIOTT: Yes.

MR. HENRY: **So it's on the record that will be changed.**

MR. ELLIOTT: Yes.

MR. FOX: Do we have a second?

MR. MOORE: Second.

MR. BIGGS: Seconded by commissioner Moore. Motion is to approve all 10 courses submitted by TFACA. All those in favor signify by saying "aye."

MR. KERLEY: Aye.

MS. SPECHT: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. HENRY: Aye.

MR. FARLEY: Aye.

MR. BIGGS: Any opposed? **Ayes have it.** Thank you.

MR. FOX: Next item you have on your agenda is item X(c), X(b) to consider approval of the 2019 Safety Conference in Oak Ridge.

MR. BIGGS: Commissioner Kerley, you got any information on that?

MR. KERLEY: This gentlemen was brought to the area for Homeland Security, Dr. Cumber, and after folks seeing him well, in 2011, we went to Israel as a firefighter exchange program, and while we were over there, the instructor for the Israeli bomb squad said that what's happening in Israel will begin happening in America in the five to seven years, and that time is here now because regardless of the gun laws or anything else that our legislature attempts to do, the fact is you cannot prevent the shootings or suicide bombings. So now as a nation we're finally focusing on the response, and the response is changing. So these speakers will be talking, including an assistant principal that was actually shot in 2010, after they terminated a teacher, that went to his car, got a gun, and came in and shot the assistant principal and the principal. So we're focusing on the response and coordinated response with law enforcement. This is the first time that law enforcement has been invited to this conference. It's a public safety conference, EMS is invited,

and the state Department of Health, we asked them for four hours of specialized training from the EMS side, and they granted 14 hours of specialized training for the class. So it's about responding to active shooters, a coordinated response with law enforcement and EMS, and how we establish these communications and how we establish county wide drills to test our abilities for this response. That's what the weekend's going to be focused on. The speakers bios are there and the information. A deputy chief from Prince William County will be speaking on Sunday on how their departments have established communications for all of their response. Chief Sullivan will be speaking on our critical decision-making during the first five minutes. Most of these are over and the shooting part is over in five to ten minutes and now we're in the recovery or response phase. So that's what's in line for the weekend: threat assessment, communications, critical thinking, first five minutes of the response.

MR. BIGGS: So your request is for 14 hours?

MR. KERLEY: Yes, sir.

MR. BIGGS: All right. Everybody had a chance to look it over?

MS. SPECHT: Motion to approve.

MR. BIGGS: **Motion by Commissioner Specht to approve.**

MR. KELLEY: Second.

MR. BIGGS: Seconded by Commissioner Kelley. 14 hours. All those in favor signify by saying aye.

MS. SPECHT: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. HENRY: Aye.

MR. FARLEY: Aye.

MR. HEDGEPATH: Aye.

MR. BIGGS: Any opposed, same sign.

MR. KERLEY: One abstention.

MR. BIGGS: One abstention. **Ayes have it.**

MR. KERLEY: Thank you.

MR. FOX: Next item you have on your agenda is X(c) to consider for approval of the IAAI conference. Chief Jennings is here to address you on that.

MR. JENNINGS: One of the best conference we've had in a long time. Some of the best instruction that we've gotten in a long time. So we're confident that the program should meet your requirements, but I'll be happy to answer any question you guys might have.

MR. BIGGS: Requesting 32 and a half?

MR. JENNINGS: We did run two courses at the same time. So, the most anyone would be able to get would be 32 and a half, but I think there were a total of 36 and a half hours.

MR. BIGGS: IAAI is requesting 32 and a half approved hours.

MS. SPECHT: Motion to approve.

MR. BIGGS: **Motion by Commissioner Specht.**

MR. KERLEY: Second.

MR. BIGGS: Seconded by Commissioner Kelley. Was that Kelley or Kerley?

MR. KERLEY: Kerley.

MR. BIGGS: Kerley. I'm sorry. All those in favor signify by saying "aye."

MR. KERLEY: Aye.

MS. SPECHT: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. HENRY: Aye.

MR. FARLEY: Aye.

MR. BIGGS: Any opposed? **Ayes have**

it. MR. JENNINGS: Thank you so much.

MR. BIGGS: Thank you, sir.

MR. FOX: Next item you have on your agenda is a request X(d) from Dickson County. I think their request is to go into the 2020 Educational Incentive Pay Program. Basically, they're just coming on board participating in educational incentive package.

