

TEXAS COMMISSION ON FIRE PROTECTION

October 25, 2012, 10:00 a.m.

1701 N. Congress Ave., William B. Travis Building, Room 1-104, Austin, Texas

1. Roll call – 10:00 a.m. “(including consideration of whether to excuse absences).”
2. Adoption of July 11, 2012 commission meeting minutes.
3. The Budget and Strategic Plan subcommittees will meet on October 25, 2012 during the commission meeting and may develop recommendations to be presented to the full commission including but not limited to, modifications to the agency operating budget, strategic plan and legislative appropriations request. The subcommittees may meet separately or together.
4. Report from the Budget and Strategic Plan subcommittees with discussion and possible action relating to any recommendations developed by these subcommittees.
5. Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen’s and Fire Marshals’ Association of Texas, the Texas Association of Fire Educators, the Texas Forest Service, the National Fire Protection Association, Safe-D, and the State Fire Marshal’s Office.
6. Discussion and possible action concerning reports by the Commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).
7. New matters from the commission, staff, or public regarding rulemaking which may be discussed in future commission meetings.
8. Discussion and possible action on future meeting dates.
9. Matters referred from the Fire Fighter Advisory Committee (FFAC), including, but not limited to:
 - A. Discussion and possible final adoption on proposed amendments, new sections, repeals and rule reviews as follows:
 1. Proposed amendments to 37 TAC, Chapter 441, Continuing Education, including but not limited to, §441.3, Definitions, §441.5, Requirements, §441.7, Continuing Education for Structure Fire Protection Personnel, §441.9, Continuing Education for Aircraft Rescue Fire Fighting Personnel, §441.11, Continuing Education for Marine Fire Protection Personnel, §441.13, Continuing Education for Fire Inspector Personnel, §441.15, Continuing Education for Arson Investigator or Fire Investigator, §441.17, Continuing Education for Hazardous Materials Technician, §441.19, Continuing Education for Head of a Fire Department, §441.21, Continuing Education for Fire Service Instructor.
 2. Proposed amendments to 37 TAC, Chapter 421, Standards For Certification including but not limited to, §421.17, Requirement to Maintain Certification.
 3. Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review of 37 TAC, Chapter 401, Practice and Procedure, Subchapter A, General Provisions and Definitions, including, but not limited to, §401.5, Delegation of Authority, §401.11, Conduct of Commission and Advisory Meetings, and §401.13, Computation of Time, Subchapter B, §401.17, Requirements, and §401.19, Petition for Adoption of Rules, Subchapter C, Examination Appeals Process, §401.21, Examination Challenge, and §401.23, Examination Waiver Request, Subchapter D, Disciplinary Proceedings, §401.31, Disciplinary Proceedings in Contested Cases, Subchapter E,

- §401.41, Preliminary Staff Conference, §401.43, Prehearing Conferences, §401.45, Interim Orders, §401.47, Appeal of an Interim Order, and §401.49, Prehearing Statements, Subchapter F, Contested Cases, §401.51, Preliminary Notice and Opportunity for Hearing, Subchapter H, Reinstatement, §401.117, Commission Action Possible upon Reinstatement, and Subchapter I, Notice and Processing Periods For Certificate Applications, 401.121, Purpose of Establishing Time Periods, §401.123, Notice of Deficiency, and §401.125 Processing Periods new Subchapter J, Charges For Public Records, §401.129, Charges for Public Records, and new Subchapter K, Historically Underutilized Businesses, §401.131, Historically Underutilized Businesses.**
- 4. Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review of 37 TAC, Chapter 403, Criminal Convictions and Eligibility for Certification, including, but not limited to, §403.1, Purpose, §403.3 Scope, §403.5, Access to Criminal History Record Information, §403.9, Mitigating Factors, §403.11, Procedures for Suspension, Revocation, or Denial of a Certificate to Persons with Criminal Backgrounds, and §403.15, Report of Convictions by an Individual or a Department.**
 - 5. Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review and repeal of 37 TAC, Chapter 405, Charges For Public Records, including, but not limited to, §405.1, General Provisions Regarding Charges for Public Records, §405.3, Definitions, §405.5, Charges For Providing Copies of Public Information, §405.7, Access to Information Where Copies Are Not Requested, §405.9, Format for Copies of Public Information, §405.11, Estimates and Waivers of Public Information Charges, and §405.15, The Texas Commission on Fire Protection Charge Schedule.**
 - 6. Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review and repeal of 37 TAC, Chapter 407, Administration, including, but not limited to, §407.1 Historically Underutilized Businesses.**
- B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**
- 1. Proposed amendments to title 37 TAC, Chapter 427, Training Facility Certification, including but not limited to, §427.307, On-Site and Distance Training Provider Staff Requirements.**
 - 2. Proposed amendments to title 37 TAC, Chapter 441, Continuing Education, including but not limited to, new §441.23, Continuing Education for Wildland Fire Fighter.**
 - 3. Proposed amendments to title 37 TAC, Chapter 449, Head of a Fire Department, including but not limited to, §449.1, Minimum Standard for the Head of a Fire Department, §449.3 Minimum Standards for Certification as Head of a Suppression Fire Department, and §449.5, Minimum Standards for Certification as Head of a Prevention Only Department.**
 - 4. Proposed amendments to title 37 TAC, Chapter 451, Fire Officer, including but not limited to, New Subchapter C, Minimum Standards For Fire Officer III, §451.301, Fire Officer III Certification, §451.303, Minimum Standards For Fire Officer III Certification, §451.305, Examination Requirements, new Subchapter D, Minimum Standards For Fire Officer IV, §451.401, Fire Officer IV Certification, §451.403, Minimum Standards For Fire Officer IV Certification, and §451.405, Examination Requirements.**
 - 5. Proposed amendments to title 37 TAC, Chapter 453, Minimum Standards For Hazardous Materials Technician, including but not limited to, new Subchapter A, Hazardous Materials Technician, §453.1, Hazardous Materials Technician Certification, §453.3, Minimum Standards For Hazardous Materials Technician Certification, §453.5, Examination Requirements, and §453.7, International Fire Service Accreditation Congress (IFSAC) Seal, and new Subchapter B, Hazardous Materials Incident Commander, §453.201, Hazardous Materials Incident Commander, §453.203, Minimum**

Standards For Hazardous Materials Incident Commander, and §453.205, Examination Requirements.

- C. Report from the Curriculum and Testing Committee with discussion and possible action on recommendations regarding changes to the Certification Curriculum Manual, including but not limited to:

