

*Motion to approve by Vance 2nd by Sorge
motion passed*



THE TENNESSEE COMMISSION ON FIRE FIGHTING PERSONNEL STANDARDS AND EDUCATION

BUSINESS MEETING

April 27, 2016

The meeting of the Tennessee Commission on Firefighting Personnel Standards and Education was called to order by Chairman Mark Finucane at 9:00 A.M. Eastern on Wednesday, April 27, 2016, at the Park Vista Hotel, 705 Cherokee Orchard Rd., Gatlinburg, TN 37738.

- I. PRAYER** (Commissioner Vance)
- II. PLEDGE OF ALLEGIANCE** (Commissioner Kerley)
- III. ROLL CALL** (Director Fox) – Members Present:

Commissioner Brian Biggs
Commissioner Mark Finucane
Commissioner Darryl Kerley
Commissioner Thomas McCormack
Commissioner Stephanie Specht
Commissioner Toran Hedgepath
Commissioner Mathew Sorge
Commissioner Charlie Vance
Ex-officio non-voting member present: Executive Director Roger Hawks – TFACA

Members Not Present:

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

Commerce and Insurance / Fire Prevention Staff present:

Randy Fox – Executive Director – Fire Commission
Steven Cross – Fire Coordinator – Fire Commission
Richard Rochford – Fire Coordinator – Fire Commission
Linda Brown – Fire Coordinator/Accreditation Manager – Fire Commission
Joseph Underwood – Attorney – Dept. of Commerce and Insurance
Jeffrey Elliott – Fire Service Program Director – TFACA

Guests Present:

| | |
|-------------------|------------------------------------|
| William Ferguson | Etowah City Fire Department |
| James D. Jennings | Franklin Fire Department |
| Chris Knutsen | Pigeon Forge Fire Department/SCFCA |
| Brian Nicholson | TFACA |
| Tom Brown | Cookeville Fire Department |
| Phil Mitchell | McMinnville Fire Department |

Marty White
Kory Green
Michael Shillings
Dan King
Kevin Nichos
Jeromy VanderMenlon
Chad Ketron
Will Sergent
Victor B. Williams
Jim Dyer
Andrew Disney
Bill Geames
Joseph Fields

McMinnville Fire Department
Martin Fire Department
Wacker Polysilicon North America
Wacker Polysilicon North America
Signal Mt. Fire Department
Ricky Rescue training Academy
Ricky Rescue Training Academy
Rhea County Fire Department
Gallatin Fire Department
City of Athens Fire Department
City of Loudon Fire Department
City of Loudon Fire Department
Northview / Kodak Fire Department

IV. MINUTES

Approval of the February 2016 Business Meeting.

Motion by: Commissioner McCormack Second by: Commissioner Sorge

Motion to approve the minutes from the February 2016 Business Meeting .

Call for the Question

Chairman Finucane complimented and thanked Accreditation Manager Linda Brown for the excellent submission of the minutes.

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain

V. ANNOUNCEMENTS

Chairman – thanked the Tennessee Fire Chief’s Association for their hospitality, specifically Daryl Blair the Conference Manager and President Chuck Walker for their hospitality and in giving the Commission the room to conduct business.

Commissioner Charlie Vance is not seeking to retain his seat on the Commission Board. He stated his appointment as a Fire Commissioner will end on July 31, 2016. He gave remarks to the body thanking various individuals for the work that they have accomplished and for their dedication and professionalism throughout the years that he has served as a Fire Commissioner. He gave a brief synopsis of progress the Fire Commission made over the years during his tenure and provided his thoughts on the fire service today and his hopes for the Tennessee Fire Service in the future.

Chairman also welcomed a new member to the Fire Commission. Commissioner Toran Hedgepath is firefighter from the Newport Fire Department. He is replacing Mike Slay who stepped down from the Commission. Commissioner Hedgepath will be on the Commission for a couple of months during this interim period. Commissioner Hedgepath stated he will apply for the open position.

VI. GUESTS

Jeff Elliot – TFACA - Introduced Brian Nicholson, a retired State Fire Marshal from Shelbyville Fire Department, who has been hired full time as the supervisor over the codes program at TFACA.

Recruit program – graduated 15 recruits April 15, 2016, mostly made up of career firefighters but the program also had some open enrollees. When the graduates walked across the stage, 100% were certified in Awareness and Operations, and 13 out of 15 were certified as FFI. Program Director Elliot considered this a very successful 10 weeks. The next recruit class is scheduled on campus for August 29, 2016.

Program Director Elliot discussed several training opportunities that are happening across the state.

