

## Council Rules and Policies

### Vermont Fire Service Training Council Rules and Policies

Effective: ~~TBD January 1,~~  
~~2007~~  
**2019 ANNOTATED  
RULE**

## 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 ~~fire related rescue~~-other fire related activities.

2.1.3 "Firefighter" means a member of a state, ~~county~~, or municipal ~~or county~~ fire department or a privately- owned fire department, which is responsible for fire suppression, prevention, investigation or ~~fire related rescue~~-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 training 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 training 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 ~~up to one year~~ **the remainder of the term of the Council member** and conveys full membership status in the absence of the member. The 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 or, in his or her absence, by the vice-chair. In the event neither the chair nor vice-chair is present at the meeting, the Council may elect from its members there present a 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 training 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 ~~V~~voting at any meeting ~~may~~shall be ~~by written ballot, by show of hands, or by voice as~~ 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 who shall preside over all meetings. The 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 is unable for any reason to discharge his or her duties, the vice chair shall serve as the chair.

3.2.3 The chair and vice-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 or vice-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 or vice-chair respectively.

3.2.4 A vacancy is created in the positions of chair or vice-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 becomes vacant, the balance of his or her term shall be discharged by the vice-chair. A new vice-chair shall be elected in the manner provided in this section for the balance of the term. Should both the positions of the chair and vice-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, with the approval of the Council, may appoint such standing and special committees as necessary to assist it in conducting its business. Any 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 Levels Approval of Fire Service Training

4.1.1 The Council ~~may~~ shall approve ~~courses and programs~~ of instruction that result in certification. ~~to complete the following levels of fire service training:~~

~~4.1.1.1 Firefighter I and II, Fire Officer, Fire Instructor, Hazardous Materials and the National Incident Management System (NIMS) Incident Command System (ICS).~~

~~4.1.1.2 Other courses as deemed appropriate by the Council.~~

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

4.1.3 In reviewing ~~courses of instruction curriculum~~, the Council should compare the proposed curriculum with applicable Vermont Occupational Safety and Health Administration (VOSHA) regulations, NFPA Standards and other nationally recognized ~~courses, 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 ~~c~~Chief ~~f~~Fire ~~s~~Service ~~t~~Training ~~o~~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 ~~may~~ shall be approved by the Council consistent with applicable nationally recognized accreditation bodies.

### 5.2. Firefighter I, II and Fire Officer

~~5.2.1~~ 1.2 The Council shall approve prerequisites for certification exams.

~~5.2.2~~ 1.3 Passage of a written and, if appropriate, ~~practical, examination~~ other approved testing ~~methodologies~~ based on the curriculum specified in section 4 of these rules with a minimum grade of 70%.

### 5.3 For certifications other than those courses approved under sections 5.1 and 5.2.

~~5.3.1 Successful completion of course of instruction as specified in section 4 of these rules and~~

~~passage of a written and, if appropriate, practical exam with a minimum grade of 70% or passage of a written and, if appropriate, practical, examination based on the curriculum specified in section 4 of these rules with a minimum grade of 70% as determined by the Council.~~

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

5.4.1 The minimum basic certification for a full-time firefighter in accordance with 20 V.S.A. § 31 53(a)(2)(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.

~~5.4.2 Upon written request from a chief of a fire department, the chief fire service training officer may waive the time required to receive certification in accordance with section 5.5.1 of these rules but not to exceed 24 months. A waiver of section 5.4.1 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 5.4.1 of these rules can not be met and a plan by which the firefighter will obtain certification.~~

~~5.4.3 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.~~

#### 5.5 Standards for maintaining Vermont certifications as Firefighter I, II and Fire Officer issued by the Vermont Fire Academy

5.5.1 All Vermont certified firefighters shall successfully complete a minimum ~~of 24~~ number of hours of training ~~in a range of subjects approved by the Council per year to maintain certification at their highest level of certification~~ 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.

5.5.2 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 be greater than one year from the date of approval.

~~5.5.3 The Vermont Fire Academy may issue Vermont certifications for a term not to exceed three (3) years.~~

~~5.5.4 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.~~

~~5.5.5 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.~~

#### 5.6 Standards for reestablishing expired Recertifications issued by the Vermont Fire Academy of Firefighter I, II and Fire Officer

~~5.6.1 Firefighters who have previously been certified by the Council as Firefighter I, II and Fire~~

~~Officer and have not maintained their certification for a three year period shall successfully pass the certification exam specified in section 5.2 of these rules to receive recertification. The three-year 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.~~ 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 5.8 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.

### 5.7 Equivalency

~~The chief fire service training officer may issue letters of equivalency for the purpose of prerequisites after reviewing the level of training achieved in other jurisdictions based on a comparison with the curriculums specified in section 4 of these rules.~~

### 5.7 Reciprocity

5.7.1 The Chief Fire Service Training Officer may issue reciprocal Vermont certification(s) to individual(s) who meet the requirement of sections 5.7.1.1 through 5.7.1.4 of these rules.

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

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

5.7.1.3 The applicant's certification was issued within the current certification term, or was issued within the previous 3 years and the applicant has applicable training that meets or exceeds the current recertification requirements in accordance with section 5.5 of these rules.

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

5.7.2 The Chief Fire Service Training Officer may deem a certification as equivalent for prerequisite purposes to individual(s) who meet the requirements of section 5.7.2.1 through 5.7.3 of these rules.

5.7.2.1 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.

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

5.7.2.3 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.

5.7.3 Reciprocity or equivalency shall only be issued for certification levels that are authorized by the Council.

#### 5.8 Challenge Certification Exams

5.8.1 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.

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

5.8.3 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 ~~e~~Chief ~~f~~Fire ~~s~~Service ~~t~~Training ~~o~~fficer within thirty

(30) calendar days of the final decision that is being appealed.

7.2.1 The ~~e~~Chief ~~f~~Fire ~~s~~Service ~~t~~Training ~~o~~fficer shall notify the Council of the appeal at the next Council meeting after receiving the appeal.

7.2.2 The appeal shall be in writing and contain, as a minimum, the following elements":

7.2.2.1 The name of the firefighter submitting the appeal.

7.2.2.2 The decision being appealed.

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

7.2.2.4 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 ~~January 1, 2007~~-TBD. All prior certificates and approvals issued on behalf of the Council shall continue in full force and effect except as otherwise provided in these rules.