 - a. Fire Officer III Curriculum, reference list and curriculum outline**
 - b. Fire Officer IV Curriculum, reference list and curriculum outline**
 - c. Basic Wildland Fire Fighter Curriculum, reference list and curriculum outline**
 - d. Head of a Fire Department Curriculum, reference list and skill sheets****
- 10. Discussion and possible action pursuant to Section 2001.039, Texas Government Code with respect to the final adoption of rule reviews of the following Chapters of Title 37 Texas Administrative Code:**
- A. 37 TAC, Chapter 401, Practice and Procedure**
 - B. 37 TAC, Chapter 403, Criminal Convictions and Eligibility for Certification**
 - C. 37 TAC, Chapter 405, Charges for Public Records**
 - D. 37 TAC, Chapter 407, Administration**
 - E. 37 TAC, Chapter 431, Fire Investigation**
 - F. 37 TAC, Chapter 433, Minimum Standards for Driver/Operator-Pumper**
 - G. 37 TAC, Chapter 435, Fire Fighter Safety**
 - H. 37 TAC, Chapter 437, Fees**
 - I. 37 TAC, Chapter 443, Certification Curriculum Manual**
 - J. 37 TAC, Chapter 445, Administrative Inspections and Penalties**
 - K. 37 TAC, Chapter 447, Part-Time Fire Protection Employee**
 - L. 37 TAC, Chapter 449, Head of a Fire Department**
- 11. Discussion and possible action pursuant to Section 2001.039, Texas Government Code with respect to the proposed rule review and consideration of re-adoption or repeal of the rules contained in the following Chapters of Title 37 Texas Administrative Code:**
- A. 37 TAC, Chapter 421, Standards for Certification**
 - B. 37 TAC, Chapter 423, Fire Suppression**
 - C. 37 TAC, Chapter 425, Fire Service Instructors**
 - D. 37 TAC, Chapter 427, Training Facility Certification**
 - E. 37 TAC, Chapter 429, Minimum Standards For Fire Inspectors**
 - F. 37 TAC, Chapter 439, Examinations For Certification**
 - G. 37 TAC, Chapter 441, Continuing Education**
 - H. 37 TAC, Chapter 451, Fire Officer**
 - I. 37 TAC, Chapter 453, Minimum Standards For Hazardous Materials Technician**
 - J. 37 TAC, Chapter 491, Voluntary Regulation of State Agencies and State Agency Employees**
 - K. 37 TAC, Chapter 493, Voluntary Regulation of Federal Agencies and Federal Fire Fighters**
 - L. 37 TAC, Chapter 495, Regulation of Nongovernmental Departments**
- 12. Discussion and possible approval of the addition of classes or courses to the A List and B List for higher levels of certification.**
- 13. Discussion and possible action on offering International Fire Service Accreditation Congress certification training for IFSAC seals outside agency jurisdiction.**
- 14. Discussion and possible action on appointment of new member to the Fire Fighter Advisory Committee.**
- 15. Discussion and possible action on matters from the Executive Director.**
- A. Report on decisions of the Executive Director in contested cases and consent orders.**
 - B. Status of division functions.**

16. Executive session:

- A. Pursuant to Section 551.074, Texas Government Code for the discussion of personnel matters: the appoint, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an Interim basis in this position; and**
- B. Pursuant to Section 551.071, Texas Government Code to meet with attorneys with respect to the scope of Section 419.087, Texas Government Code and its applicability to certain entities and organizations.**

17. Open session for further discussion and possible action regarding preceding agenda item.

18. Adjourn meeting.

The Texas Commission on Fire Protection may go into executive session on any agenda item if authorized by the Open Meetings Act, Texas Government Code Chapter 551.

1. **Roll call – 10:00 a.m. “(including consideration of whether to excuse absences).”**

2. Adoption of July 11, 2012, commission meeting minutes.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Steve Tull, at 10:00 a.m. called the July 11, 2012 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Les Bunte John Gillette Arthur Pertile, III*	Elroy Carson* Jody Gonzalez Leonardo Perez	Tony Cortes* John Green	Yusuf Farran** John McMakin	Carl Giles Steve Tull
					*absent entire meeting **absent part of meeting

Staff	Don Wilson Paul Maldonado	Deborah Cowan Jim Crowson, Assistant Attorney General	Tim Rutland	Mike Baker
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Guests	Robert Fite Lynn Bizzell Mike Wisko Mike Higgins	Mark Ashmead Wendell Burton Randy Safer	Cary Roccaforte Frank Adams Chris Barron	Ken Dozier Scott Kerwood Jason Collier	James Bradshaw Pat Ekiss John Carlton
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| 1. Roll call | Secretary, John Gillette called roll and a quorum was present. |
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| 2. Adoption of meeting Minutes | A motion to approve the minutes of the April 12, 2012 and May 11, 2012 commission minutes was made by Les Bunte and seconded by Leonardo Perez. The motion carried. |
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| 3. Budget and Strategic Plan Subcommittee Meeting | The subcommittees met together to review the agency's current budget performance measures and discussion of agency legislative appropriations request (LAR). |
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| 4. Subcommittee Reports | After discussion a motion to give the presiding officer the ability to approve the agency legislative appropriations request for full submission to the legislative budget board to meet identified deadline was made by Les Bunte and seconded by John Green. The motion carried. |
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| 5. Reports from Fire Service Interest Groups | Brief reports were given by the Texas State Association of Fire Fighters, National Fire Protection Association and State Firemen's and Fire Marshals' Association. |
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| 6. Report from Fire Service School Advisory Board & TEEEX | Commission representative Robert Fite gave a brief report on activities of the board at its last meeting. |
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| 7. New Matters | Guidelines on review and appointment of advisory committee members. |
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| 8. Future meeting Dates | The commission scheduled its next meeting for October 25, 2012, beginning at 10:00 a.m. |
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| 9. Matters from Fire Fighter Advisory Committee | <p>A. 1. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 427, §427.305 as discussed was made by Les Bunte and seconded by Carl Giles. The motion carried.</p> <p>2. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 431, §431.9 as discussed was made by John Green and seconded by John Gillette. The motion carried.</p> <p>3. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 437, §437.15 as discussed was made by Leonardo Perez and seconded by Jody Gonzalez. The motion carried.</p> <p>4. After discussion, item was tabled.</p> <p style="padding-left: 40px;">A motion to take the item off of the table was made by Jody Gonzalez and seconded by Yusuf Farran. The motion carried.</p> <p style="padding-left: 40px;">A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 439, §439.1 and §439.11 as discussed was made by Les Bunte and seconded by John Green. The motion carried.</p> <p>5. After discussion, item was tabled.</p> <p style="padding-left: 40px;">A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 455, §§455.1, 455.3, 455.5, and 455.7 with changes as discussed was made by Leonardo Perez and seconded by Les Bunte. The motion carried.</p> <p>6. After discussion, item was tabled.</p> <p style="padding-left: 40px;">A motion to take the item off the table was made by Les Bunte and seconded by Carl Giles. The motion carried.</p> <p style="padding-left: 40px;">A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 457, §§457.1, 457.3, and 457.5 with changes as discussed was made by Leonardo Perez and seconded by Carl Giles. The motion carried.</p> <p>B. 1. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 441, §§441.3, 441.5, 441.7, 441.11, 441.13, 441.15, 441.17, 441.19 and 441.21 as discussed was made by John Green and seconded by Jody Gonzales. The motion carried.</p> <p>2. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 421, §421.17 as discussed was made by Jody Gonzalez and seconded by Leonardo Perez. The motion carried.</p> |
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3. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 401, §§401.5, 401.11, 401.13, 401.17, 401.19, 401.21, 401.23, 401.31, 401.41, 401.43, 401.45, 401.47, 401.49, 401.51, 401.117, 401.121, 401.123, 401.125, 401.129 and 401.131 as discussed was made by John McMakin and seconded by John Green. The motion carried.
 4. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 403, §§403.1, 403.3, 403.5, 403.9, 403.11 and 403.15 as discussed was made by Carl Giles and seconded by John Gillette. The motion carried.
 5. A motion to propose for publication the repeal of 37 TAC, Chapter 405, §§405.1, 405.3, 405.5, 405.7, 405.9, 405.11 and 405.15 as discussed was made by Jody Gonzalez and seconded by Carl Giles. The motion carried.
 6. A motion to propose for publication the repeal of 37 TAC, Chapter 407, §407.1 as discussed was made by Leonardo Perez and seconded by Jody Gonzalez. The motion carried.
- C. A motion to approve new Chapter 10, Fire Department Safety Officer, Incident Safety Officer including reference list and curriculum outline was made by John Green and seconded by Leonardo Perez. The motion carried.