- Annual Chief’s Conference – Embassy Suites – July – direct delivery from the National Fire Academy – *Executive Skills Series – Exercise in Leadership to Facilitate Change*. It will be offered the Saturday and Sunday just before the Conference starts.
- May and June 2016, there will be a push for the NFA -Tennessee – Virginia Weekend. That will take place September 24 & 25, 2016. TFACA was allotted 8 classes.
- Smokey Mountain Weekend – two different training opportunities the weekend of May 20th. Smokey Mountain Weekend will be held here and also in Jackson, TN – The Tennessee Firemen’s Association will be having their annual conference.
- Fire Chief’s Orientation – we have added 2 more dates in November for the Fire Chief’s Orientation that was added for this class on campus. We will be going to Jackson, TN – August 6th – 7th and in conjunction with the Upper East Tennessee Fire Rescue Conference in October.
- The Fire Academy will recognize the Stand Down for Safety that is set for the week of June 19th – 25th. The Incident Safety Officer (pilot class) will be the first class that the Academy is offering to support the new certification that the Commission has developed. It will be offered free of charge. Participants will sit for the certification on the last day of the class. Train the Trainer for National Incident Management, Behavioral Health Medical Monitoring and Firefighter Cancer Awareness classes will be offered during the week also, all free of charge. This is a full 5 days of training that the Academy is offering tuition free.
- Equipment that is getting added to the Fire Academy – delivery is expected at the end of July for a 3 ½ story mobile training tower. We have verbal commitments from ISO that any fire department that trains 100% of their personnel with this mobile training tower will receive the ISO credit for a training tower. The training tower was purchased from a AFG Grant the we were awarded. Jeff went on to describe the mobile training tower.
- The Academy is in the procurement process for this piece of equipment. Stats have been released and bids have been received and now we are going through the bids on them. We are also adding a 75 ft. quint to our fleet as an out-right purchase and we are replacing one of our original commercial pumpers with a new commercial pumper. We are expecting within 45 days that we will be able to say that we are awarding those bids. Timeline – 300-400 days.

Director Hawks – Motlow shares the TFACA Campus and has been conducting their Paramedic Program there but starting May 16th they will also be providing an Accelerated EMT Program which is 6 weeks in length. When the students complete the program they will be trained to the EMT-Basic level. The class registration is still open through Motlow for this annual class.

VII. COMMUNICATIONS

a. Memphis Waiver Request

Director Fox – This is a request from the Memphis Fire Department due to some technical issues that they encountered in their submission for the educational incentive pay for 2015. B/C Dennis Bryant was the contact person for this request. The request was made in a timely fashion.

MOTION BY: Commissioner Sorge

SECOND BY: Commissioner Biggs

Motion to approve the waiver request from the Memphis Fire Department.

Call for the Question – None

RESOLUTION:

Vote: 8 – Yea 0 - Nay 0 – Abstain

MOTION CARRIED

b. Northview Kodak FD Waiver Request

Assistant Chief Joe Fields – requesting waiver due to the fact the organization just recently became a fire department as of January 1, 2016. Converted from a Volunteer Department to paid employees thru a contract they have with City of Sevierville to cover part of their area. Coordinator Cross and Rochford have been working with them to get their training program together. They are in the process of submitting a training program.

MOTION BY: Commissioner Specht

SECOND BY: Commissioner Kerley

Motion to approve the waiver request from the Northview Kodak Fire Department.

Call for the Question – None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 - Abstain

MOTION CARRIED

c. Rockwood Fire Department Waiver Request

Director Fox – asking for a waiver to get their program in and get it approved. They are still in the process of doing that. They also have had some classes through TFACA that they wanted to get approved as well. These classes have already been preapproved by the Commission and is part of their in-service as well.

MOTION BY: Commissioner Sorge

SECOND BY: Commissioner McCormack

Motion to approve waiver request from the Rockwood Fire Department.

Call for the Question – None

Vote: 8 – Yea 0 – Nay 0 - Abstain

MOTION CARRIED

d. Etowah City Fire Department Waiver Request

Captain William Ferguson – requesting wavier to send in their educative incentive pay late due to the fact that they recently joined the Commission in January, 2015. The department had a changeover of personnel and the person responsible for this process did not change that over.

MOTION BY: Commissioner Biggs

SECOND BY: Commissioner Sorge

Motion to approve the waiver request by the Etowah City Fire Department.

Call for the Question – None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 - Abstain

MOTION CARRIED

e. Kaplan Request

Director Fox – received communications from Kaplan from a Dr. Mike Bracken. Director Fox has been working with Kaplan regarding their Associate of Applied Science and Fire Science programs. Dr. Bracken is looking for an avenue for their coursework to go out and get a certifying agency to assist them in certifying members from the State of Tennessee.

Chairman – would like to have Dr. Bracken present to discuss this process.

Underwood – he has concerns regarding a for profit school in the business to do Firefighting Commission ... there would be a lot of concerns legally with that and with regards to our relation with the State of TN Board of Regents. He is concerned on how that would affect that relationship.

Director Fox will get with Mr. Underwood to see what concerns and/or questions that may need to be addressed and report back at the June meeting. If any Commissioners have any questions, email Director Fox and he will get with Mr. Underwood to discuss them.

VIII. DIRECTOR’S REPORT

Director Fox – Incident Safety Officer is being conducted in June during in-conjunction with the Safety Stand Down. The Fire Commission was tasked with putting Incident Safety Officer back online that was accredited. Director Fox has worked with IFSAC and ProBoard regarding Incident Safety Officer and is pleased to report that ProBoard has officially recognized it and accredited it. IFSAC has unofficially accredited it (received a letter from the reviewer who is recommending it for review with IFSAC) as well.

Total payout for 2015 educational incentive pay, once approved will be: \$3,637,200.00 to a total of 6,062 firefighters from 99 departments. A comparison of the 2014 vs 2015 year educational incentive pay program showed 5,883 firefighters from 96 departments participated which totaled **3,529,800** paid through the program. This gives us an additional 179 firefighters, 4 additional fire departments with a total increase of \$107,400 between 2014 and 2015. Currently there are over 100 departments enrolled in the 2016 training program.

We are continuing to process the Self-study document for IFSAC’s site visit that we anticipate will happen in August. Linda Brown, Accreditation Manager is currently at the IFSAC Conference where I will be joining her shortly in Oklahoma City. We are in the process of adding Aerial and Pumper certifications for that site visit as well for approval, and it will be correlated to the 2014 Standard.

