

STATE OF TENNESSEE

OFFICE OF THE
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Opinion No. 01-008

Authority for Certification of Firefighters

QUESTION

Is the authority to certify firefighters vested exclusively in the Commission on Firefighting Personnel Standards and Education (the “Commission”), or may the Fire Service and Codes Enforcement Academy (the “Academy”) also provide such certification?

OPINION

Only the Commission is authorized to certify firefighters.

ANALYSIS

The General Assembly created the Commission in 1974 and charged it with recommending to the Governor and the General Assembly certain standards of performance, courses of instruction, and procedures for certifying levels of achievement for full-time municipal and volunteer firefighters. Tenn. Code Ann. §§ 4-24-101 & -102. The Legislature specifically established the duties of the Commission as being to:

- (1) Certify firetraining instructors;
- (2) Certify training and education programs prescribed by the Commission;
- (3) Recommend and approve curricula for advanced courses and seminars in fire science, fire engineering and training in institutions of higher education or other state supported schools;
- (4) *Establish classifications based on training and education for full-time or volunteer firefighters who desire to be certified and who successfully pass the examination given by the Commission;* and
- (5) Administer the supplemental income bonus provided in part 2 of this chapter.

Tenn. Code Ann. § 4-24-106 (emphasis added). Tenn. Code Ann. § 4-24-107 empowers the Commission to:

- (1) Meet at such times and places in the state as may be needed, upon call of the chair or upon the request of five (5) members;
- (2) Contract with other agencies, public or private, or persons as it finds necessary for cooperation with city, county, state and federal agencies for training programs;
- (3) Make reasonable rules and regulations for the implementation of objectives herein established;
- (4) Employ a director and staff for the purpose of full implementation of this chapter;
- (5) Prepare a standard examination to test the levels of training and education of applicants for certification and establish a passing grade therefor; and
- (6) Develop standards and programs for the administration and distribution of the supplemental income bonus to eligible firefighters pursuant to part 2 of this chapter.

Individual Commission members are permitted under Tenn. Code Ann. § 4-24-110 to assist local firefighting units in the general area of their residence with the development of training and education programs for certification and may administer examinations for certification if doing so is approved by the Commission.

The Commission, then, is charged with certifying firetraining instructors and the educational programs they will teach, and developing the examinations they will administer to firefighters seeking certification. If not specifically, Chapter 24 by implication provides that the Commission is the state authority for certifying firefighters. *See* Op. Tenn. Atty. Gen. 88-128 (July 26, 1988) (opining that Firefighting Commission is authorized to set mandatory certification requirements for receipt of incentive pay).

The Academy, on the other hand, was created “to provide effective training to all firefighters” and to “teach current methods and practices and develop new methods and practices in the fields of firefighting . . . and related subjects.” Tenn. Code Ann. § 68-102-201. Established within the Department of Commerce and Insurance, the Academy is assigned to the Department’s Division of Fire Prevention. *Id.*

The relationship between the Commission and the Academy, if any, is not clear from the statutes. But no statutory provision empowers the Academy to certify those firefighters it trains; it is only the Commission that is so authorized by statute.

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