10. Proposed rule Review	A motion to approve for publication agency rule reviews of Chapters 401, 403, 405, 407, 431, 433, 435, 437, 443, 445, 447, and 449 as discussed was made by John Gillette and seconded by Carl Giles. The motion carried.
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11. Fire Fighter Injury Report	A motion to approve the recommendations on fire fighter injury reporting for inclusion in the line-of-duty death annual report of the State Fire Marshal's Office as discussed was made by John Green and seconded by Les Bunte. The motion carried.
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12. Higher Levels of Certification	A motion to approve the additional classes/courses to the A List and B List for higher levels of certification as discussed was made by Les Bunte and seconded by Jody Gonzalez. The motion carried.
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13. Matters from Executive Director	<ol style="list-style-type: none"> a. Mr. Wilson informed commissioners there were no contested case or consent orders since the last commission meeting. No action necessary. b. Mr. Wilson provided the commissioners information regarding division functions since the last commission meeting. Mr. Wilson also gave a brief update on agency vacancies and new hires.
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14. Executive session	Presiding Officer, Steve Tull called for the Executive Session at 3:01 p.m.
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15. Open Session Presiding Officer, Steve Tull called for Open Session again at 3:47 p.m.
A motion to allow a one-time bonus of \$1500 for the executive director was made by Jody Gonzalez and seconded by Carl Giles. The motion carried.

16. Adjournment A motion to adjourn was made by John Green seconded by Carl Giles. The motion carried.

Steve Tull, Presiding Officer

- 3. The Budget and Strategic Plan subcommittees will meet on October 25, 2012 during the commission meeting and may develop recommendations to be presented to the full commission including but not limited to, modifications to the agency operating budget, strategic plan and legislative appropriations request. The subcommittees may meet separately or together.**

TCFP FY12 Measures, FY10 Strategic Plan

Key	Division	FY12 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY12 YTD Sum	FY12 Target	% ytd/tar	Measures/Explanation
Output		<i>A quantifiable indicator of the number of goods or services an agency produces</i>							
<input type="checkbox"/>	Lib	01-01-01:01	169	174	211	105	659	800	82% Number of requests from fire department and other entities for agency training and education resources.
						Cumulative			Lower than target
<input type="checkbox"/>	Lib	01-01-01:02	36	91	121	45	293	175	167% Number of research requests for agency information resource center.
						Cumulative			Exceeds target which is desired
<input type="checkbox"/>	Std	02-01-01:01	236	263	339	201	1039	600	173% Number of inspections of regulated entities.
						Cumulative			Exceeds target which is desired
<input type="checkbox"/>	Std	02-01-01:02	1,850	2,091	2,184	2,367	8,492	8,750	97% Number of new certifications issued to individuals.
						Cumulative			Within target
<input type="checkbox"/>	Std	02-01-01:03	26,909	717	307	88	28,021	28,840	97% Number of certifications renewed (individuals).
						Cumulative			Within target
<input type="checkbox"/>	Std	02-01-01:04	2,314	2,078	2,501	1,757	8,650	8,442	102% Number of individuals examined.
						Cumulative			Exceeds target which is desired
<input type="checkbox"/>	Adm	04-01-01:01	31,957	11,175	2,259	23,369	68,760	13,000	529% Dollar value of HUB contacts awarded.
						Cumulative			Exceeds target which is desired
Explanatory (Annual)		<i>An indicator of factors, agency resources, or requests received that affect a state entity's performance.</i>							
<input type="checkbox"/>	Fin	01-02-01:01					0	N/A	N/A
						Cumulative			
<input type="checkbox"/>	Fin	01-02-01:02					0	N/A	N/A
						Cumulative			
<input type="checkbox"/>	Std	02-01-01:01	91.62	91.48	92.32	91.63	92	90.0%	102% Pass Rate (Percent)
						Non-Cumulative			exceeds target which is desired
<input checked="" type="checkbox"/>	Std	02-01-01:02	28,397	29,113	29,826	30,530	30,530	29,800	102% Number of fire service personnel certified by the Commission.
						Non-Cumulative			exceeds target which is desired
<input type="checkbox"/>	Std	02-01-01:03	242	472	237	247	247	185	134% Number of fire service training facilities certified by the Commission.
						Non-Cumulative			exceeds target which is desired

Cumulative Measure: A measure for which one quarter's performance can be added to a previous quarter's performance to obtain year-to-date performance; otherwise, a measure is non-cumulative.

Non-Cumulative Measure: A measure which, in order to determine year-to-date performance, must be calculated for the entire reporting period and not on the basis of adding together the performance from separate reporting periods

TCFP FY12 Measures, FY10 Strategic Plan

Key	Division	FY12 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY12 YTD Sum	FY12 Target	% ytd/tar	Measures/Explanation
Efficiency		<i>A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units</i>							
<input type="checkbox"/>	Std 02-01-01:01	1.66	18.22	21.54	30.46	30.46	6	508%	Average certification cost per individual certificate issued. above target but fluctuates greatly during the year
									Non-Cumulative
<input type="checkbox"/>	Std 02-01-01:02	2	2.24	2.29	72.82	72.82	2.5	2913%	Average certification cost per facility certificate issued. Only 10 certs issued in 4th quarter
									Non-Cumulative
<input type="checkbox"/>	Std 02-01-01:03	92.00	92.12	78.89	71.69	78.79	95	83%	Percentage of new individual certificates issued within 10 days. Lower than target but fluctuates through the year
									Non-Cumulative
<input type="checkbox"/>	Std 02-01-01:05	23.68	26.04	21.7	30.65	30.65	85	36%	Average cost per exam administered. Lower than target but will fluctuate during the year.
									Non-Cumulative
Outcome (Annual)		<i>A quantifiable indicator of the public and customer benefits from an agency's actions</i>							
<input checked="" type="checkbox"/>	Fin 01-02:01					0.0%	N/A	N/A	
									Non-Cumulative
<input checked="" type="checkbox"/>	Std 02-01:01	93%	92%	90%	0.94	94.0%	95%	99%	Percent of inspected certificate holders with no recent violations. Within target
									Non-Cumulative
<input type="checkbox"/>	Fin 04-01:01	48%	24%	10%	23%	23.0%	10%	230%	Percent of total dollar value of purchasing contracts awarded to HUBs.
									Non-Cumulative

Note: Explanations are provided for measures that are 5% or more off target.