We are also updating the Fire and Life Safety Educator I & II the Airport Firefighter to their respective 2015 Standard. Director Fox requested if the Commission would entertain a motion to allow legal to start the rule making process to update these Standard changes.

MOTION BY: Commissioner Vance

SECOND BY: Commissioner Sorge

Motion to have the legal department begin the rule making process to update the Fire and Life Safety Educator and the Airport Firefighter to their respective 2015 Standards.

Call for the Question – None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain

MOTION CARRIED

Director's Report Cont.

I will be presenting the Fire Commission 101 Presentation at the Smokey Mountain Weekend. We will also be hosting a testing event there as well – practical and written. We are working with TFACA regarding the Tennessee River Weekend Program and will do a presentation there as well. We may also do the presentation at TFACA as well.

Reminder, three board member term limits are up at the end of July. These are seats currently held by Commissioners Hedgepath, Finucane and Vance.

IX. OLD BUSINESS

There is no Old Business to discuss.

X. NEW BUSINESS

1. Reciprocity Report

Fire Commission Coordinator Rochford

Chairman – before Coordinator Rochford begins, we will take a 10 minute recess.

Meeting resumes.

Coordinator Rochford – Reciprocities from January 29th through April 13th, 2016 – processed 86 individuals' reciprocities. This was a relatively slow quarter, normally that number is well into the hundreds. But things are starting to pick up during the past couple of weeks. That completes his report.

2. Consideration to approve courses / seminars / conferences.

a. 2016 IAAI Conference

Per Director Fox, this conference will be taking place August 1st through the 5th at Pidgeon Forge and they are looking for approval for 31 ½ hours.

MOTION BY: Commissioner Vance

SECOND BY: Commissioner Kerley

Motion to approve 31 ½ hours for the Tennessee Chapter of the IAAI Training Conferences training hours that they are presenting.

Call for the Question

Discussion: regarding the days before the August 1st beginning date are these days part of the training? An audience member who stated he was not representing the IAAI but had knowledge of the training dates stated that the weekend before is the Expert Witness Testimony class. If it is 31 ½ hours, then they have not submitted for that part.

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 - Abstain

MOTION CARRIED

b. Gilt Edge Fire Department Training Programs (4 programs)

Fire Instructor I & II, Fire Officer I & II for training to take the written and practical certification exams.

MOTION BY: Commissioner Kerley

SECOND BY: Commissioner McCormack

Motion to approve the Gilt Edge Fire Department’s Training Program, for Fire Instructor I & II, and for Fire Officer I & II.

Call for the Question – None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain

MOTION CARRIED

c. TACA 2016 Seminar

James Jennings, Franklin Fire Department will be representing them.

James Jennings, the current President of TACA is asking for approval of 20 training hours. They are giving a 3 day seminar that begins next Wednesday in Franklin, TN. The first day is 8 hours of *Detection of Deception* with Jack Morgan from Georgia (possibly). The class consists of interview and interrogation information for Fire Investigators. The second day is two 4-hour blocks of classes. The first part is *CSST Fires* with Lee Green from Texas and the second part of that class is *Intermediate Electrical Investigations* which will focus about half on domestic branch wiring systems and the other half on appliance fire investigations. The third day is a 4 hour class called *Forensic Fire Investigation for Fatal Fire Losses* with Dr. Hugh Barriman from MTSU. All combined is a total of 20 hours for approval.

MOTION BY: Commissioner Biggs

MOTION BY: Commissioner Sorge

Motion to approve TACA request for 20 hours of training for their seminar.

Call for the Question

Discussion – Instead of giving a test after each class, a test will be given at the end of the course. Two different types of certificates will be given at the end of the course. The only people who will receive Commission credit are those who chose to test. The certificate will be marked “Tested” or “Un-Tested”.

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 - Abstain

MOTION CARRIED

d. TN Fire Training On-Line Programs (2) – This entry has been removed.

e. Springfield Fire Department Programs

Springfield Fire Department submitted two programs for consideration – Fire Officer I & II. Director Fox – this program meets the requirements for Fire Officer I & II.

MOTION BY: Commissioner Specht

SECOND BY: Commissioner Sorge

Motion to approve the Springfield Fire Department’s Curriculum for Fire Officer I & II.

Call for the Question – None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 – Abstain

MOTION CARRIED

Discussion – a Commission member wanted to know who are their targeted participants– fire departments or individuals firefighters? They stated that they have done both. However, the majority are individual firefighters that they serve. The Academy averages 300 students a month, total. They have a big military clientele.

A Commission member wanted to know if the rubrics are similar to what Columbia Southern is using for their grading? They responded that not necessarily. They create their own grading rubrics and Columbia Southern’s information didn’t come till much later. They still continue to use the grading rubric they created.

MOTION BY: Commissioner Sorge SECOND BY: Commissioner Specht

Motion to approve the Ricky Rescue Fire Officer I Online Program.

Call for the Question – None

RESOLUTION:

Vote 7 – Yea 0 – Nay 0 - Abstain

MOTION CARRIED – (Commissioner Vance was absent – stepped out momentarily)

MOTION BY: Commissioner Sorge SECOND BY: Commissioner Specht

Motion to place the Ricky Rescue Incident Safety Officer Online course on the Agenda.

