

Vermont Fire Service Training Council Rules

Effective:

**1. INTRODUCTION**

1.1 Adoption

1.1.1 These rules are adopted pursuant to 20 V.S.A. Chapter 179.

1.2 Purpose

1.2.1 The Vermont Fire Service Training Council provides standards for training and certification of firefighters.

1.3 Appointments to Council

1.3.1 The Governor appoints members of the Council in accordance with 20 V.S.A. § 3152.

**2. DEFINITIONS**

2.1 The definitions set out at 20 V.S.A. § 3151 shall be applicable for these rules:

2.1.1 "Council" means the Vermont Fire Service Training Council.

2.1.2 "Fire Service" means activities related to fire prevention, investigation, suppression or other fire related activities.

2.1.3 "Firefighter" means a member of a state, county, or municipal fire department or a privately-owned fire department, which is responsible for fire suppression, prevention, investigation or other fire related activities.

2.1.4 "Full-Time Firefighter" means a firefighter who receives compensation for performing fire service duties of a predictable and continuing nature more than 32 hours per week and more than 25 weeks per year.

2.1.5 "Chief Fire Service Training Officer" is appointed by the Commissioner of Public Safety and has the duties and powers specified in 20 V.S.A. §3154.

2.2 For the purpose of these rules, the term "Firefighter" shall include any member of the "Fire Service" as defined in section 2.1.2 of these rules.

### 3. COUNCIL PROCEDURES

#### 3.1 Meetings

3.1.1 The Council shall meet at least twice a year as required by 20 V.S.A. § 3152. The date, time and place of such meetings shall be set by notice as provided in this section.

3.1.2 Special meetings may be called at any time by the Chair or upon written request of seven (7) Council members. The time, date and place shall be set by notice as provided in this section.

3.1.3 The Chief Fire Service Trainning Officer shall give notice of any regular or special meeting in writing to each Council member in compliance with the specific requirements of Vermont's Open Meeting law. The notice shall include the time, date and place of the meeting and an agenda. Copies of any available documents that pertain to items on the agenda shall be included.

3.1.4 The Chief Fire Service Trainning Officer, with advice of the Chair, shall prepare the agenda of any meeting. The agenda shall include any business required by statute to be conducted by the Council, any business to be conducted at a special meeting, any action to be taken on old business, and any matter appropriate for Council action as new business. Any member present may raise additional agenda items at the meeting.

3.1.5 Council members may appoint a person to act as his or her alternate in their absence. The alternate serves at the pleasure of the member and shall be appointed by letter to the Chair of the Council. The appointment shall be valid for the remainder of the term of the Council member and conveys full membership status in the absence of the member. The ~~chair~~Chair for good cause may grant exceptions to this procedure.

3.1.6 A majority of the members of the Council shall constitute a quorum. The Council shall act only by vote of a majority of its members present and voting at a meeting at which there is a quorum. Council members may fully participate in the meeting by electronic or other means without being physically present at the designated meeting location and be counted as a present member toward a quorum in accordance with 1 V.S.A. § 312(a)(2).

3.1.7 The meetings of the Council shall be presided over by the ~~chair~~Chair or, in his or her absence, by the Vice-~~chair~~Chair. In the event neither the ~~chair~~Chair nor Vice-~~chair~~Chair is present at the meeting, the Council may elect from its members there present a ~~chair~~Chair pro tempore who shall preside at the meeting.

3.1.8 Regular and special meetings shall be conducted under the committee provisions of Robert's Rules of Order, unless otherwise noted.

3.1.9 All meetings shall be open to the general public unless an executive session is invoked under 1 V.S.A., Chapter 5. Minutes of each meeting shall be kept and made part of the public record, except portions of such minutes that are exempted by Vermont law. The Chief Fire Service Trainning Officer shall be responsible for the keeping of all Council minutes, and for their timely preparation and dissemination to all Council members following each meeting.

3.1.10 Any Council meeting may be recessed or adjourned on the majority vote of the members or alternates present, subject at all times to the requirements of Vermont Law.

3.1.11 The means of voting at any meeting shall be determined by the presiding officer.

### 3.2 Officers

3.2.1 The general conduct of the duties and responsibilities of the Council shall be vested in its ~~chair~~Chair who shall preside over all meetings. The ~~chair~~Chair shall have the authority to act on behalf of the Council in all matters that have been previously approved by vote of its members.

3.2.2 In the event the ~~chair~~Chair is unable for any reason to discharge his or her duties, the vice ~~chair~~Chair shall serve as the ~~chair~~Chair.

3.2.3 The ~~chair~~Chair and ~~V~~vice-~~chair~~Chair shall be elected for a term of one (1) year upon the vote of the members at the last regular meeting of the calendar year. Nominations for ~~chair~~Chair or ~~V~~vice-~~chair~~Chair may be made from the floor or by letter of any Council member filed with the chief fire service training officer on or before the date of such election. A nomination in either manner shall be required to have a second, and the person receiving the most votes of the members present and voting shall be declared the ~~chair~~Chair or ~~V~~vice-~~chair~~Chair respectively.