Texas Commission on Fire Protection

Fiscal Year 2013 - Operating Budget

Updated: 10/12/12

Thru: September 30, 2012

Summary

Goals:	FY13 Budget	FY13 Expended	Balance	%
Education, Information and Assistance	48,778	4,402	44,376	
Fire Department Standards	1,119,483	89,446	1,030,038	
Indirect Administration	447,801	37,317	410,485	
Merit Budget				
1001 - Salaries & Wages:	1,616,062	131,164	1,484,898	92%
Education, Information and Assistance	1,500	200	1,300	
Fire Department Standards	44,963	1,520	43,443	
Indirect Administration	34,377	1,080	33,297	
1002 - Other Personnel Costs	80,840	2,800	78,040	97%
Education, Information and Assistance	0	0	0	
Fire Department Standards	0	0	0	
Indirect Administration	8,800	0	8,800	
2001 - Professional Fees and Services:	8,800	0	8,800	100%
Education, Information and Assistance	3,209	0	3,209	
Fire Department Standards	15,427	0	15,427	
Indirect Administration	1,219	109	1,110	
2003 - Consumable Supplies:	19,855	109	19,746	99%
Education, Information and Assistance	453	0	453	
Fire Department Standards	13,587	-95	13,682	
Indirect Administration	0	0	0	
2004 - Utilities:	14,040	-95	14,135	101%
Education, Information and Assistance	1,130	0	1,130	
Fire Department Standards	56,018	695	55,323	
Indirect Administration	31,630	45	31,585	
2005 - Travel:	88,778	740	88,038	99%
Education, Information and Assistance	180	0	180	
Fire Department Standards	2,136	178	1,958	
Indirect Administration	240	0	240	
2006 - Rent - Building (storage):	2,556	178	2,378	93%
Education, Information and Assistance	686	21	665	
Fire Department Standards	12,716	491	12,225	
Indirect Administration	3,909	149	3,760	
2007 - Rent - Machine and Other:	17,311	662	16,650	96%
Education, Information and Assistance	9,842	55	9,787	
Fire Department Standards	52,520	2,855	49,665	
Indirect Administration	29,224	3,544	25,680	
2009 - Other Operating Expense:	91,586	6,453	85,132	93%
Education, Information and Assistance	0	0	0	
Fire Department Standards	10,000	0	10,000	
Indirect Administration	0	0	0	
4000 - Grants:	10,000	0	10,000	100%
Education, Information and Assistance	0	0	0	
Fire Department Standards	0	0	0	
Indirect Administration	0	0	0	
5000 - Capital Expenditures:	0	0	0	#DIV/0!
TOTAL - ALL EXPENDITURES	1,949,829	142,012	1,807,817	93%

Texas Commission on Fire Protection
Fiscal Year 2013 - Operating Budget

Thru: September 30, 2012

Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%	
	Budget:	48,778	0	0	48,778	0
	Expended:	4,402	0	0	4,402	
1001 - Balance Salaries & Wages:	44,376	0	0	44,376	91%	
Other Personnel Costs:						
7017- One-Time Merit	0	0		0		
7022- Longevity Pay	200	0		200		
7023- Lump Sum Termination	0	0		0		
	Budget:	1,500	0	0	1,500	0
	Expended:	200	0	0	200	
1002 - Balance Other Personnel Costs	1,300	0	0	1,300	87%	
Professional Fees and Services:						
7242- Consulting Services - IT Computer	0	0		0		
7245- Financial & Accounting Services	0	0		0		
7253- Other Professional Fees (EAP)	0	0		0		
7274- Temporary Employment Agencies	0	0		0		
7275- Computer Programming Services	0	0		0		
	Budget:	0	0	0	0	0
	Expended:	0	0	0	0	
2001 - Balance Professional Fees and Services:	0	0	0	0	#DIV/0!	
	Budget:	709	2,500	0	3,209	0
	Expended:	0	0	0	0	
2003 - (7300) Balance Consumable Supplies:	709	2,500	0	3,209	100%	
Utilities:						
7501- Electricity	0	0		0		
7503- Telecommunications-Long Distance	0	0		0		
7504- Telecommunications-Monthly Charge	0	0		0		
7514- Telecommunications-Maint & Repair	0	0		0		
7516- Telecommunications-Other Charges (reg voice/internet)	0	0		0		
7517- Telecommunications Equipment-Expensed	0	0		0		
	Budget:	453	0	0	453	0
	Expended:	0	0	0	0	
2004 - Balance Utilities:	453	0	0	453	100%	
Travel:						
7101- Travel I/S - Public Transportation Fares	0	0		0		
7102- Mileage	0	0		0		
7104- Travel I/S - Actual Expense Overnight	0	0		0		
7105- Travel I/S - Incidental Expenses	0	0		0		
7106- Travel I/S - Meals & Lodging	0	0		0		
7107- Travel I/S - Non-Overnight Travel (Meals)	0	0		0		
7110- Travel I/S - Board Member Meals & Lodging	0	0		0		
7111- Travel OOS - Public Transportation Fares	0	0		0		
7112- Travel OOS - Mileage	0	0		0		
7115- Travel OOS - Incidental Expenses	0	0		0		
7116- Travel OOS - Meals, Lodging Allowable	0	0		0		
7135- Travel I/S - State Occupancy Tax	0	0		0		
7136- Travel I/S - State Occupancy Tax Galveston	0	0		0		
	Budget:	1,130	0	0	1,130	0
	Expended:	0	0	0	0	
2005 - Balance Travel:	1,130	0	0	1,130	100%	
	Budget:	180	0	0	180	0
	Expended:	0	0	0	0	
2006 - (7470) Balance Rent - Building (storage):	180	0	0	180	100%	

Texas Commission on Fire Protection
Fiscal Year 2013 - Operating Budget

Thru: September 30, 2012

Goal A: Education, Info and Assistance

	<u>Library</u>	<u>IT</u>	<u>Grants</u>	<u>Total</u>	<u>%</u>
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	0	0		0	
7411- Rental - Computer Equipment	21	0		21	
	Budget:	686	0	0	686
	Expended:	21	0	0	21
2007 - Balance Rent - Machine and Other:	665	0	0	665	97%
Other Operating Expense:					
7042- ERS Insurance Payment	44	0		44	
7201- Membership Dues	0	0		0	
7203- Registration Fees-Employee Training	0	0		0	
7295 Fees & Other Charges (DPS) (7210)	0	0		0	
7211- Awards	0	0		0	
7216- Insurance Premiums - appvd by oag	0	0		0	
7262- Maint & Repair - Computer Software	0	0		0	
7267- Maint & Repair - Computer Equipment	0	0		0	
7273- Reproduction & Printing	0	0		0	
7276- Communication Services (T-1 Line)	0	0		0	
7281- Advertising Services	0	0		0	
7286- Freight & Delivery Services	0	0		0	
7291- Postage & Postal Services	0	0		0	
7299- Purchased Contracted Services	0	0		0	
7303- Subscriptions, Periodicals and Info Services	0	0		0	
7312- Medical Supplies	0	0		0	
7330- Parts -equip, furn	0	0		0	
7334- Furnishings & Equipment -Expensed	0	0		0	
7335- Parts -Computer Equipment - Expensed	0	0		0	
7354- Bldg Remodel - State Leased -Expensed	0	0		0	
7367- Personal Property - Maint & Repair	11	0		11	
7374- Personal Property-Furn & Equip - Controlled	0	0		0	
7377- Computer Equipment - Expensed	0	0		0	
7378- Computer Equipment - Controlled	0	0		0	
7379- Computer Equipment - Cap (>1,000)	0	0		0	
7380- Computer Software - Expensed	0	0		0	
7382- Books - Expensed	0	0		0	
7806- Interest on Delayed Payment	0	0		0	
7947- Workers Compensation Transfer (SORM)	0	0		0	
7953- SWCAP payment/cost allocation	0	0		0	
7961- STS Transfers-Telecommunications (TexAn)	0	0		0	
7962- Capitol Complex (CCTS)	0	0		0	
	Budget:	9,842	0	0	9,842
	Expended:	55	0	0	55
2009 - Balance Other Operating Expense:	9,787	0	0	9,787	99%
Grants:					
7312- Medical Supplies	0	0		0	
7623- Grants- Community Serv. Programs	0	0		0	
7701- Loans to Political Subdivisions	0	0		0	
	Budget:	0	0	0	0
	Expended:	0	0	0	0
4000 - Balance Grants:	0	0	0	0	#DIV/0!
Capital Expenditures:					
7354- Remodeling of Bldg-State Owned - Capitalized	0	0		0	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0		0	
	Budget:	0	0	0	0
	Expended:	0	0	0	0
5000 - Balance Capital Expenditures:	0	0	0	0	#DIV/0!
	Budget:	63,278	2,500	0	65,778
	Expended:	4,678	0	0	4,678
TOTAL BALANCE	58,600	2,500	0	61,100	93%

