

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 360 Department or Agency Alabama Fire College and Personnel Standards Commission

Rule No. 360-X-1-.01

Rule Title: General Regulations and Administrative Procedures

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another less restrictive method of Regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No


Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 2/28/2011

(DATE FILED)
(STAMP)

**ALABAMA FIRE COLLEGE
AND PERSONNEL STANDARDS COMMISSION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Fire College and Personnel Standards Commission

RULE NO. & TITLE:

360-X-1-.01 General Regulations and Administrative Procedures

INTENDED ACTION:

Revise reporting requirements for paid and part-paid fire departments; clarify references to relevant statute; require candidates for certification to be free of conviction of certain crimes.

SUBSTANCE OF PROPOSED ACTION:

To require annual submission of a true and complete roster of all departmental personnel who are subject to the provisions of §36-32-7 of the Code of Alabama 1975; to clarify references to §36-32-7 of the Code of Alabama 1975 throughout the chapter; to require that candidates for certification by the Alabama Fire College and Personnel Standards Commission be free of conviction of certain crimes.


TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing to the Executive Director of the Alabama Fire College and Personnel Standards Commission, 2501 Phoenix Drive, Tuscaloosa, Alabama 35405, at any time from March 31, 2011 through July 19, 2011, or orally at a public hearing to be held Wednesday, July 20, 2010 at 9:00 am in Room 110 of the Alabama Fire College, located at 2501 Phoenix Drive, Tuscaloosa, Alabama 35405.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Comments will be accepted until the close of the public hearing on the matter on July 20, 2011 at 9:00 a.m.

CONTACT PERSON AT AGENCY:

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Allan Rice
Executive Director
Alabama Fire College
and Personnel Standards Commission

ALABAMA FIRE COLLEGE AND
PERSONNEL STANDARDS COMMISSION
ADMINISTRATIVE CODE

CHAPTER 360-X-1
GENERAL REGULATIONS AND ADMINISTRATIVE PROCEDURES

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360-X-1-.01 General Regulations and Administrative Procedures

The General Regulations and Administrative Procedures Section of the Rules and Regulations of the Commission covers those areas that are required for all levels of certification and personnel administration. Specific requirements for each level are set forth in separate provisions that follow this section.

NOTE: Participation in the certification program shall not be mandated for any level or position of fire service personnel except trainee which is required by the Code of Ala. 1975, §36-32-7.

(1) Responsibilities of the chief of each fire fighting agency.

(a) The chief shall be responsible to see that all required forms and necessary information is properly filed with the office of the Commission.

(b) The chief shall be responsible to see that each employee, who is required, receives the required training at an approved school. Training is required under State Law when:

1. The employee is a firefighter or fire protection personnel as defined in §36-32-1, and

2. The firefighter is employed by a "fire fighting agency", as defined in §36-32-1, and

3. The firefighter provides services to the public, and

4. The firefighter receives compensation for those services, and

5. Compensation received obligates the firefighter to perform.

c. The chief shall be responsible to see that required training is conducted within the time set forth in the Code of Ala. 1975, §36-32-7. When an employee is voluntarily or involuntarily terminated from employment and rehired by the same employer, such employment shall be calculated as though employment was continuous since the time of the first employment date.

d. The chief shall cooperate with the Commission and Executive Director in carrying out the mandates and responsibilities of the Code of Ala. 1975, §§36-32-1 through 36-32-12 and the By-Laws and Regulations of the Commission.

e. The chief shall be responsible to see that his instructors are kept informed of the procedures for certification.

(2) Personnel records and information.

(a) Notice of Employment of new personnel.

1. The chief shall, within ten (10) days after the date of employment of a new employee subject to ~~these rules~~ the provisions of §36-32-7 of the Code of Alabama 1975, file with the office of the Commission AFC & PSC Form-04 entitled "Notice of Employment."

2. The chief shall, within thirty (30) days after the date of employment of a new employee subject to ~~these rules~~ the provisions of §36-32-7 of the Code of Alabama 1975, and who is not currently certified as a firefighter in the State of Alabama, file with the office of the Commission AFC & PSC Form-05 entitled "Physical Statement" completed and signed by a physician licensed to practice in the State of Alabama. Provided, however, Form-05 must be submitted prior to beginning any certification training.

NOTE: The physical and medical examination should be conducted for the purpose of detecting or determining the presence of deficiencies or abnormalities which would

reasonably be expected to limit the abilities of the applicant to satisfactorily and safely perform all the duties associated with fire fighting.

(b) Notice of termination.

1. The chief shall, within ten (10) days after the date of termination of the employment of ~~fire fighting~~ personnel subject to the provisions of §36-32-7 of the Code of Alabama 1975, file a completed AFC & PSC Form-06 entitled "Notice of Termination."

(c) Submission of departmental roster.

1. The chief shall, prior to October 1st of each year, file with the office of the Commission a true and complete roster of all departmental personnel subject to the provisions of §36-32-7 of the Code of Alabama 1975.