MR. BIGGS: I think they're going to piggyback off of what gets approved through next to Dickson Fire.

MR. FOX: I'll just put no action on that.

MR. BIGGS: I don't think it requires any action.

MR. FOX: The next item you have on that is X(c), Sevier County's waiver for that 2019 Educational Incentive Pay program. Michael had worked with them on that. I'll let you speak to that if nobody is here.

MR. MIRANDA: Sevier County EMA or Sevier County government has instituted a new position in relationships to their EMA to where they're going to be doing fire based, county-wide department such as a career department. The position that's eligible per the job description is just the chief who is participating in Gatlinburg's program. The person who is now the chief over this new organization came from Gatlinburg Fire Department as battalion chief. And I believe that they're looking at altering the job descriptions of the other EMA personnel to include suppression based roles and fire training based roles to meet the requirements to be eligible for educational incentive pay. It is a part of government. Right now, the chief the director does respond and his job requirements respond to any and all fires in the county.

MR. FOX: Based on my understanding is they will meet the training requirements for 2019 year to be eligible for the educational incentive pay.

MR. MIRANDA: Correct. They've already participated in Gatlinburg's programs, and they will be and what they're submitting is to participate, and one is waiver request for the 2019 deadline which was last year. It's a brand new department.

MR. BIGGS: Have they stated they're a recognized fire department?

MR. MIRANDA: The application is in the State Fire Marshal's office. I don't know what the status is yet on it. I know the application, at least in my communications with David Puckett, he has been in contact and I believe filed the paperwork to get recognized.

MR. MAJCHRZAK: Is the issue that the training through Gatlinburg he was submitted through Gatlinburg originally.

MR. MIRANDA: Well, he was an employee of Gatlinburg up through, I believe July 15th of 2019. This position is brand new. It's a new entity, new department within Sevier County government.

MR. FARLEY: Why didn't he contract the money through the government?

MR. MIRANDA: He's not eligible.

MR. FOX: This year. He gets paid next year.

MR. MAJCHRZAK: Just make sure, you're talking about a 2020 fiscal year, not the 2000 that's what I'm confused about.

MR. FOX: Yes, he can't get paid for 2019 in-service even though he's completed because he's not an employee of the Gatlinburg department.

MR. MAJCHRZAK: So the check's going to be on the 2020 it's for the '20 check, fiscal year '20 check.

MR. MIRANDA: For the 2019 training.

MR. MAJCHRZAK: I get what you're saying. Okay.

MR. MIRANDA: His organization is per our rules is eligible and his position

MR. MAJCHRZAK: They just didn't have a training program

MR. MIRANDA: Didn't exist until he was put in that position.

MR. MAJCHRZAK: So as Gatlinburg time, he already got taken care of. He got the check for July, and this is now just the 2020.

MR. MIRANDA: This is what he's going to use, he's going to use his Gatlinburg in-service training. He's completed the 40-hour program for the 2019 in-service program, just like most small departments. Very small department will participate in other departments' program. And he's already got the agreement with Gatlinburg Fire Department, the training office, Jamie Rasnake, to accept it, and he's got all of this documentation, just waiting on the board's decision on whether to accept his organization, the new organization, and grant them a waiver for the 2019 deadline.

MR. FARLEY: If the Commission approves this, it would be a motion subject to the approval of the recognized fire department?

MR. BIGGS: I think in the rules it has to be a recognized fire department.

MR. UNDERWOOD: I think it's not in the rules. It's in the statute.

MR. BIGGS: Statute.

MR. UNDERWOOD: And the complication is just they need to provide the county that recognizes or the government entity that recognizes them, pay the 50 bucks. It's not a hard process. Just we don't know if it's been approved or where the county government

MR. MIRANDA: I'll advise him, if the board approves it, it's a conditional approval depending the recognition by the State Fire Marshal's process.

MR. UNDERWOOD: Of the recognized department.

MR. MIRANDA: Recognized fire department.

MR. BIGGS: All right. Per the request, motion by the Commission.

MR. KERLEY: Make a motion to approve based on the approval of the state recognition act. MR.

BIGGS: All right. Motion is to be approved the request based upon the state recognition act. MS. SPECHT: Second.

MR. BIGGS: Motion by Commissioner Kerley and seconded by Commissioner Specht. All those in favor signify with saying "aye."

MR. KERLEY: Aye.

MS. SPECHT: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. HENRY: Aye.

MR. FARLEY: Aye.