Texas Commission on Fire Protection

Fiscal Year 2013 - Operating Budget

Thru: September 30, 2012

Goal B: Fire Department Standards

	Standards							Total	%
	Mgmt	Complnc	Cert	Testing	Curr Dev	Admin			
Budget:	80,004	442,475	205,928	198,447	44,837	147,792	1,119,483	0.00	
Expended:	6,667	36,873	13,427	16,426	3,736	12,316	89,446		
1001 - Balance Salaries & Wages:	73,337	405,602	192,501	182,021	41,101	135,476	1,030,038	92%	
Other Personnel Costs:									
7017- One-Time Merit	0	0	0	0	0	0	0		
7022- Longevity Pay	0	720	280	480	40	0	1,520		
7023- Lump Sum Termination	0	0	0	0	0	0	0		
7030- Employee Incentive Bonus	0	0	0	0	0	0	0		
Budget:	19,743	9,160	5,840	5,880	480	3,860	44,963	0	
Expended:	0	720	280	480	40	0	1,520		
1002 - Balance Other Personnel Costs	19,743	8,440	5,560	5,400	440	3,860	43,443	97%	
Professional Fees and Services:									
7242- Consulting Services - IT Computer	0	0	0	0	0	0	0		
7245- Financial & Accounting Services	0	0	0	0	0	0	0		
7253- Other Professional Fees (EAP)	0	0	0	0	0	0	0		
7274- Temporary Employment Agencies	0	0	0	0	0	0	0		
7275- Computer Programming Services	0	0	0	0	0	0	0		
Budget:	0	0	0	0	0	0	0	0.00	
Expended:	0	0	0	0	0	0	0		
2001 - Balance Professional Fees and Service	0	0	0	0	0	0	0	#DIV/0!	
Budget:	3,827		11,245	355			15,427	0.00	
Expended:	0	0	0	0	0		0		
2003 - (7300) Balance Consumable Supplies:	3,827	0	11,245	355	0		15,427	100%	
Utilities:									
7501- Electricity	0	0	0	0	0	0	0		
7503- Telecommunications-Long Distance	0	0	0	0	0	0	0		
7504- Telecommunications-Monthly Charge	0	-51	0	0	0	0	-51		
7514- Telecommunications-Maint & Repair	0	0	0	0	0	0	0		
7516- Telecommunications-Other Charges (reg voice/inte	0	-43	0	0	0	0	-43		
7517- Telecommunications Equipment-Expensed	0	0	0	0	0	0	0		
Budget:		13,587					13,587	0.00	
Expended:	0	-95	0	0	0		-95		
2004 - Balance Utilities:	0	13,682	0	0	0		13,682	101%	
Travel:									
7101- Travel I/S - Public Transportation Fares	0	0	0	0	0	0	0		
7102- Mileage	0	266	0	0	0	0	266		
7104- Travel I/S - Actual Expense Overnight	0	0	0	0	0	0	0		
7105- Travel I/S - Incidental Expenses	0	0	0	6	0	0	6		
7106- Travel I/S - Meals & Lodging	0	297	0	125	0	0	423		
7107- Travel I/S - Non-Overnight Travel (Meals)	0	0	0	0	0	0	0		
7110- Travel I/S - Board Member Meals & Lodging	0	0	0	0	0	0	0		
7111- Travel OOS - Public Transportation Fares	0	0	0	0	0	0	0		
7112- Travel OOS - Mileage	0	0	0	0	0	0	0		
7114- Travel OOS -	0	0	0	0	0	0	0		
7115- Travel OOS - Incidental Expenses	0	0	0	0	0	0	0		
7116- Travel OOS - Meals, Lodging Allowable	0	0	0	0	0	0	0		
7135- Travel I/S - State Occupancy Tax	0	0	0	0	0	0	0		
7136- Travel I/S - State Occupancy Tax Galveston	0	0	0	0	0	0	0		
Budget:	2,878	34,634	4,918	13,164	424		56,018	0.00	
Expended:	0	564	0	131	0		695		
2005 - Balance Travel:	2,878	34,070	4,918	13,033	424		55,323	99%	
7462- Rent office space - building		178					178		
Budget:		2,136					2,136	0	
Expended:	0	178	0	0	0		178		
2006 - Balance Rent - Building :	0	1,958	0	0	0		1,958	92%	

Texas Commission on Fire Protection

Fiscal Year 2013 - Operating Budget

Thru: September 30, 2012

Goal B: Fire Department Standards

	Standards							Total	%
	Mgmt	Complnc	Cert	Testing	Curr Dev	Admin			
Rent - Machine and Other:									
7406- Rental - Furnishings & Equipment (copier)	0	0	0	0	0	0	0	0	
7411- Rental - Computer Equipment	491	0	0	0	0	0	491	491	
Budget:	12,716						12,716	12,716	0.00
Expended:	491	0	0	0	0	0	491	491	
2007 - Balance Rent - Machine and Other:	12,225	0	0	0	0	0	12,225	12,225	96%
Other Operating Expense:									
7042- ERS Insurance Payment	67	369	134	146	37	120	874	874	
7201- Membership Dues	0	0	0	0	0	0	0	0	
7203- Registration Fees-Employee Training	295	0	0	995	0	0	1,290	1,290	
7210- Fees & Other Charges (DPS)	0	0	0	0	0	0	0	0	
7211- Awards	0	0	0	0	0	0	0	0	
7216- Insurance Premiums - appvd by oag	0	0	0	0	0	0	0	0	
7262- Maint & Repair - Computer Software	0	0	0	0	0	0	0	0	
7267- Maint & Repair - Computer Equipment	0	0	0	0	0	0	0	0	
7273- Reproduction & Printing	0	0	0	0	0	0	0	0	
7276- Communication Services (T-1 Line)	0	0	0	0	0	0	0	0	
7281- Advertising Services	0	0	0	0	0	0	0	0	
7286- Freight & Delivery Services	0	0	0	446	0	0	446	446	
7291- Postage & Postal Services	0	0	0	0	0	0	0	0	
7299- Purchased Contracted Services	0	0	0	0	0	0	0	0	
7303- Subscriptions, Periodicals and Info Services	0	0	0	0	0	0	0	0	
7312- Medical Supplies	0	0	0	0	0	0	0	0	
7330- Parts -equip, furn	0	0	0	0	0	0	0	0	
7334- Furnishings & Equipment -Expensed	0	0	0	0	0	0	0	0	
7335- Parts -Computer Equipment - Expensed	0	0	0	0	0	0	0	0	
7354- Bldg Remodel - State Leased -Expensed	0	0	0	0	0	0	0	0	
7367- Personal Property - Maint & Repair	245	0	0	0	0	0	245	245	
7374- Personal Property-Furn & Equip - Controlled	0	0	0	0	0	0	0	0	
7377- Computer Equipment - Expensed	0	0	0	0	0	0	0	0	
7378- Computer Equipment - Controlled	0	0	0	0	0	0	0	0	
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	0	0	0	0	
7380- Computer Software - Expensed	0	0	0	0	0	0	0	0	
7382- Books - Expensed	0	0	0	0	0	0	0	0	
7806- Interest on Delayed Payment	0	0	0	0	0	0	0	0	
7947- Workers Compensation Transfer (SORM)	0	0	0	0	0	0	0	0	
7953- SWCAP payment/cost allocation	0	0	0	0	0	0	0	0	
7961- STS Transfers-Telecommunications (TexAn)	0	0	0	0	0	0	0	0	
7962- STS transfer to GR (CCTS)	0	0	0	0	0	0	0	0	
Budget:	19,103	9,175	4,119	17,696	948	1,478	52,520	52,520	0.00
Expended:	607	369	134	1,588	37	120	2,855	2,855	
2009 - Balance Other Operating Expense:	18,497	8,806	3,985	16,109	911	1,358	49,665	49,665	95%
Grants:									
7312- Medical Supplies									
7623- Grants- Community Serv. Programs									
7701- Loans to Political Subdivisions									
Budget:			10,000				10,000	10,000	0.00
Expended:	0	0	0	0	0	0	0	0	
4000 - Balance Grants:	0	0	10,000	0	0	0	10,000	10,000	100%
Capital Expenditures:									
7312- Medical Supplies	0	0	0	0	0	0	0	0	
7354- Remodeling of Bldg-State Owned - Capitalized	0	0	0	0	0	0	0	0	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0	0	0	0	0	0	0	
Budget:	0	0	0	0	0	0	0	0	0
Expended:	0	0	0	0	0	0	0	0	
5000 - Balance Capital Expenditures:	0	0	0	0	0	0	0	0	#DIV/0!
Budget:	138,271	511,167	242,050	235,543	46,689	153,130	1,326,851	1,326,851	0.00
Expended:	7,765	38,609	13,841	18,625	3,814	12,436	95,090	95,090	
TOTAL BALANCE	130,507	472,559	228,209	216,917	42,876	140,694	1,231,761	1,231,761	93%