(3) Issuance of certificates.

(a) The Commission may issue fire service certifications to any individual who satisfactorily completes the requirements for a specific level of competence as prescribed by the Commission.

(b) The Commission shall have the power to cancel, suspend, or recall any certificate upon due cause as determined by the Commission.

(c) Reciprocity.

1. The Commission shall not issue reciprocal certificates above the level of Fire Fighter I, but may elect to recognize those certifications from other states as pre-requisites for training, provided that such certifications were issued by a ProBoard or IFSAC accredited agency.

2. In considering applications for reciprocity for Fire Fighter I, the commission may elect to give credit for training received in other states, provided such training has been approved or accredited in the state where the training was received.

3. The commission may elect to prescribe as a condition for certification:

(i) Applying the state examination for appropriate level.

(ii) Supplementary training as required to fulfill areas of training not covered in previous training.

4. Notwithstanding the above provisions, the Commission may enter into standing reciprocity compacts or agreements with those states which by law regulate and supervise the quality of fire service training.

5. The Commission shall not consider an application for reciprocity of any individual who has been separated from the fire service for a period greater than five years immediately preceding the application for reciprocity.

6. The Commission shall only consider an application for reciprocity when the application is made by the chief officer of a municipal, county, state, federal or private-sector fire fighting agency within the state of Alabama.

(d) Expiration of certifications.

1. Fire Fighter I certifications issued by the Commission shall expire under either of the following circumstances:

(i) One (1) year from the date an individual leaves the fire service employment. Fire service employment is any paid municipal, county, state, federal or private-sector occupation that requires the candidate, as his primary duty, to actively and routinely engage in fire protection services. Volunteer status is not sufficient to maintain Fire Fighter I certification.

(ii) In the event that the certified individual fails to obtain 30 hours per calendar year of continuing training that is relevant to the performance of firefighting duties. Documentation of such training shall be maintained by the employing agency and made available for inspection by the Commission upon request.

2. Volunteer Fire Fighter certifications issued by the Commission shall not expire provided that the certified individual obtains 30 hours per calendar year of continuing training that is relevant to the performance of

firefighting duties. Documentation of such training shall be maintained by the department with which the Volunteer Fire Fighter is affiliated and made available for inspection by the Commission upon request.

3. All certifications that have as prerequisite one or more separate certifications shall expire upon the expiration of the underlying prerequisite certification. Reinstatement of the Firefighter I certification shall reinstate those certifications expired under this provision.

4. Upon application, a non-expired Expiring Fire Fighter I certificate shall be converted to a Certified Volunteer Fire Fighter certificate, provided that the remaining requirements of 360-X-2-.01 are met.

5. The Commission may defer the expiration of a certification for up to one (1) year when the certificate holder is actively engaged in an approved postsecondary degree program in Fire Science or closely related subject or a certificate or degree program in Emergency Medical Services. Application for deferral must be made upon the prescribed forms and prior to the expiration of the certificate.

(e) Certificates may be issued only to individuals of good moral character and reputation as determined by the Commission, namely:

1. The individual shall not have been convicted of a felony or convicted of a crime involving fire and/or explosion; or

2. The individual shall not have been found guilty of a crime of moral turpitude or have engaged in immoral conduct which indicates an unfitness to discharge the duties of such certificate holder, as determined by the Commission.

(4) Requirements for recertification upon re-entry into the fire service.

(a) Any individual who is certified and leaves the fire service for a period in excess of one (1) year may be recertified as follows:

1. Any individual having not less than three (3) years continuous service immediately preceding the date of termination, may challenge the state certification examination for Fire Fighter I or Certified Volunteer Fire Fighter.

2. Any individual having less than three (3) years continuous service immediately preceding the date of termination or any individual who fails in the challenge of the certification examination shall comply with the training requirements as prescribed in the Code of Ala. 1975, §36-32-7 and these Rules and Regulations.

3. Any individual who has left the fire service for a period of five (5) years or longer from the date of termination shall comply with the training requirements as prescribed in the Code of Ala. 1975, §36-32-7 and these Rules and Regulations.

(b) The requirements for recertification shall not be construed as to preclude any employing agency from requiring any individual to complete any training required by the employing agency.

(5) Rescinded.

(6) Rescinded.

(7) Protection of existing positions.

(a) The standards adopted by the Commission shall not be used to render invalid any rank, qualification, or appointment acquired prior to the adoption of a standard.

(8) Specification for approved training for certification.

(a) To be recognized for certification by the Commission, training shall be obtained under the following conditions:

1. All certification courses must have prior approval by the Commission. Those agencies desiring to have a course taught must submit AFC & PSC Form 09 entitled "Application for Course Approval" completed with all the required information.

2. All certification courses must be taught using the current course curriculum approved by the Commission.

3. All certification courses must be taught by an instructor certified to the appropriate level or otherwise qualified by his or her education and experience to a level demonstrating particular subject matter expertise.