MR. BIGGS: Any opposed? **Ayes have it.** That's the last thing on the new business agenda. At this time I'd like to ask Assistant Commissioner Farley, you've got something?

MR. FARLEY: One is a sad one and one is a happy emotion for the person, Assistant Director Majchrzak is going to be leaving us at the academy.

MR. FARLEY: The second thing I want to say is some of the fire departments, we're going through some growing pains in the State Fire Marshal's Office in the community risk reduction area. Madelynn, some of you may know Madelynn, she resigned and went to do some other things. Alex is left, and we've still got Alex in the Fire Marshal's Office doing a great job. We're in the process of actually, I'm going to add a new risk reduction coordinator. So we're in the process of doing that. I've hired a person named Joshua Evans. He's been there about a month. Joshua is a 20-year veteran of the fire service, former three term legislator in the House of Representatives. He has a vast amount of knowledge and experience. So he's going to be calling on you all at some point or someone. We're going to be looking at adding a couple more injury reduction coordinators, along with the Tennessee program, intended to, you know, let us know what your needs are, and we're going to be there to help you all get through that process. We have not heard anything yet from AMG grant on the smoke alarms. That's been going on a while and We're waiting to hear. I've also put in a request to buy some in the meanwhile in hopes we get the grant.

MR. FARLEY: Also, board contact right now when Steve leaves is Jeff Elliott. So he's the point of contact at the fire code academy effective next Friday.

MR. MAJCHRZAK: Well, thank you. I appreciate all the kind words. I just wanted to say I've seen the evolution of the Firefighting Commission over the last 10 years, and last 8 in particular. I just want to compliment Randy and all of the board members. I've had a friend who was bitterly complaining the other day that they had just taken their certification test and they had not two hours afterwards yet heard about their score. I was reminded that there used to be a notice on the website that said don't bother calling unless it was more than 90 days after. So with great improvement comes great expectations. So I think that's a huge testament to the staff and the turnaround and the focus on being customer oriented to the fire service. Then similarly, I can remember times where it would be unheard of the Commission and the academy talking to each other and then having them under the same physical roof with the academy. I think is been unbelievably successful in terms of both the coordination, cooperation, and again, which the whole point of the thing would be serving the firefighters of Tennessee. So it's been impressive to see, and I want to thank Director fox and his staff and the whole Commission for undertaking a very worthy exercise these last few years, so thank you.

MR. FOX: Just to add, a lot of those implements were done while you were in a position to help us accomplish those things. So I want to thank you for that, Steve.

MR. MAJCHRZAK: Thank you very much.

MR. FARLEY: And speaking of the former Firefighting Commission member, when Randy and I were serving back in those times, I see the great changes that happened with the Firefighting Commission as well and the Firefighting Commission's office with the employees that are there. You know, it's a great team.

MR. BIGGS: Commissioners, got anything else?

MR. FOX: Public comments.

MR. BIGGS: Public comments and suggestions. This is the opportunity for the audience to make comments or ask questions of the Commission on the actions taken in today's meeting. All right. Hearing none, our next meeting will be Wednesday, November 20th. Business meeting will be at 9 a.m. eastern time at the Oak Ridge Chamber of Commerce at 1400 Oak Ridge Turnpike, Oak Ridge, Tennessee.

MR. KERLEY: When is the committing meeting on?

MR. BIGGS: We'll confirm that.

MR. FOX: Basically we probably need to announce it today, and I can go ahead and start the paperwork.

MR. BIGGS: Committee has asked for a 1 o'clock meeting on November 19th. It will be at the Oak Ridge Chamber of Commerce also for the rules committee meeting.

MR. FOX: And those members are Commissioner Kelley, Commissioner Kerley, Commissioner Windrow, our legal counsel, myself, and Commissioner Biggs.

MR. BIGGS: All right.

MR. FOX: And that will be a meeting open to the public.

MR. BIGGS: Great. Any other questions or comments? Hearing none, anybody have a motion to adjourn?

MR. MOORE: **Motion to adjourn.**

MR. HENRY: Second.

MR. BIGGS: Motion by Commissioner Moore. Seconded by Commissioner Henry. All those in favor signify by saying "aye."

MR. KERLEY: Aye.

MS. SPECHT: Aye.

MR. KELLEY: Aye.

MR. MAJCHRZAK: Aye.

MR. MOORE: Aye.

MR. HENRY: Aye.

MR. FARLEY: Aye.

MR. BIGGS: All those opposed? **Ayes have it.** (This proceeding was concluded at 10:25 a.m.)