Texas Commission on Fire Protection
Fiscal Year 2013 - Operating Budget

Thru: September 30, 2012

Goal C: Indirect Administration

	Exec Office	Supp Svcs	Commis	Total	%
	Budget:	348,093	99,708	447,801	0.00
	Expended:	29,008	8,309	37,317	
1001 - Balance Salaries & Wages:	319,086	91,399	0	410,485	92%
Other Personnel Costs:					
7004- Non-Permanent Full-Time Employee	0	0	0	0	
7017- One-Time Merit	0	0	0	0	
7022- Longevity Pay	440	640	0	1,080	
7023- Lump Sum Termination	0	0	0	0	
7984- Unemployment/TWC	0	0	0	0	
	Budget:	25,117	9,260	34,377	0.00
	Expended:	440	640	1,080	
1002 - Balance Other Personnel Costs	24,677	8,620	0	33,297	97%
Professional Fees and Services:					
7242- Consulting Services - IT Computer	0	0	0	0	
7245- Financial & Accounting Services	0	0	0	0	
7253- Other Professional Fees (EAP)	0	0	0	0	
7274- Temporary Employment Agencies	0	0	0	0	
7275- Computer Programming Services	0	0	0	0	
	Budget:	8,800	0	8,800	0.00
	Expended:	0	0	0	
2001 - Balance Professional Fees and Services:	0	8,800	0	8,800	100%
	Budget:	1,219	0	1,219	0.00
	Expended:	109	0	109	
2003 - (7300) Balance Consumable Supplies:	-109	1,219	0	1,110	91%
Utilities:					
7501- Electricity	0	0	0	0	
7503- Telecommunications-Long Distance	0	0	0	0	
7504- Telecommunications-Monthly Charge	0	0	0	0	
7514- Telecommunications-Maint & Repair	0	0	0	0	
7516- Telecommunications-Other Charges (reg voice/internet)	0	0	0	0	
7517- Telecommunications equipment - Expensed	0	0	0	0	
	Budget:	0	0	0	0.00
	Expended:	0	0	0	
2004 - Balance Utilities:	0	0	0	0	#DIV/0!
Travel:					
7101- Travel I/S - Public Transportation Fares	0	0	0	0	
7102- Mileage	0	0	0	0	
7104- Travel I/S - Actual Expense Overnight	0	0	0	0	
7105- Travel I/S - Incidental Expenses	0	0	0	0	
7106- Travel I/S - Meals & Lodging	45	0	0	45	
7107- Travel I/S - Non-Overnight Travel (Meals)	0	0	0	0	
7110- Travel I/S - Board Member Meals & Lodging	0	0	0	0	
7111- Travel OOS - Public Transportation Fares	0	0	0	0	
7112- Travel OOS - Mileage	0	0	0	0	
7115- Travel OOS - Incidental Expenses	0	0	0	0	
7116- Travel OOS - Meals, Lodging Allowable	0	0	0	0	
7135- Travel I/S - State Occupancy Tax	0	0	0	0	
7136- Travel I/S - State Occupancy Tax Galveston	0	0	0	0	
	Budget:	8,931	22,699	31,630	0.00
	Expended:	45	0	45	
2005 - Balance Travel:	8,886	0	22,699	31,585	100%
	Budget:	240	0	240	0

Texas Commission on Fire Protection
Fiscal Year 2013 - Operating Budget

Thru: September 30, 2012

Goal C: Indirect Administration

	Exec Office	Supp Svcs	Commis	Total	%
Expended:	0	0	0	0	
2006 - (7470) Balance Rent - Building (storage):	240	0	0	240	100%
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	0	0	0	0	
7411- Rental - Computer Equipment	0	149	0	149	
Budget:		3,909		3,909	0.00
Expended:	0	149	0	149	
2007 - Balance Rent - Machine and Other:	0	3,760	0	3,760	96%
Other Operating Expense:					
7042- ERS Insurance Payment	290	86	0	376	
7201- Membership Dues	0	0	0	0	
7203- Registration Fees-Employee Training	295	0	0	295	
7210- Fees & Other Charges (DPS)	0	0	0	0	
7211- Awards	0	0	0	0	
7216- Insurance Premiums - appvd by oag	0	0	0	0	
7262- Maint & Repair - Computer Software	664	0	0	664	
7266- Maint & Repair - Building	0	0	0	0	
7267- Maint & Repair - Computer Equipment	0	0	0	0	
7273- Reproduction & Printing	0	0	0	0	
7276- Communication Services (T-1 Line)	0	0	0	0	
7281- Advertising Services	0	0	0	0	
7286- Freight & Delivery Services	0	0	0	0	
7291- Postage & Postal Services	0	0	0	0	
7299- Purchased Contracted Services	0	0	0	0	
7303- Subscriptions, Periodicals and Info Services	0	0	0	0	
7312- Medical Supplies	0	0	0	0	
7330- Parts -equip, furn	0	0	0	0	
7334- Furnishings & Equipment -Expensed	0	189	0	189	
7335- Parts -Computer Equipment - Expensed	0	0	0	0	
7354- Bldg Remodel - State Leased -Expensed	0	0	0	0	
7367- Personal Property - Maint & Repair	0	75	0	75	
7374- Personal Property-Furn & Equip - Controlled	0	0	0	0	
7377- Computer Equipment - Expensed	0	0	0	0	
7378- Computer Equipment - Controlled	0	0	0	0	
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	
7380- Computer Software - Expensed	0	0	0	0	
7382- Books - Expensed	0	0	0	0	
7806- Interest on Delayed Payment	0	0	0	0	
7947- Workers Compensation Transfer (SORM)	0	1,945	0	1,945	
7953- SWCAP payment/cost allocation	0	0	0	0	
7961- STS Transfers-Telecommunications (TexAn)	0	0	0	0	
7962- STS transfer to GR (CCTS)	0	0	0	0	
Budget:	16,399	12,825		29,224	0.00
Expended:	1,249	2,295	0	3,544	
2009 - Balance Other Operating Expense:	15,150	10,530	0	25,680	88%
Capital Expenditures:					
7387- computer Software-expensed > 1,000	0	0	0	0	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0	0	0	
Budget:				0	0
Expended:	0	0	0	0	
5000 - Balance Capital Expenditures:	0	0	0	0	#DIV/0!
Budget:	398,780	135,721	22,699	557,200	0.00
Expended:	30,851	11,393	0	42,244	
TOTAL - BALANCE	367,929	124,328	22,699	514,956	92%