Call for the Question

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 - Abstain

MOTION CARRIED

*Ricky Rescue Incident Safety Officer

Ricky Rescue Incident Safety Officer curriculum follows the same metrics that they use for the Fire Officer I program. The JV learning material follows the NFPA objectives. The edition that they use is the Fire Incident Safety Officer 3rd Ed. from Jones & Bartlett. Ricky Rescue members reviewed the course information which is set up like the Fire Officer I course. The courses have a 30 day completion requirement. Extensions may be granted for extenuating circumstances (illness, etc.)

MOTION BY: Commissioner (not identified) SECOND BY: Commissioner Specht

Motion to approve the Ricky Rescue Incident Safety Officer Online training curriculum.

Call for the Question

Discussion - Commissioner Biggs suggested that Director Fox review the skills check to make sure it meets what the Fire Commission requires. Director Fox clarifies that they are asking us to approved courses that they submit so their students will be eligible to take the state written and practical certification tests.

RESOLUTION:

Vote: 8 – Yea 0 –Nay 0 - Abstain

MOTION CARRIED

Question – Commissioner Kerley would like to ask Director Hawks will we be negatively impacting our Fire Academy by approving everyone who would like to, to teach these classes?

Director Hawks – the answer is yes. Every opportunity that someone has a chance to take a test somewhere else has an impact on the TFACA. That has to be balanced with the firefighters having the opportunity to become certified and that is what the Commission’s goal is – is to get more people certified. It definitely takes away from potential numbers for the State Academy. It was also discussed that not everyone has the opportunity to travel to Bell Buckle. It is important that there are multiple paths to be able to receive state certification.

Director Hawks also wanted to remind everyone that the Academy also delivers classes all across the state in fire stations. You do not have to come to the Academy to receive your certification classes. Commissioner Sorge stated that there was a period of time where we were encouraging our Tennessee firefighters to attend the Tennessee fire Academy; he wants to continue to support our Academy above anyone else, especially programs outside of the state. He realizes that is not their job, their job is to certify firefighters but he wants to use caution and not undermine our fire Academy going forward.

Jeff Elliott, Program Director – TFACA, discussed currently having a panel that is working on a new Fire Officer I curriculum that they are going to call a blended curriculum. It will not be 100% online, but it will be absolutely more affordable and more attainable. They realize that they need to do their part to offer other venues. By the next Commission meeting they should have a program ready to submit to the Commission that will be a blended curriculum for Fire Officer I, primarily online and they will stay with the Jones & Bartlett curriculum. There will be time where it will be required that they meet face to face with an instructor. They can make sure those face to face are Saturdays and Sundays to even accommodate even more volunteers.

h. Rhea County Fire Department Program (5 programs)

Incident Safety Officer, Instructor I & II, and Fire Officer I & II.
Will Sergeant, Training Officer – Rhea County Fire Department.
They are requesting approval of their Instructor I & II, Fire Officer I & II and the Fire Department Incident Safety Officer curriculum. Their goal is to meet the needs of their 180 volunteers.

MOTION BY: Commissioner Specht SECOND BY: Commissioner Hedgepath

Motion to approve the training curriculum package for Rhea County Fire Department for Incident Safety Officer, Fire Instructor I & II, and Fire Officer I & II.

Call for the Question – None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 - Abstain

MOTION CARRIED

i. Mason Fire Department Training Program

They are asking to use the Jackson Fire Department’s Introduction to the Fire Service curriculum which is 16 hours and also their basic Firefighting course which is 76 hours. Jackson’s courses were approved by the Commission on 4/29/15.

MOTION BY: Commissioner Sorge

SECOND BY: Commissioner Biggs

Motion to approve the Mason Fire Department’s Training Program for Introduction to the Fire Service 16 hour course and Basic Firefighting 76 hour course, partnering with Jackson Fire Department.

Call for the Question – None

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 - Abstain

MOTION CARRIED

j. Smokey Mountain Weekend Program 2016

Chris Knutsen – Pigeon Forge Fire Department/SCFCA

This year they have 41 classes that are scheduled. Of the 41, 27 are TFACA classes. 18 classes are currently sold out and have about 526 students registered. They are requesting approval for all of the classes for specialized training credit.

MOTION BY: Commissioner Specht

SECOND BY: Commissioner Kerley

Motion to approve the Smokey Mountain Weekend 2016 Program for 41 classes to be approved for specialized training hour credit.

Call for the Question

RESOLUTION:

Vote: 8 – Yea 0 – Nay 0 - Abstain

MOTION CARRIED

Recess for 10 minutes.

3. Educational Incentive Pay report for 2015.

Director Fox – Paid \$2,870,400.00 of educational incentive pay to this point. Next week another request will be sent to take care of the items that were approved today. This reflects an increase of 4 fire departments and an addition of 179 firefighters.

4. Audits 2016 (Announcement of selection of participating departments for 2015 Educational Incentive Pay).

Yesterday the Commission selected at random from LXR the 18 departments that will be audited in 2016 for the 2015 Educational Incentive Pay. The following is a list of those departments:

1. Arlington Fire Department
2. Putnam County Fire Department
3. Ashland City Fire Department
4. Chattanooga Airport Fire Department
5. Ray County Fire Department
6. Clinton Fire Department
7. Paris Fire Department
8. Wilson County Fire Department
9. Goodlettsville Fire Department
10. Knoxville Fire Department

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

WORK SESSION

April 26, 2016

1:00 PM Eastern

Park Vista Hotel – 705 Cherokee Orchard Rd. Gatlinburg, TN 37738

Minutes

Meeting was called to order at 9:00 AM by Chairman Finucane.