3.2.4 A vacancy is created in the positions of ~~chair~~Chair or vice-~~chair~~Chair whenever either officer ceases to be a member of the Council, ceases to hold the position in government that initially qualified him or her for Council membership or upon unavailability, for any reason, for a period of six (6) months.

3.2.5 In the event the position of ~~chair~~Chair becomes vacant, the balance of his or her term shall be discharged by the ~~V~~vice-~~chair~~Chair. A new ~~V~~vice-~~chair~~Chair shall be elected in the manner provided in this section for the balance of the term. Should both the positions of the ~~chair~~Chair and ~~V~~vice-~~chair~~Chair become vacant, a new election for each office shall be held to complete the term of the officer.

### 3.3 Committees

3.3.1 The ~~Chair~~Chair, with the approval of the Council, may appoint such standing and special committees as necessary to assist it in conducting its business. Any ~~connote~~committee appointed shall have a written charge that describes the scope and responsibilities of the committee and the method of appointing members of the committee.

## 4. TRAINING

### 4.1 Approval of Fire Service Training

4.1.1 The Council shall approve programs of instruction that result in certification.

4.1.2 Before the Council approves a program of instruction it shall review and approve the curriculum and any prerequisites required.

4.1.3 In reviewing curriculum, the Council should compare the proposed curriculum with applicable Vermont Occupational Safety and Health Administration (VOSHA) regulations, NFPA Standards and other nationally recognized programs.

4.1.4 It shall be the responsibility of the Chief Fire Service Training Officer to inform the Council of new or updated courses.

#### 4.2 Instructors

4.2.1 The Chief Fire Service Training Officer may approve instructors for delivery of Council approved programs that are currently certified at a minimum as a Fire Instructor I or equivalent. Fire Service Training Specialists may be appointed to assist in the delivery of courses based on subject matter expertise.

### 5. CERTIFICATIONS

#### 5.1 Standards for certification of - firefighters.

5.1.1 Procedures for testing for certification shall be approved by the Council consistent with applicable nationally recognized accreditation bodies.

5.1.2 The Council shall approve prerequisites for certification exams.

5.1.3 Passage of a written and, if appropriate, other approved testing methodologies based on the curriculum specified in section 4 of these rules with a minimum grade of 70%.

#### 5.2 Minimum basic certification for full-time firefighters

5.2.1 The minimum basic certification for a full-time firefighter in accordance with 20 V.S.A. § 3153(a)(12)(A) shall be Firefighter I. This certification shall be obtained within 12 months of a firefighter meeting the definition of full-time firefighter in section 2.1.4 of these rules.

5.2.2 A waiver of section 5.2.1 of these rules may be requested in writing to the Chief Fire Service Training Officer by the fire chief of a fire department within 12 months of a full-time firefighter's date of hire. A waiver request must include the reason why section 5.2.1 of these rules cannot be met and a plan by which the firefighter will obtain certification.

5.2.3 The Chief Fire Service Training Officer is delegated by the council to rule on a waiver request and issue a waiver after determining that reasonable circumstances exist. A waiver shall not exceed 24 months from a full-time firefighter's date of hire.

#### 5.3 Standards for maintaining Vermont certifications issued by the Vermont Fire Academy

5.3.1 All Vermont certified firefighters shall successfully complete a minimum number of

hours of training per certification term to maintain certification. The minimum number of hours per certification term shall be based on the level of certification and shall be prescribed by the Council. Failure to complete this required training shall result in loss of Vermont certification.

5.3.2 The Council may only change the number of hours required for Vermont certification maintenance at the last regular meeting of the calendar year and the effective date of those changes shall ~~not be greater sooner than the start of the next certification term, one year from the date of approval.~~

5.3.3 The Vermont Fire Academy may issue Vermont certifications for a term not to exceed three (3) years.

5.3.4 All training used to maintain Vermont certifications shall be based on the job performance requirements, requisite knowledge, requisite skills, or objectives outlined in the applicable National Fire Protection Association Standard for Professional Qualifications ~~Accreditation and Certification Systems~~ for the level(s) of the certification held. The Council may require mandatory training topics for any Vermont certification level.

5.3.5 Firefighters who hold Vermont certifications at multiple levels shall be required to successfully complete training within all certification levels that they hold, but the total number of training hours required for the maintenance of Vermont certifications shall be determined by their highest level of Vermont certification.

#### 5.4 Standards for reestablishing expired certifications issued by the Vermont Fire Academy.

5.4.1 Firefighters who fail to recertify may do so by obtaining the prescribed training hours per year within 2 years of their Vermont certification expiration date or by passing the approved challenge exam for the applicable level of certification in accordance with section 5.6 of these rules. This period shall be extended for firefighters who are members of the national guard, state guard, or reserve component and were activated or deployed in accordance with 20 V.S.A. §368.

