



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

**REGULAR BUSINESS MEETING MINUTES**  
**February 4, 2020**

**FIREFIGHTING COMMISSION BUSINESS  
MEETING**

Brentwood Library  
Brentwood, Tennessee 37027  
February 4, 2020

Prayer – (Commissioner David Windrow)

Pledge of Allegiance – (Commissioner Henry)

Roll Call – (Director Anthony Grande)

Members Present:

Commissioner Darryl Kerley  
Commissioner Stephanie Specht  
Director Anthony Grande  
Commissioner Brian Biggs  
Commissioner Tommy Kelley  
Commissioner David Windrow  
Commissioner Michael Henry  
Commissioner Jeff Elliott  
Commissioner Gary Farley  
Commissioner Toran Hedgepath  
Commissioner Jay Moore

Members Not Present:

Commissioner Jay Moore

**Chairman Biggs:** Announces the new commission member, William Scott, from West Tennessee and welcomes the new Executive Director, Anthony Grande, who was in the fire service in Tennessee for

many years and recently come to us from Alabama.

**Director Grande:** Roll call

**Commissioner Biggs:** Here

**Commissioner Hedgepath:** Here

**Commissioner Henry:** Here

**Commissioner Kelley:** Here

**Commissioner Kerley:** Here

**Commissioner Moore:** No response

**Commissioner Scott:** Here

**Commissioner Specht:** Here

**Commissioner Windrow:** Here

**Director Elliott:** Here

**Commissioner Farley:** Here on the behalf of Commissioner Mainda

**Chairman Biggs:** We have a quorum. Have the commission members had an opportunity to review the last two meeting minutes?

**Commissioner Windrow:** Yes, the change that is needed is that it should say Director Elliott, not Commissioner.

**Chairman Biggs:** We can amend that. Motion to approve the Business Meeting and Work Session, November 20<sup>th</sup> and 21<sup>st</sup>, 2019.

**Commissioner Henry:** Motion to approve.

**Commissioner Scott:** Seconded the motion.

**Chairman Biggs:** All those in favor say aye. Affirmative response. Any Opposed, same sign. No verbal response.

**Director Elliott:** Commissioner Farley and I completed second round interviews for the fire program director's position last week. We have submitted a name to human resources. The first two full weeks of January we hosted the Tennessee-Kentucky Wildland Training Academy and it was very successful. We had forest agents on campus, a total of instructors and twenty-eight states were represented throughout those two weeks. Everything on campus was booked and everything is booked for January 2021 as well for forestry training.

We were awarded a grant for the support of Wildland Firefighting training, so a purchase was made for their brush truck. Also, \$65,000 was approved from the grant for a Simtable, which will support all levels of incident management training. It will provide models for floods, wildland fires, hazmat pooling, and mass evacuation.

The Smoky Mountain weekend is scheduled for June 13<sup>th</sup> and 14<sup>th</sup> and the Sevier County Chiefs and Training officers have gotten their first round of classes suggested so I would think we would hear something soon about what is being offered.

The conference center is still on target and would be open if you needed another meeting after August.

**Commissioner Farley:** I would like to let the people know that the Inspector Certification, with ICC will still be able to get reciprocity until June 2020. They gave us an extension, but if they do not continue to accept Proboard for reciprocity, then I can change the rule and just accept Proboard for the licensing for Inspector.

**Director Grande:** We have a West Tennessee coordinators position posted and should end this week. Once it is filled, we will have a coordinator in each grand division. Also, Fred McCay and I traveled to West Palm to attend the Proboard conference and beginning February 8<sup>th</sup>, they will begin enforcing how testing procedures and things are supposed to be. We will discuss Proboard in a bit.

**Mr. Underwood:** The proposed rulemaking hearing and rules that was adopted in August had been filed in the Secretary of State's office after the extensive review process of the AG/governor's office and our office, and they will be effective April 21, 2020. Those rules incorporate adding the training class for Hazmat Awareness and Hazmat Operations and to update four standards of editions and the

miscellaneous standards, as well as to clarify some of the language, the typos and a few other places.