ROLL CALL – Director Fox

Commission Members Present:

Commissioner Brian Biggs

Commissioner Mark Finucane

Commissioner Thomas McCormack

Commissioner Stephanie Specht

Commissioner Charlie Vance

Ex-officio non-voting member: Executive Director Roger Hawks – TFACA

Commission Members Not Present:

Commissioner Darryl Kerley

Commissioner Michael Naifeh

Commissioner Mathew Sorge (arrived @ 9:30)

Commissioner Julie Mix McPeak

A quorum has been established.

Commerce and Insurance / Fire Prevention Staff Present:

Deputy Commissioner Gary L. West

Randy Fox – Executive Director – Fire Commission

Richard Rochford – Fire Coordinator – Fire Commission

Joseph Underwood – Attorney at Law – Dept. of Commerce and Insurance

Jeffrey Elliott – Fire Service Program Director - TFACA

Guests:

Kory Green City of Martin Fire Department

Myron Hawkins Bradley County Fire Department

Phil Mitchell McMinnville Fire Department

Marty White McMinnville Fire Department

MOTION BY: Commissioner Biggs

SECOND BY: Commissioner McCormack

Motion to approve the Agenda for the Work session.

Call for the Question

RESOLUTION:

Vote: 5 – Yea 0 – Nay 0 – Abstain

MOTION CARRIED

Report from Legal

Mr. Joe Underwood

Initially, the formal hearing was to be scheduled this weekend. Due to other matters and logistics, we decided to have three days scheduled for the hearing at the June meeting of the Board of Commissioners. I do not know if we will utilize the entire time, but we are there just in case. We would hate for the matters that do not get resolved at the hearing will have to be continued to the next meeting and you would have to pick up again. That has happened at other matters and has gone on for months. We would rather try to finish it up in the two or three day period at the most. We have also at the time been in correspondence with the council representative of the respondents regarding the matter. They have offered a settlement issue, and it is my duty as your attorney is to bring that to you, and I am willing to provide you the summary of what the settle offer is. I will also follow up with asking you the for authority to determine whether to accept any other settlement offer in the future. Currently I do not have the authority to do that from the Commission. My authority is limited to negotiating and proceeding with the matter than bring any offers to you. The Council representative respondents sent a letter and summary that basically states that he the respondent is about to surrender his certifications, but admits no wrong doing. To that my response would be Tuesday that he could do that now. But that does not offer anything of a determination of why the surrender would occur. It would not prohibit him from coming back and reapplying immediately afterwards, or within 2 years. I do think this matter is very important to the firefighting program and with what the Commission does. My recommendation is not to accept the offer but it is not my determination to make. It is up to the Commission to determine that.

After Mr. Underwood’s comments Chairman Finucane stated it would be best if we move this discussion down the agenda to give other Commissioners an opportunity of be a part of the discussion and decision.

Mr. Underwood stated that Commissioner Biggs would have to recuse himself from this matter. He may ask question but cannot be a part of the final decision. He also discussed the Commission giving him the authority to address settlement offers on behalf of the Commission and the fact that he cannot go too much into detail so that the Commission member maintain their impartiality. He advised moving the decision of accepting the settlement to the end of the agenda. The Attorney General’s office is handling the particulars of this case. Mr. Underwood will be there to advise the Commission but will not be trying the case.

Chairman – before going any further in the agenda, he welcomed and introduced their new interim Commissioner, Torin Hedgepath. Commissioner Hedgepath comes to the board from the New Port Fire Department. He is in the vacant spot of Commissioner Slay who resigned from the Commission and is serving in this capacity until July 31, 2016.

WS 1 - Jackson Fire Department Request

Instead of Fire Departments submitting an entire curriculum for approval, they should be able to just submit a letter stating that they were going to use a previously prepared curriculum (i.e. Jones & Bartlett), and hold the department to that edition and that curriculum lesson plan. Director Fox stated that Captain Dorris submitted item #1 at the last meeting. Item #1 referred to his request to retro his Fire Officer curriculum back to July 1st of 2014 or 2015 because that is when they taught it.

Discussion – What Capt. Dorris is requesting that training programs should be able to submit a letter stating that it is following a previously approved curriculum by the Commission instead of re-creating the wheel by submitting the exact information over and over again for the same training course. Commissioner Specht stated that it would save time and effort to just submit a letter stating what curriculum they are going to be using. Of course the curriculum must have been approved by the Commission and submitted to the most up to date Standards. She believes this is redundant to continue to submit curriculum that has already been approved. However, if they are going to alter the curriculum in any way, then it must be submitted to the Commission for approval. If they create their own curriculum for whatever class, then they would have to submit the full program, paperwork with correlations. So, if they teach out of a specific book and have the teaching outlines, lesson plans etc. for that book, and use that curriculum exactly, then why continue to submit the entire process over and over again. Executive Director Hawks made the point that the training program who submits the program first will do all the work and everyone after that, that uses that program, will just have to submit the letter. The first program to submit will be at an extreme disadvantage.

The discussion continued on what needs to happen if the curriculum is changed. Executive Director Hawks stated that it is acceptable to change the curriculum as long as the JPR's are not altered. He went on to state that we are only looking for two different things, if it is certification testing have met the JPR'S, but if it is in-service, does it meet the requirements of our in-service plan. He feels it is our responsibility to make sure the documents proves that their intent is to meet the JPR's if they are going for a certification. The decision was for Director Fox and his staff to create an outline for this process to look at during the June meeting.

Part two of Capt. Dorris's information concerns if the written exam expires one year after taking the exam if the practical is not completed, just as the practical expires after one year of the first written exam attempt. The current practice is that the exam is good until the Standard changes. Director Fox will respond with an answer to Captain Dorris's questions.