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Updated: 10/12/2012

Thru: August 31, 2012

Summary

Goals:	FY12 Budget	FY12 Expended	Balance	%
Education, Information and Assistance	43,235	43,235	0	
Fire Department Standards	1,054,641	1,054,641	0	
Indirect Administration	446,896	446,896	0	
Merit Budget				
1001 - Salaries & Wages:	1,544,772	1,544,772	0	0%
Education, Information and Assistance	1,940	1,940	0	
Fire Department Standards	68,766	68,766	0	
Indirect Administration	29,317	29,317	0	
1002 - Other Personnel Costs	100,023	100,023	0	0%
Education, Information and Assistance	0	0	0	
Fire Department Standards	2,521	2,521	0	
Indirect Administration	19,681	19,681	0	
2001 - Professional Fees and Services:	22,202	22,202	0	0%
Education, Information and Assistance	3,094	3,094	0	
Fire Department Standards	19,698	19,698	0	
Indirect Administration	3,264	3,264	0	
2003 - Consumable Supplies:	26,056	26,056	0	0%
Education, Information and Assistance	0	0	0	
Fire Department Standards	17,433	17,433	0	
Indirect Administration	455	455	0	
2004 - Utilities:	17,888	17,888	0	0%
Education, Information and Assistance	0	0	0	
Fire Department Standards	49,900	49,900	0	
Indirect Administration	23,440	23,440	0	
2005 - Travel:	73,340	73,340	0	0%
Education, Information and Assistance	77	77	0	
Fire Department Standards	2,136	2,136	0	
Indirect Administration	832	832	0	
2006 - Rent - Building (storage):	3,045	3,045	0	0%
Education, Information and Assistance	519	519	0	
Fire Department Standards	12,000	12,000	0	
Indirect Administration	3,555	3,555	0	
2007 - Rent - Machine and Other:	16,073	16,073	0	0%
Education, Information and Assistance	9,320	9,320	0	
Fire Department Standards	58,701	58,701	0	
Indirect Administration	67,188	67,188	0	
2009 - Other Operating Expense:	135,208	135,208	0	0%
Education, Information and Assistance	0	0	0	
Fire Department Standards	32,424	32,424	0	
Indirect Administration	0	0	0	
4000 - Grants:	32,424	32,424	0	0%
Education, Information and Assistance	0	0	0	
Fire Department Standards	0	0	0	
Indirect Administration	0	0	0	
5000 - Capital Expenditures:	0	0	0	#DIV/0!
TOTAL - ALL EXPENDITURES	1,971,030	1,971,030	0	0%

Texas Commission on Fire Protection
Fiscal Year 2012 - Operating Budget

Thru: August 31, 2012

Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%	
	Budget:	43,235	0	0	43,235	0
	Expended:	43,235	0	0	43,235	
1001 - Balance Salaries & Wages:	0	0	0	0	0	0%
Other Personnel Costs:						
7017- One-Time Merit	1,500	0		1,500		
7022- Longevity Pay	440	0		440		
7023- Lump Sum Termination	0	0		0		
	Budget:	1,940	0	0	1,940	0
	Expended:	1,940	0	0	1,940	
1002 - Balance Other Personnel Costs	0	0	0	0	0	0%
Professional Fees and Services:						
7242- Consulting Services - IT Computer	0	0		0		
7245- Financial & Accounting Services	0	0		0		
7253- Other Professional Fees (EAP)	0	0		0		
7274- Temporary Employment Agencies	0	0		0		
7275- Computer Programming Services	0	0		0		
	Budget:	0	0	0	0	0
	Expended:	0	0	0	0	
2001 - Balance Professional Fees and Services:	0	0	0	0	0	#DIV/0!
	Budget:	207	2,887	0	3,094	0
	Expended:	207	2,887	0	3,094	
2003 - (7300) Balance Consumable Supplies:	0	0	0	0	0	0%
Utilities:						
7501- Electricity	0	0		0		
7503- Telecommunications-Long Distance	0	0		0		
7504- Telecommunications-Monthly Charge	0	0		0		
7514- Telecommunications-Maint & Repair	0	0		0		
7516- Telecommunications-Other Charges (reg voice/internet)	0	0		0		
7517- Telecommunications Equipment-Expensed	0	0		0		
	Budget:	0	0	0	0	0
	Expended:	0	0	0	0	
2004 - Balance Utilities:	(0)	0	0	(0)	(0)	#DIV/0!
Travel:						
7101- Travel I/S - Public Transportation Fares	0	0		0		
7102- Mileage	0	0		0		
7104- Travel I/S - Actual Expense Overnight	0	0		0		
7105- Travel I/S - Incidental Expenses	0	0		0		
7106- Travel I/S - Meals & Lodging	0	0		0		
7107- Travel I/S - Non-Overnight Travel (Meals)	0	0		0		
7110- Travel I/S - Board Member Meals & Lodging	0	0		0		
7111- Travel OOS - Public Transportation Fares	0	0		0		
7112- Travel OOS - Mileage	0	0		0		
7115- Travel OOS - Incidental Expenses	0	0		0		
7116- Travel OOS - Meals, Lodging Allowable	0	0		0		
7135- Travel I/S - State Occupancy Tax	0	0		0		
7136- Travel I/S - State Occupancy Tax Galveston	0	0		0		
	Budget:	0	0	0	0	0
	Expended:	0	0	0	0	
2005 - Balance Travel:	0	0	0	0	0	#DIV/0!
	Budget:	77	0	0	77	0
	Expended:	77	0	0	77	
2006 - (7470) Balance Rent - Building (storage):	0	0	0	0	0	0%

Texas Commission on Fire Protection
Fiscal Year 2012 - Operating Budget

Thru: August 31, 2012

Goal A: Education, Info and Assistance

	<u>Library</u>	<u>IT</u>	<u>Grants</u>	<u>Total</u>	<u>%</u>
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	394	0		394	
7411- Rental - Computer Equipment	124	0		124	
	Budget:	519	0	0	519
	Expended:	519	0	0	519
2007 - Balance Rent - Machine and Other:	0	0	0	0	0%
Other Operating Expense:					
7042- ERS Insurance Payment	432	0		432	
7201- Membership Dues	225	0		225	
7203- Registration Fees-Employee Training	44	0		44	
7295 Fees & Other Charges (DPS) (7210)	0	0		0	
7211- Awards	0	0		0	
7216- Insurance Premiums - appvd by oag	0	0		0	
7262- Maint & Repair - Computer Software	0	0		0	
7267- Maint & Repair - Computer Equipment	0	0		0	
7273- Reproduction & Printing	24	0		24	
7276- Communication Services (T-1 Line)	0	0		0	
7281- Advertising Services	0	0		0	
7286- Freight & Delivery Services	0	0		0	
7291- Postage & Postal Services	442	0		442	
7299- Purchased Contracted Services	5	0		5	
7303- Subscriptions, Periodicals and Info Services	0	0		0	
7312- Medical Supplies	0	0		0	
7330- Parts -equip, furn	0	0		0	
7334- Furnishings & Equipment -Expensed	4	0		4	
7335- Parts -Computer Equipment - Expensed	0	0		0	
7354- Bldg Remodel - State Leased -Expensed	181	0		181	
7367- Personal Property - Maint & Repair	0	0		0	
7374- Personal Property-Furn & Equip - Controlled	3,462	0		3,462	
7377- Computer Equipment - Expensed	0	0		0	
7378- Computer Equipment - Controlled	682	0		682	
7379- Computer Equipment - Cap (>1,000)	216	0		216	
7380- Computer Software - Expensed	525	0		525	
7382- Books - Expensed	2,561	0		2,561	
7806- Interest on Delayed Payment	0	0		0	
7947- Workers Compensation Transfer (SORM)	0	0		0	
7953- SWCAP payment/cost allocation	0	0		0	
7961- STS Transfers-Telecommunications (TexAn)	171	0		171	
7962- Capitol Complex (CCTS)	347	0		347	
	Budget:	9,320	0	0	9,320
	Expended:	9,320	0	0	9,320
2009 - Balance Other Operating Expense:	0	0	0	0	0%
Grants:					
7312- Medical Supplies	0	0		0	
7623- Grants- Community Serv. Programs	0	0		0	
7701- Loans to Political Subdivisions	0	0		0	
	Budget:	0	0	0	0
	Expended:	0	0	0	0
4000 - Balance Grants:	0	0	0	0	#DIV/0!
Capital Expenditures:					
7354- Remodeling of Bldg-State Owned - Capitalized	0	0		0	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0		0	
	Budget:	0	0	0	0
	Expended:	0	0	0	0
5000 - Balance Capital Expenditures:	0	0	0	0	#DIV/0!
	Budget:	55,296	2,887	0	58,183
	Expended:	55,296	2,887	0	58,183
TOTAL BALANCE	(0)	0	0	(0)	0%