The Commission has also received a complaint regarding a violation of commission of rules. We received an anonymous letter alleging misconduct by Fire Chief A for falsifying a letter from a friend at a Fire Department to reinstate a Firefighter. The letter alleges that the Firefighter has been fired from the Fire Department and had been out of the fire service for more than five years. The letter alleges that the Fire Chief X hired the Firefighter as a qualified firefighter. The anonymous letter utilized the web page banner of the local firefighter union website. To require more information in order to make an informed recommendation to the commission, legal, with the approval of Chairman Biggs and Assistant Commissioner Farley referred this matter to the investigation section of the Division of Regulatory Board to investigate the allegations contained in the letter. The reg board investigator began the investigation by interviewing the Fire Chief X, and he provided a copy of a signed statement regarding the referral letter he received from Fire Department A, which was not signed but was marked by the departments Division Chief. The Fire Chief X received a referral letter after hiring the Firefighter. The investigation determined that the referral letter was accurate. As far as information, the Firefighter had worked as a full-time member of the Fire Department A, but that after a transfer, continued to work with the Fire Department A on a part-time basis. The referral letter did contain some suspect information. Firefighter has received annual training after transferring within the Fire Department. The investigator was unable to find any evidence that any annual fire training was provided to the Firefighter once he transferred. The investigator did verify that the Firefighter received training once he joined the other Fire Department X and he was placed in the recruit training school. He refreshed his Firefighter I, Firefighter II, Hazmat Awareness, and Hazmat Operations. His training was entered into the Acadis system and his scores were generally equal to or higher than his fellow firefighters in the recruit class. Investigator noted that the referral letter, allegedly, was written by the Division Chief A from the Firefighter's previous department A, but it was not signed or dated and that the Division Chief A has reported transfer to another department. The Division Chief A was not interviewed. The investigator made phone calls and left messages with the Firefighter's previous department's human resources, but no contact was made. The employment verifications were made for any employees that Fire Department A mentioned in the report. There is no evidence of violation of commission rules by any firefighter or Department X was found during the investigation. The investigator made no determination regarding the firefighters with Fire Department A. The Fire Chief of Fire Department A said he was aware of the complaint and he suspected fraudulent letter. Specifically, his suspicion with the letter is that he did not know that Firefighter A received annual training with his fore department once he transferred. So they closed the investigation, the Fire Department A did not provide any training records to the investigator; however Firefighter A has training records in acadis since he joined Fire Department X, but nothing from Fire Department A, which is not a part of the incentive pay program.

Furthermore, the investigator, after conducting interviews with the local union representative, found evidence presented by the local union shows that the anonymous complaint or complainants may or may not be members of the local union. However, the complaint does not represent a complaint filed the local union. So, they did not have any part of this, as their representative states. So, as a result of the investigation and interviews with various persons involved in this matter, legal finds that there has been no support information received or obtained to substantiate the allegations of the complaint. Firefighter A has participated in basic recruit training after being employed with Fire Department X, which qualifies him, for certifications of Firefighter I, Firefighter II, Hazmat Awareness, and Hazmat Operations.

Previously, the firefighter has a pumper/driver certificate as well. Therefore, legal recommendation is for commission to dismiss the complain and find no violations of commission rules.

**Commissioner Henry:** Motion to dismiss.

**Commissioner Windrow:** Seconded the motion.

**Chairman Biggs:** All those in favor, signify it by saying aye. Commissioner Kerley abstained. Affirmative response. Any opposed, same sign. No verbal response. Motion dismissed.

**Director Grande:** Calls on Coordinator Nicholson for reciprocity status.

**Mr. Nicholson:** I bring two reports, one is the reciprocity totals from 2019, which was 822 certifications, in 2018 we had 739 and in 2017, we had 461, so 2019 had the most reciprocities issued by far. The most popular certification was for Hazmat Operations, mainly from Memphis Fire Department. Memphis FD used the International Association of Firefighters to do their training for all their recruit classes and then applying for reciprocity. Memphis FD would submit many at one time, which would take the whole office to get them processed.

**Commissioner Farley:** Do you know how many fire departments where these numbers are coming from?

**Mr. Nicholson:** At this time, I do not have that with me, but I can compile a list for you.

**Director Grande:** Would you speak briefly to the total process number of phone calls that you receive about reciprocity?