WS 2 – Audit sample Policy & Form

This form was created to try to address the issue of a State of Tennessee Contractors potentially testing participants who received their instruction for that certification test from that State Contractor. The example of this is Contractor Terri Roshell who created a company that gives online classes for Fire Officer I to State of Tennessee firefighters. As a contractor Mrs. Roshell also gives certification tests for this particular level. Currently the Fire Commission is in the process of re-accreditation for IFSAC. One of the requirements for that re-accreditation is that the Fire Commission submits a policy that addresses individuals who would give instruction to a class and also test that class or individuals for the state certification. This was not a concern until Contractor Roshell received approval from the Commission to conduct online classes for Fire Officer I. The audit form is an example from North Carolina who submitted this form to IFSAC for a similar situation. This situation must be addressed in order to maintain the State of Tennessee's accreditation with IFSAC and ProBoard.

Mr. Underwood stated that there is a concern when you have someone who is providing training for a test they are proctoring. With Contractor Roshell, there are no implications of impropriety or problems what so ever. She is a top-notch Contractor who has done an excellent job for the Commission. But what this situation does is raises the appearance that there could be a possibility at some point of a concern of the legitimacy, fairness and validity of a test. Mr. Underwood and his staff researched this in the contracts and found that there is not an explicit contract provision in it regarding this. However, the next time around contracts will reflect these concerns.

Director Hawks made a comment that TFACA has been there before and the individuals had to make a decision. Do you want to work for the Academy or for the Commission? They had to make a choice. If that is changed, does that authorize TFACA instructors to also instruct a class and administer the certification exam as well? As an entity, Director went on to state; we have always been steadfastly opposed to that.

The discussion continued at length but it was a consensus that certification examinations should be separate from instruction. The Commissioners and Mr. Underwood were apologetic in not catching this when approval was granted for Tennessee Fire Online - Mrs. Roshell's online training course. Deputy Commissioner also wanted to clarify that Contractors work for the department, not for the Commission. It was also the consensus that this situation needed to be addressed. It was not an option for Mrs. Roshell to continue to teach Fire Officer I and just not test the students in her classes. This option turns into a logistical nightmare because Mrs. Roshell holds two contracts for East and Middle Tennessee and her students could come from anywhere. Her contract also states that she will work for the State at the convenience of the State and affordably. It would cost more to have other contractors cover her area so she can continue to teach. It is also important to continue to provide avenues for firefighter to receive training that is cost efficient and accessible.

The audit form from North Carolina is similar – it is for instructors that are actual instructors, not contractors. These individuals teach and test their students, at a Community College. They also have someone there to audit the test at a physical location.

According to Director Fox - current policy is the only people who can give Commission exams are Commission employees, Commission members and our Contractors. The current policy for giving tests only deals with the above mention individuals unless the policy is changed. More conversation on opening "Pandora's" box on closing the separation of instruction and testing by the same individual. Commissioner Sorge suggests: freeze the candidates to the point that they have gone, resend that action, and re-evaluate to see if the Commission is ready to go down the road of individual contractor or whoever to provide both certification testing and instruction. Still believe we need to find ways to provide online training. Mrs. Roshell current has 8 students in her Fire Officer I online class. The current 8 candidates would be allowed to continue but no one after that until the Commission comes up with a steadfast policy that the Commission is comfortable with. Commissioner West stated that she can choose not to be a contractor and continue to do training rather than certifications. She has a choice. Director Fox stated she also has the option to own the company, but not be the instructor. Commissioner Biggs stated that the policy we created needs to be fixed, regardless of the solution to this problem.

MOTION BY: Commissioner Biggs

SECOND BY: Commissioner Sorge

Motion to add an agenda item to the bottom of the agenda, under new business to discuss the action of the Fire Officer I online program from TN Fire Online.

Executive Director Hawks had a question on the policy – does delaying it or not getting a policy approved - interfere with our IFSAC review? Director Fox states the information has to be into IFSAC in mid-May. It must be in 90 days before the site visit.

MOTION BY: Commissioner Biggs

SECOND BY: Commissioner Sorge

Motion amended to add to: (original motion). Move the WS2 under the discussion of the Fire Officer I online program.

RESOLUTION:

Vote: 7 – Yea 0 – Nay 0 – Abstain

MOTION CARRIED.

Recess for 10 minutes.

WS 3 – Reports from Commissioner Specht & West Tennessee Report

Commissioner Specht – memo was handed out with the feedback she received from East TN Division. She contacted 8 departments and the majority felt that the current rules were self-explanatory and did not see much need for change. (See Commissioner Specht Memo). There were a few recommendations. Also on the form was comments/feedback from Commissioner Biggs who met with Middle TN Division. Commissioner Specht plans on sending the recommendations from the Middle and West TN Divisions to the East TN Departments that she polled and see what their feedback is. Should have a final report to submit to Commissioners. The report took a little long than expected due to coordinating with the Training Officers' schedules to get their feedback. The biggest complaint is the redundancy of paperwork. Suggestion, to incorporate Acadis into the rules – the training portal – for the ease of the Commission, Director and staff. That should be a focus in the future. We should have the rules reflect how forms are submitted, etc. Director Fox stated that this subject was discussed in 2013 and the Commission wanted to stay away from naming a program and just say database because we don't know if Acadis will always be there. Just say current database. Another recommendation that was received per Commissioner Specht was to allow the one hour online classes. Information was submitted by Commissioner Specht, Commissioner Biggs and Commissioner Naifeh. Commissioner Specht wants to compile all the feedback from East, West and Middle TN and combine this information into one report that she will submit to the Commission for the next Workshop. The information submitted is verbatim from the Training Officers contacted. Deputy Commissioner West stated additional clarification and notation is needed on any items that may require funding, that are budget items or are rules or statute changes on the final report submittal. This is so that when the report is reviewed we would know from a fiscal standpoint where we are at. It also prepares us for our statutory "stuff" in June and July for next year.