4. All certification courses must be taught at a facility appropriate to promote a learning environment and able to safely and comfortably accommodate the number of students involved in the course. Certain certification courses have more particular facility requirements as set out in the provisions below.

5. All certification courses must have a sufficient number of students to facilitate the instructional process and ensure the safety of the student involved in the course. Certain certification courses have more particular requirements regarding the number of students as set out in the provisions below.

6. The instructor will request that the state certification written examination be scheduled at the completion of the required training.

7. Attendance of certification courses taught at locations other than the Alabama Fire College shall be restricted to members of Alabama state, county, and municipal agencies, except where courses are established through the AFC Industrial or DoD Programs Division or by an articulation agreement with a postsecondary institution.

(9) Specification for approval as a fire training center.

(a) Any agency may, upon submitting AFC & PSC Form 08 "Inventory and Application for Approval as a Fire Training Center" to the Commission, be approved as a permanent Fire Training Center.

(b) An approved permanent Fire Training Center must undergo reevaluation and approval at a minimum of five year intervals. Such reevaluation may also be required at

the discretion of the Commission prior to the approval of any course as required in Section 8 above.

1. To be approved as a permanent Fire Training Center the agency shall have in its custody or readily available for use the required training structures, apparatus, and equipment as listed below:

- (i) Classroom with adequate lighting, heating, cooling, ventilation, seating facilities with support for writing, and standard classroom equipment: chalkboard, speaker's rostrum, etc.
- (ii) Pumper apparatus which meet specifications outlined in NFPA 1901, Standard for Automotive Fire Apparatus, within the two most recent editions.
- (iii) A complete and current set of training manuals approved by the Commission for use in fire service training.
- (iv) Current types and classes of portable fire extinguishers.
- (v) A training tower or suitable structure not less than two (2) stories in height, suitable for use as a training structure for ladder evaluations, rescue drills, hose advancement, and rope work.
- (vi) Forcible entry and ventilation drill facilities including a means of providing the trainee an opportunity to practice and/or demonstrating opening a variety of doors, windows, roofs, floors, and partitions.
- (vii) Salvage equipment including covers, coveralls, scoops, squeegees, mops, and sprinkler kits.
- (viii) Ropes of assorted lengths suitable for rescue and practicing knots.
- (ix) Self contained breathing apparatus, NFPA compliant within the two most recent editions, in sufficient numbers to enable each student to be completely familiar and functionally competent in their use.

(x) A smoke and fire room or building suitable for containing and equipped for simulating fire atmospheres and conditions.

(xi) Facilities for conducting live fire training and rescue in:

(I) Structural Fire Fighting

(II) Flammable Liquid Fire Fighting

(III) Automobile Fire Fighting

(xii) FirstAid supplies/equipment required to meet DOT standards for EMT Basic.

(xiii) Audiovisual training aids and equipment are encouraged but not required.

(10) Specification for Training involving Live Fire Evolutions.

(a) Training or instruction of any nature involving live fire evolutions, regardless of whether course completion results in certification, carried out by or in cooperation with the Commission or the Alabama Fire College shall be conducted by an instructor certified by the Commission as a Live Fire Instructor.

(b) Training or instruction of any nature involving live fire evolutions, regardless of whether course completion results in certification, carried out by or in cooperation with the Commission or the Alabama Fire College shall meet or exceed the requirements of NFPA 1403 Standard on Live Fire Training Evolutions, current edition.

(11) Candidate Physical Ability Test Standard for Fire Fighter I Training.

(a) As prescribed by the Commission, job related physical performance requirements shall be used to select candidates. Therefore, the fire fighter candidate shall successfully complete the Fire Service Joint Labor Management Wellness/Fitness Initiative Program Candidate Physical Ability Test (CPAT) or other such validated physical ability evaluation prior to entering a minimum

standards course for Fire Fighter I. Departments shall place on file with the Personnel Standards Commission the type test used and all associated validation documents prior to such testing.

(b) The physical ability evaluation shall be valid for one (1) year from the date of completion.

Author: Allan C. Rice

Statutory Authority: Code of Ala. 1975, §§36-32-1
thru 36-32-12.

History: Filed February 24, 1982; July 29, 1992. **New Rule:** Filed May 5, 1994, Effective Date June 10, 1994. **Amended:** Filed July 24, 1996; effective August 28, 1996. **Amended:** Filed January 22, 2001; effective February 26, 2001.

Amended: Filed April 19, 2002; effective May 24, 2002.

Amended: Filed April 24, 2002; effective May 29, 2002.

Amended: Filed December 13, 2002; effective January 17, 2003. **Amended:** Filed May 1, 2003; effective June 5, 2003.

Amended: Filed July 26, 2005; effective August 30, 2005.

Amended: Filed November 8, 2006; effective December 13, 2006. **Amended:** Filed May 8, 2008; effective June 12, 2008.

Amended: Filed December 12, 2008; effective January 16, 2009. **Amended:** Filed March 11, 2010; effective April 19, 2010.

Ed. Note: This agency was previously named "Alabama Fire Fighters' Personnel Standards And Education Commission