**Mr. Nicholson:** We track our customer service contacts, but I do not necessarily track the number of people I speak to directly about reciprocity. Multiple times daily we get emails and phone calls about reciprocity questions. I have a detailed conversation with people and if they are unsure, they can send me certificates for me to review before they apply. This provides customer service and keeps down reciprocity denials. Out of the 238 candidates that were approved, eight candidates were denied in 2019. In 2017, there were about 25 people denied, so we have cut this down to 30% because we have increased our customer service initiatives by not allowing these things to sit in queue and wait to receive documents. We go and seek the documents we need and if the documents are not turned in within a month, then we will send a denial letter.

**Director Grande:** As we discussed in the rule meeting, so much of our reciprocity status is based upon letters from fire chiefs or documentations from other fire departments. What we decide to accept or not will play a big role in reciprocity.

**Mr. Nicholson:** Once the reciprocity documentation standard is set, we will adhere to it, but it needs to be uniform. Such as those being separated from the fire service, anytime we're talking about a gap in service, it needs to be uniform.

**Commissioner Specht:** Since Mr. Nicholson does this job, I think he needs to be an integral part, working with us, coming up with the orientation requirements to make his job easier.

**Chairman Biggs:** Our staff is always a part of the rulemaking.

**Commissioner Specht:** I would like to see him be very hands on, such as adopting forms or other things.

**Mr. Nicholson:** At this time, we have issued 57 certifications from reciprocity in January 2020.

#### Director's Report

**Director Grande:** You should have a copy of the first batch of the 2019 salary supplement pay on your iPad. I am asking as in the past to approve the first batch and subsequent batches so we can move through the process and send the batches to fiscal for processing the money out the fire departments that participate in the program.

**Commissioner Henry:** Motion to approve.

**Commissioner Specht:** Seconded.

**Chairman Biggs:** Motion to approve by Commissioner Henry and seconded by Commissioner Specht. All those in favor say aye. Affirmative response. Any opposed, same sign. No verbal response.

**Commissioner Scott:** I abstain.

**Chairman Biggs:** The ayes have it and one abstention.

**Commissioner Scott:** My department is recognized there.

**Commissioner Windrow:** Those in the audience, catch us afterwards if you want to see the list.

### New Business

**Director Grande:** I would like to introduce Chase Foster, who will introduce himself and give us a brief overview of the Health Safety Train the Trainer course. The documentation of what their program is on your iPad.

**Mr. Foster:** I am Chase with the Tennessee Department of Health. I'm the Sudden Death in the Young coordinator, and that's a subset of our Child Fatality review process. In Tennessee, all deaths under 18 years of age are reviewed at the local level, and then we also have a subset that goes to, I believe, from you in Memphis at Le Bonheur, as well as Vanderbilt in Nashville to look at underlying causes of death that might not have been found in autopsy or through medical records. We use that data to form our safe sleep initiatives. In Tennessee, about 25% of all infant deaths have been sleep related. Currently, we are 23%, and are looking at how these deaths can be preventable. Almost every sleep related death we look at has some factor of unsafe sleep, whether they're co-sleeping with a parent, adult mattress instead of a crib, in a pack and play, or sleeping with stuffed animals. We see many suffocations, and our goal is to decrease those numbers. We did have a drop in the number of infant deaths in 2018, but that data is still under governance committee and can't be released yet. We think that any death that is prevented is worth it whether it's statistically significant or not.

This program can work with local fire departments and police departments, the problem with using police to ask these questions, parents and caregivers shut down. They do not want to give this information because they are afraid of convictions, DSC involvement or relative actions. When firefighters have this conversation with parents and caregivers, the community views firefighters as not having a hidden agenda. When you can provide these families with cribettes (smaller version of pack and plays) which is a safe sleep environment at no charge to the family, as well a kit that provides safe sleep information, poison control information and other materials. These will be sent to the fire departments at no charge to them or the families.

For training, it is a 30-minute to one-hour training on safe sleep and how to recognize the risk factors, roadway into those unsafe sleep deaths. From there, we just need fire departments to report how many kits they have given out and how many cribs that are given out.