#### 5.5 Reciprocity

5.5.1 The Chief Fire Service Training Officer may issue reciprocal Vermont certification(s) to individual(s) who meet the requirement of sections 5.5.1.1 through 5.5.1.4 of these rules.

5.5.1.1 The applicant shall be currently affiliated with a Vermont Fire Department.

5.5.1.2 The applicant's certification shall be accredited by Pro Board, International Fire Service Accreditation Congress (IFSAC), or the United States Department of Defense (DOD).

5.5.1.3 ~~The applicant's certification was issued within the current certification term, or was issued within the previous 3 years and the applicant has~~ shall have applicable training that meets or exceeds the current recertification requirements in accordance with section 5.3~~5~~ of these rules.

5.5.1.4 The applicant shall meet any additional training requirements specified as prerequisite for certification at the applicable level as required by the Council.

5.5.1.5 The applicant shall apply for reciprocity using forms approved by the Council and provide proof of continued training as prescribed in 5.5.1.3 of these rules. Acceptable proof of continued training shall be specified on the approved forms and may include training transcripts, affidavits from previous fire departments, training providers, or employers, or other forms as approved by the Council. Said documents are to be signed by a representative of the attesting organization and the applicant.

5.5.1.6 Any applicant who is found to have submitted intentionally fraudulent or inaccurate documentation of previous training records may result in immediate denial of reciprocity.

5.5.2 The Chief Fire Service Training Officer may deem a certification as equivalent for course or program prerequisite purposes, but not for Vermont certification to individual(s) who meet the requirements of section 5.5.2.1 through 5.5.3 of these rules.

5.5.2.1 The applicant shall be currently affiliated with a Vermont Fire Department or applying to attend a Vermont Fire Academy course or program that requires recognition of prerequisite certifications.

5.5.2.2 The applicant's certification shall be accredited by Pro Board, International Fire Service Accreditation Congress (IFSAC), or the United States Department of Defense (DOD).

~~5.5.2.3 The applicant's certification shall be compliant with the current or previous 2 editions of the applicable National Fire Protection Association Standard for Professional Qualifications Accreditation and Certification Systems.~~

5.5.3 Certification Reciprocity or equivalency shall only be issued through reciprocity for certification levels that are authorized by the Council.

## 5.6 Challenge Certification Exams

5.6.1 Individuals who have not completed an approved Vermont Fire Academy sanctioned program or who's certification has expired may obtain certification through the challenge certification exam process.

5.6.2 The Council shall approve the certification levels for which certification can be granted through the challenge certification exam process.

5.6.3 An individual shall only be allowed to attempt the challenge certification exam process once every five years per certification level.

## **6. REVOCATION OF FIREFIGHTER CERTIFICATION**

6.1 In addition to decertification as a result of not completing continuing annual training as required by these rules the Council may revoke a firefighter certification for any of the following grounds:

6.1.1 The holder of the certification obtained such certification through fraud or

misrepresentation of material fact.

6.1.2 The holder of the certification is convicted of a crime, provided that the acts involved are found by the Council to have a direct bearing on the person's fitness to serve the public in the capacity of a firefighter.

6.1.3 The holder of the certification is convicted of violating any section of V.S.A. Title 13, Chapter 11: Arson and Burning.

6.2 No revocation of a certification shall occur without an investigation and notice and opportunity for hearing.

## **7. HEARINGS AND APPEALS**

7.1 Any decision relating to certification, decertification or revocation of certification may be appealed in accordance with this section.

### **7.2 Procedures**

7.2.1 The appeal shall be filed with the Chief Fire Service Training Officer within thirty (30) calendar days of the final decision that is being appealed.

7.2.2 The Chief Fire Service Training Officer shall notify the Council of the appeal at the next Council meeting after receiving the appeal.

7.2.3 The appeal shall be in writing and contain, as a minimum, the following elements.

7.2.3.1 The name of the firefighter submitting the appeal.

7.2.3.2 The decision being appealed.

7.2.3.3 A statement of facts supporting the appeal referenced to these rules.

7.2.3.4 The requested remedy.

7.2.4 The Council shall conduct a hearing in accordance with this section within forty-five days of receiving the notice of appeal.

7.2.5 Any hearing before the Council in accordance with these rules shall be conducted in accordance with the contested case procedures of the Administrative Procedures Act. At the sole discretion of the Council the appeal may be heard by the full Council or a Committee of the Council.

7.2.6 The decision of the Council shall be considered a final decision.

## **8. SEVERABILITY**

8.1 The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any person or circumstances is invalid, the invalidity shall not affect other provisions for applications which can be given effect without the invalid provision or application.

## **9. EFFECTIVE DATE**

These rules shall become effective ~~02/15/2020~~. All prior certificates and approvals issued on behalf of the Council shall continue in full force and effect except as otherwise provided.