It was also mentioned that maybe we should allow additional fire departments to participate. We have a lot of fire departments that are not municipal or county FD and those departments are all that are allowed in the pay supplement right now. You have other departments that have firefighters but they work for a private company and they would like to be a part of the pay supplement program as well. That is something that has been brought up for the last 4-5 years and people would like to see a statute change to address that. If that is something that the Commission would want to look at, then the department needs to know because it will add to the budget. Director Fox stated that if you have 501C3 departments out there that don't fall into municipal or county governments. A lot of them work off of Safer Grants and as of yet do not qualify for educational incentive pay. Deputy Commissioner West stated that they hope training continues to rise and that the department is planning for that.

Commissioner Sorge discussed what exactly the discussion was in regards to why this study was done. Part of what led to this discussion and the forming of this committee was the training officers feeling like

they are not being administered things as quickly as we are making changes. They feel as though they are having difficulty in understanding what direction we are going vs what they are actually trying to accomplish. Commissioner Sorge asked Director Fox for clarification on if the Fire Commission was going to bring back the Commission informational classes for the training officers. Can we get an update on where we are at on that? Director Fox stated that he has prepared a slide presentation today to be presented to the Commission that addresses just that. He went on to state that we are prepared to deliver that presentation at the Smokey Mountain Weekend in May and is also working with the Tennessee River Weekend group to do a presentation there as well in West TN. Currently we haven't scheduled anything for Middle TN. The possibility exists that we may be able to do the presentation during the Safety Stand Down the last week in June and at the Chief Training Officers symposium on August 3rd and 4th. We may be able to give the presentation for Middle Tennessee at that event.

WS 4 Selection of Fire Departments for 2015 Audits.

Director Fox stated he would be able to announce the selection of Fire Departments selected for the 2015 audits in tomorrow's Business Meeting. We will go through the selection process today. He needed each Commissioner to choose two departments at random from LXR and that will generate a list at random from the 99 departments that participated in the 2015 educational incentive pay. Each Commissioner pushed the select button that randomly chose two fire departments to be audited. Selections were made for Commissioner Kerley and Naifeh who are absent today. Director Fox read the names of the departments that were randomly generated by the Commissioners and they will also be announced tomorrow. The selected fire departments are:

Audits for 2016 (2015 programs)

1. Arlington FD
2. Putnam County FD
3. Ashland City FD
4. Chattanooga Airport FD
5. Ray County FD
6. Clinton FD
7. Paris FD
8. Wilson County FD
9. Goodlettsville FD
10. Knoxville FD
11. Bradley County FD
12. Tullahoma FD
13. Alcoa FD
14. Cumberland County FD
15. Lebanon FD
16. Sevierville FD
17. Dayton FD
18. Bartlett FD

Chair asked the question – are there any departments that have an automatic audit this year. Director Fox stated not that he knows of.

Chair – WS 5 will be done after the item we moved to the bottom. Director Fox needs time to set up for the presentation.

Other Discussions:

Mr. Underwood discussed getting a letter regarding the settlement offer. He stated the respondent is willing to surrender his certifications however it cannot be assumed under any circumstances that it implies that he did not take the test. He wanted to surrender his certifications without admitting any wrong doing. He can do that anyway, but it does not respond to the Commission's responsibility to this matter. Allegation has been brought and a thorough investigation has occurred and we are preparing to go to trial and have a hearing on this matter. Mr. Underwood recommends that the Commission reject the settlement offer. Mr. Underwood also asked the Commission to provide him with the authority to review any other future settlement offers to determine whether it would be acceptable to the Commission. To recap – a Fire Chief obtained some certifications through fraudulent or false means, did he actually take the examinations, did he have someone else do it for him is the allegations. They are allegations and the hearing will determine whether it is fact or not. The respondent is admitting that he did take the test and is willing to surrender it but they are not going to admit guilt, which Mr. Underwood is concerned about. Why would you offer to surrender your certifications if you have done nothing wrong? What it does is it will allow him to retest sooner than later to obtain certification within two years.

In the hearing, it is the Attorney General's Office responsibility to provide proof there was wrong doing, and will provide witnesses and testimony and evidence to show that. If there is a settlement, there will be no hearing. Also, the respondent has the right to prove their innocence and to show that we did not meet the burden of proof that there was a wrong doing. The respondent's legal team will provide their own witnesses and cross examination of the State's witnesses and so forth. The Commission is the jury and deliberates in an open forum. The Commission members will also be able to ask questions to the individuals as well. There will be a judge who determines the procedures are correct and also guide in swearing in the witnesses. The Referee, from the Secretary of State's office is called "Administrative Wall Judges". The Commission will determine what the facts of the matter are, what the conclusion of Wall is and what the Policy statement is. Those are the three things in order to be determined by the Commission. Mr. Underwood's function is to advise Commission members and he does not vote or ask questions. The hearings may take 3 days starting at 9:00 am till 5:00 pm, each day. This trial will be broadcasted. This is a very formal proceeding.