**Director Grande:** The program has been submitted and I wanted to bring it before you today because it is valuable information, but at this time I do not believe that it fits into educational incentive program as it is today. I have shared it with community risk reduction, and they are thrilled to see a partnership between the Department of Health and Fire Prevention.

**Chairman Biggs:** It does fall under our SIDS criteria.

**Director Grande:** It does but there is no developed exam.

**Chairman Biggs:** You would need to come up with a ten-question test.

**Mr. Underwood:** You would need more questions than ten so you can rotate the questions, like 20 questions.

**Chairman Biggs:** The test that you issue would have to be a minimum of ten questions.

**Commissioner Specht:** This is more so to deliver to the community?

**Chairman Biggs:** I think there is some fire service representative that want, right?

**Mr. Foster:** Jackson and Madison fire departments participate in our program. We have some in East and West Tennessee that also participate. We are expanding in the police departments and housing authorities to try and impact as many as we can.

**Chairman Biggs:** If he does it for a fire department and he can create a test bank and they can get their credit for it.

**Mr. Foster:** It does have a trainer-type presentation, so once a group learns, they can go and present that as well. We have trainers all throughout the state that are available to do the initial training.

**Commissioner Farley:** I can assure you we want to partner with you on this, because when our staff goes out doing community risk reduction plans and talking, we want to talk about this program and be a part of it.

**Mr. Foster:** The only problem I know of is local fire departments not having storage for the pack and plays and they do not want to have them on their trucks. We like to send no more or less than ten, since they are small and will not take up much storage.

**Director Elliott:** MTSU developed a two-hour SIDS program that has been submitted before the commission and I know Susan Cook, when she worked with East Tennessee Children's Hospital, submitted curriculum. Do you partner with them?

**Mr. Foster:** We do partner with MTSU. They do our deaths and investigation trainings twice a year throughout Tennessee and fill out the forms. We have a close relationship with them, and we partnered with East Tennessee Children's hospital. They were an active participant in DOSE.

**Commissioner Windrow:** Right now, it is two hours, but four-hour blocks are ideal for in-service. He has already sent it back to somebody in your chain.

**Director Grande:** When I evaluated the presentation, I thought it didn't meet the criteria, but it was good information, so I wanted to present it.

**Mr. Foster:** There might be ways that we can adapt, such as looking at a death scene investigation, to go along with DOSE training.

**Chairman Biggs:** Ideally, it would get to two or four hours we could put it as an approved course.

**Director Grande:** Have the division work with them and if they want to come back with something that is worthy of being two to four hours, we can work with them to develop the test.

**Commissioner Windrow:** He has some direction now.

**Chairman Biggs:** That was good and detailed.

**Chairman Biggs:** We heard from Chief Cross yesterday, is there any questions approving the Barry Brady Ace Cancer Risk Reduction for the fire service provided by MTAS?

**Commissioner Windrow:** Three hours, though?

**Director Grande:** He said it was stretching to a three-hour as they were teaching it. I know Coordinator McCay and Nicholson attended presentations of the Barry Brady Act.

**Mr. McCay:** Yes

**Chairman Biggs:** He did resubmit for the three-hour and test questions and everything to the director?

**Commissioner Kerley:** Make a motion to approve.

**Chairman Biggs:** Motion by Commissioner Kerley.

**Commissioner Henry:** Can we retro date to January the 1<sup>st</sup> of this year?

**Commissioner Windrow:** He said seven departments.

**Commissioner Henry:** Actually, they've already done it. I can speak for our department, we have taken this class and we've done the testing, put the test out and made everybody test.

**Commissioner Windrow:** Bit wasn't in your submitted program back in October.

**Chairman Biggs:** But it could still be a substitution.

**Commissioner Henry:** I would like to retro date it to the 1<sup>st</sup> of January 2020.

**Chairman Biggs:** So, your motion is to approve the course, starting January 1, 2020.

**Commissioner Specht:** Seconded.

**Chairman Biggs:** Motion by Commissioner Kerley, seconded by Commissioner Specht. All those in favor say aye. Affirmative response, any opposed, no verbal response. *Ayes have it.*

**Mr. Wayne Morris:** I am the codes and fire supervisor of the fire academy. I am seeking approval for an update to our fire inspector program. Currently, we are using Jones & Bartlett version that was put into play in 2015. We have since updated our Inspector II program back in 2018, we had to use a hybrid-type of delivery through IFSTA and Jones & Bartlett. With the new version of IFSTA 8<sup>th</sup> edition, this will solve most of our issues about uniformity of our program, Fire Inspector I and II. This will relieve the burden of inspector students of having to purchase two different books to come to the program. We put all the correlations together for Inspector I and II. It meets the NFPA 1031 standard, 2014 edition. We have all the JPR correlations to meet everything involved for inspector verification on both levels I and II. On each level of Inspector, we are going to utilize testing for each chapter, and then a final exam prior to commission practical and certification test. We are asking for approval of the updated, new treatment for IFSTA 8<sup>th</sup> edition Fire Inspection Code Enforcement. Beginning March 16<sup>th</sup> will be our next class.

**Director Grande:** Coordinator McCay, have you looked at the correlations and so do we have any other work to do to make this where it is acceptable by IFSAC and Proboard?

**Mr. McCay:** The test maker we currently using is validated to the 7<sup>th</sup> edition of IFSTA. I requested a new test bank from IFTSA and I have it in a drop box and I have spoken with Wayne about helping me with the validation process before his first class.

**Director Grande:** It's the correct thing to do to validate and correlate prior to release.

**Mr. McCay:** Yes, absolutely.

**Director Elliott:** Chuck Swann, whom used to be a contractor for the commission, is now one of our adjunct instructors teaching this and we will dedicate his services to help validate the test questions. He should have a very small learning curve helping to step in and validate the test questions.

**Mr. Morris:** It is our goal to keep up with the most current information to be provided to our students and our customers, and during our program is to do more than just deliver a program, to help the inspectors become better inspectors, to go their job.

**Commissioner Specht:** Motion to approve both programs.

**Commissioner Hedgepath:** Seconded.

**Chairman Biggs:** Motion to approve by Commissioner Specht and seconded by Commissioner Hedgepath, all those in favor say aye, Affirmative response, any opposed, same sign, no verbal response. Ayes have it.

**Commissioner Henry:** I would like to make a proposal to form a committee to look over our testing processes to try and streamline for Mr. McCay and his process with reviewing the tests. I think we should put together a committee that will look at the NFPA standards and each of the textbooks to try and streamline the process. Test banks, I'm sure are a nightmare to have to review each question.

**Director Grande:** I will have Mr. McCay speak about this and it is our understand that the commission sets curriculum. What we found is that building accreditation through IFSAC and Proboard using dual textbooks is very time consuming and difficult. We have been internally discussing the need to go to a single textbook for each specific certification. It does not have to be all IFSTA or Jones & Bartlett.

**Mr. McCay:** The prime example is using Jones & Bartlett's Hazmat Technician versus IFSTA's Hazmat Technician. I took Hazmat Tech and used the textbook, Managing the Incident, which is Jones & Bartlett, it is a newer updated version and it gives you the straight view of how to manage a hazmat incident. When you review IFSTA's manual for Hazmat Tech, it is more a controlled environment in a laboratory. It talked about chemicals and their breakdown. It is not really giving you the "how to handle it when it jumps out of its container scenario" that we deal with. When you try and validate the test, it is impossible. It is not just Hazmat tech; it is across the board. You have two different offers and two different viewpoints, even though they are writing to the NFPA standard, their processes and ideas are a bit different. Trying to merge tests banks to reference both is very time consuming.

I have been to Saudi Arabia and we had sets of textbooks for a subject matter. When I was in college, it was the same, you have one textbook to use, but in Tennessee, we are the only certification entity that I know of that use's multiple textbooks per level. I am asking for a committee from across the state, to look

at the textbooks available, pick one that we want our firefighters learning from, and then allow us to test from that textbook without them having to buy two or three different books.

**Director Grande:** Using more than one textbook creates double the workload, and more especially when IFSTA or Jones & Bartlett update editions, the same procedures must be done again, and they may update at different times, which increases the workload as well. We want input from our customers, and I know that a problem will arise because an instructor that uses IFSTA for 15 years may have trouble adapting to only using Jones & Bartlett. With the maintenance of our IFSAC and Proboard certifications, we would be better at streamlining process and perhaps even have a review process every four or five years.