Chairman – a motion needs to be made to accept or deny the settlement. The hearing is going forward whether you accept the settlement or not. If the respondent does not agree with the final determination, they are allowed to appeal back to the Commission. If another hearing is held and/or decisions are to be made, the original Commission members do not have to return to decide. Whoever is a Commission member at that point will make the determination.

MOTION BY: Commissioner Sorge

SECOND BY: Commissioner Vance

For the Commission to accept the recommendation of our legal not to accept the offer of settlement from the respondent's legal team.

Discussion – Commissioner Vance wanted to know if we adopt this motion can they come back with another offer. Mr. Underwood, yes they can. Commissioner Vance also stated - if they do, do we have to have a special meeting between now and June to vote on the 2nd offer?

Revised the motion to say: deny this offer of settlement and then to provide legal counsel the authority to determine whether to accept any future settlement offers with the assumption that there would be some kind of cause of omission or some kind of violation of guilt. So moved by Commissioner Sorge and Commissioner Vance.

Call for the Question - None

RESOLUTION:

Roll Call Vote:

Commissioner Biggs – Abstain

Commissioner Finucane – Yes

Commissioner Kerley - Absent

Commissioner McCormack – Yes

Commissioner Naifeh – Absent

Commissioner Specht – Yes

Commissioner Hedgepath – Yes

Commissioner Sorge – Yes

Commissioner Vance – Yes

MOTION CARRIED

Discussion: Fire Officer I TN Online Program

Chairman - Terri Roshell is present.

Director Fox reviewed the concerns mentioned earlier in the meeting to bring Mrs. Roshell up to speed. Also to discuss what to do about her request for additional classes being discussed tomorrow.

Chairman opened up the floor for any discussions for Mrs. Roshell. She clarified that there are 20 students in this current class and they are in their 4th week. She stated that she has already opened up the classes that she is requesting for tomorrow, Instructor 1, Officer II and the next Officer 1 class that is set to start on May 15th. She has had people sign up and other people have contacted her and are waiting to see what the Commission decides. She agrees that the Commission's concerns are valid points. She stated that she has no employees available to help with the training.

Discussion continued on how to move forward with her teaching classes and testing as well.

Chairman – we have to consider if the audit form created by the Commission office is enough to resolve the issue and protect the Commission as a whole. That is one thing we have to consider. The next thing to consider is do we need to resend the motion from the last meeting considering this topic, and if we do that, how do we handle the current students that are enrolled in the online training. Mr. Underwood stated that he doesn't believe you need to undo what you did, just put a moratorium on going forward any further. You don't want to resend the motion because it takes the Fire Officer I online course off the books.

Does the audit form resolve the issue? The audit form conflicts with the intent of the contract. It doesn't satisfy the requirements of the issue with the contractors testing and instruction. Director Fox continued to state that IFSAC and ProBoard need some type of policy that addresses individuals who provide testing and instruction and what safeguards are in place to ensure the integrity of the processes. Point of information, in Mrs. Roshell's contract, it states she has to be free to test anyone at the convenience of the Commission. She cannot pick and choose which tests she will conduct. If she cannot do that, then it is a violation of her contract.

Discussion on a motion that should state that Ms. Roshell cannot proceed with any more classes after the one that has already started. Also, she will not test the people that are in this class. The Statement was made that she did not create this problem, but this addresses the problem currently. This path protects her and her students temporarily. This is a temporary solution until the Commission can come up with a permanent solution to this problem. After further discussion, the decision has come down to Ms. Roshell has to choose between the two. Her decision doesn't have to be today.

The 20 students that are currently in class will be allowed to complete the course and test for certification, and a one-time substitution for the testing for those 20 students.

MOTION BY: Commissioner Biggs

SECOND BY: Commissioner Sorge

That we do not allow more Fire Officer I classes from the TN Online program to proceed forward but to allow the 20 current students that are in the class to test and have it proctored by a Commission member, Commission Officer or anyone who is authorized to conduct the tests.

Roll Call Vote:

Commissioner Biggs – Abstain

Commissioner Finucane – Yes

Commissioner Kerley - Abstain

Commissioner McCormack – Yes

Commissioner Naifeh – Absent

Commissioner Specht – Yes

Commissioner Hedgepath – Yes

Commissioner Sorge – Yes

Commissioner Vance – Yes

MOTION CARRIED

Ms. Roshell Business Agenda items have been tabled until June's meetings.

The Policy decision that needs to be made is: are we going to allow an instructor to teach a course and also proctor a test?

Commissioner Hedgepath had a question on - what the status is on Commission Board Members teaching certification classes. All Commission members have to sign an ethical disclosure and when you are acting as a Commissioner you are over seeing all training. That would be the legal question. Commissioner Specht teaches a recruit class that is ACI – part of the Northeast TN Region of Fire Trainers Assoc. She is not being paid by the State as an instructor. Commissioner Hedgepath stated that he was told he could not be paid to teach, but he could still teach. He will not be proctoring a test. The ethical form that he signed goes into what you can and cannot do. Director Fox – exclusion in the law states you can't be an employee of the Fire Academy and be on the Commission or any State employee. Mr. Underwood – the key is how are you being paid or being reimbursed for you services and is it profitmaking for you.

Chairman - Motion for lunch – withdrawn.

WS 5 – Tennessee Firefighting Commission 101 Presentation:

Director Fox – this is a presentation on the rules and regulations of the Fire Commission. This presentation will be presented at Smokey Mountain Weekend. Director Fox will send the presentation to all Commissioners instead of presenting it now.

Chairman - Recess till tomorrow morning – 9:00 am.