**Mr. McCay:** Another Caveat that will be new for us is online application process, the online matrices, in the part, we were able to use IFSAC's correlation sheets, so you only had to correlate the test questions one time. Now, we've got to do it twice.

**Mr. Hedgepath:** It would most likely help the fail rate not be as high for Hazmat if we use one book?

**Mr. McCay:** The result would be helping firefighters that are taking these classes have a better chance of passing the certification tests.

**Commissioner Henry:** Reviewing this for myself, this is where our EMS division went, and now we have one curriculum for EMR, EMT, AEMT, and Paramedic. They streamlined the book process to just use two books instead of when I went through paramedic school in 1994, they used eight books.

**Commissioner Kerley:** Director Elliott, when I sign someone up for a class in acadis, it tells us which textbook to purchase. What dictates what you set up for that course?

Director Elliott: When I came about seven years ago, it was time to update our Firefighter I and II curriculum. We invited IFSTA and Jones & Bartlett to do presentations. My instructors really like Jones & Bartlett's presentation, so that is who we stuck with. Our students have a great pass rate with our driver, operator, and aerial program that happens to be under IFSTA, so of course we are not going to mess with that. By no means is the academy becoming exclusive to one vendor, we look at our success rates and let our instructors choose. I would like the academy to have one of the seats at the table with the others who run their own recruit programs, such as Franklin and Northeast Training Group. We are not going to say you must use one curriculum over another, but within that, you may have issues with students passing tests if you choose your own curriculum. We already know that it will be NFPA compliant test, we just need to maximize our manpower, so we are validating this test bank and be partners with the Tennessee Fire Service.

**Commissioner Farley:** Is it a workload issue more than anything?

**Mr. McCay:** to me, it's more for what's fair for the firefighter. Look at his workload of learning the subject and having the test reference to multiple sources. If his test is references to one textbook, he would have a better chance of learning that material than he has out of multiple sources.

Director Grande: I also think that Proboard meeting that we went to where they changed their rules a little bit, especially not accepting the IFSAC correlation, so again when you have 28 certifications and you had two textbooks in half of those programs, that is 14 textbooks time two, that is 28 books that would need to be correlated. Correlation can take anywhere from a week to three weeks, depending on that, not including the end users meeting and going over that.

**Mr. McCay:** We are going to get pushback in the beginning, but If the fire departments are wanting their firefighters to have that equal opportunity as everybody else, they will look at changing the textbook or using the textbook that the test is validated to.

**Commissioner Farley:** The reason I asked about the workload on the Firefighting commission staff, is that you all are covered up with some things sometimes.

**Mr. McCay:** Yes, the workload is a good part of it, but I tend to think of the end user.

**Commissioner Farley:** I understand and appreciate that.

**Chairman Biggs:** I think the best thing to do, Director, is to get our users and set up a meeting just like we



do when we review courses, to get the ball rolling on this.

**Commissioner Henry:** Can I request that one of our representatives be there for that also?

**Chairman Biggs:** Yeah, they can keep us in the loop.

**Commissioner Henry:** I will volunteer to work with that group.

**Director Grande:** You will be reporting back to the commission.

**Chairman Biggs:** Any other discussion on that? Hearing nothing is there any other new business?

**Director Grande:** I have no further new business.

**Chairman Biggs:** Any public comments? (No verbal response) Next item on the agenda is the dates for our next meeting. Mr. Underwood, how much time do you think we will need for rulemaking?

**Mr. Underwood:** What do you want to discuss? It is going to be a discussion to finish up what we need from yesterday, but also with other changes that may be coming down the line.

Chairman Biggs: We will have a business meeting starting at 0900 Eastern Standard Time on May 6, 2020, at the Park Vista in Gatlinburg, Tennessee and inside that business meeting, we will have a rulemaking work session.

**Commissioner Kelley:** Motion to approve.

**Commissioner Henry:** Seconded.

**Chairman Biggs:** Motion to approve by Commissioner Kelley and seconded by Commissioner Henry, all those in favor say aye, Affirmative response, any opposed, same sign, no verbal response. Ayes have it.

**Chairman Biggs:** We are adjourned.