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Thru: August 31, 2012

Goal B: Fire Department Standards

							Standards		
		Mgmt	Complnc	Cert	Testing	Curr Dev	Admin	Total	%
	Budget:	54,298	432,142	200,110	193,436	44,659	129,996	1,054,641	0.00
	Expended:	54,298	432,142	200,110	193,436	44,659	129,996	1,054,641	
1001 - Balance Salaries & Wages:		0	0	0	0	0	0	0	0%
Other Personnel Costs:									
7017- One-Time Merit		1,750	13,750	6,250	6,000	1,500	0	29,250	
7022- Longevity Pay		100	8,060	5,500	5,860	460	3,520	23,500	
7023- Lump Sum Termination		16,016	0	0	0	0	0	16,016	
7030- Employee Incentive Bonus		0	0	0	0	0	0	0	
	Budget:	17,866	21,810	11,750	11,860	1,960	3,520	68,766	0
	Expended:	17,866	21,810	11,750	11,860	1,960	3,520	68,766	
1002 - Balance Other Personnel Costs		0	0	0	0	0	0	0	0%
Professional Fees and Services:									
7242- Consulting Services - IT Computer		0	0	0	0	0	0	0	
7245- Financial & Accounting Services		0	0	0	0	0	0	0	
7253- Other Professional Fees (EAP)		0	0	0	0	0	0	0	
7274- Temporary Employment Agencies		0	0	0	2,521	0	0	2,521	
7275- Computer Programming Services		0	0	0	0	0	0	0	
	Budget:	0	0	0	2,521	0	0	2,521	0.00
	Expended:	0	0	0	2,521	0	0	2,521	
2001 - Balance Professional Fees and Services		0	0	0	0	0	0	0	0%
	Budget:	4,216	313	13,112	2,057	0	0	19,698	0.00
	Expended:	4,216	313	13,112	2,057	0	0	19,698	
2003 - (7300) Balance Consumable Supplies:		0	0	0	0	0	0	0	0%
Utilities:									
7501- Electricity		0	0	0	0	0	0	0	
7503- Telecommunications-Long Distance		0	10	0	0	0	0	10	
7504- Telecommunications-Monthly Charge		0	3,876	0	0	0	0	3,875	
7514- Telecommunications-Maint & Repair		0	0	0	0	0	0	0	
7516- Telecommunications-Other Charges (reg voice/inte		0	13,548	0	0	0	0	13,548	
7517- Telecommunications Equipment-Expensed		0	0	0	0	0	0	0	
	Budget:	0	17,433	0	0	0	0	17,433	0.00
	Expended:	0	17,433	0	0	0	0	17,433	
2004 - Balance Utilities:		0	0	0	0	0	0	0	0%
Travel:									
7101- Travel I/S - Public Transportation Fares		0	12,141	548	3,130	0	0	15,819	
7102- Mileage		38	4,178	588	558	0	0	5,363	
7104- Travel I/S - Actual Expense Overnight		10	0	0	0	0	0	10	
7105- Travel I/S - Incidental Expenses		25	7,107	310	1,911	0	0	9,353	
7106- Travel I/S - Meals & Lodging		658	13,007	747	2,027	0	0	16,438	
7107- Travel I/S - Non-Overnight Travel (Meals)		9	817	18	0	0	0	844	
7110- Travel I/S - Board Member Meals & Lodging		0	0	0	0	0	0	0	
7111- Travel OOS - Public Transportation Fares		0	0	0	1,310	0	0	1,310	
7112- Travel OOS - Mileage		0	0	0	0	0	0	0	
7114- Travel OOS -		0	0	0	303	0	0	303	
7115- Travel OOS - Incidental Expenses		0	0	0	62	0	0	62	
7116- Travel OOS - Meals, Lodging Allowable		0	0	0	380	0	0	380	
7135- Travel I/S - State Occupancy Tax		0	18	0	0	0	0	18	
7136- Travel I/S - State Occupancy Tax Galvestor		0	0	0	0	0	0	0	
	Budget:	739	37,268	2,211	9,681	0	0	49,900	0.00
	Expended:	739	37,268	2,211	9,681	0	0	49,900	
2005 - Balance Travel:		0	0	0	0	0	0	0	0%
7462- Rent office space - building			2,136					2,136	
	Budget:	0	2,136	0	0	0	0	2,136	0
	Expended:	0	2,136	0	0	0	0	2,136	
2006 - Balance Rent - Building :		0	0	0	0	0	0	0	0%

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Thru: August 31, 2012

Goal B: Fire Department Standards

	Standards						Total	%
	Mgmt	Complnc	Cert	Testing	Curr Dev	Admin		
Rent - Machine and Other:								
7406- Rental - Furnishings & Equipment (copier)	9,073	0	0	0	0		9,073	
7411- Rental - Computer Equipment	2,927	0	0	0	0		2,927	
Budget:	12,000	0	0	0	0		12,000	0.00
Expended:	12,000	0	0	0	0		12,000	
2007 - Balance Rent - Machine and Other:	0	0	0	0	0		0	0%
Other Operating Expense:								
7042- ERS Insurance Payment	343	4,179	2,001	1,717	447	1,144	9,831	
7201- Membership Dues	0	0	0	0	0		0	
7203- Registration Fees-Employee Training	1,005	460	250	150	0		1,865	
7210- Fees & Other Charges (DPS)	0	0	21	11	0		32	
7211- Awards	0	0	0	0	0		0	
7216- Insurance Premiums - appvd by oag	0	250	0	0	0		250	
7262- Maint & Repair - Computer Software	0	0	0	0	0		0	
7267- Maint & Repair - Computer Equipment	-708	0	745	1,417	0		1,454	
7273- Reproduction & Printing	543	153	522	292	0		1,511	
7276- Communication Services (T-1 Line)	708	0	0	0	0		708	
7281- Advertising Services	0	0	0	0	0		0	
7286- Freight & Delivery Services	0	0	0	7,210	0		7,210	
7291- Postage & Postal Services	10,163	349	0	0	0		10,512	
7299- Purchased Contracted Services	111	0	0	0	0		111	
7303- Subscriptions, Periodicals and Info Services	0	0	0	0	0		0	
7312- Medical Supplies	0	0	0	0	0		0	
7330- Parts -equip, furn	0	0	0	0	0		0	
7334- Furnishings & Equipment -Expensed	1,805	0	75	0	0		1,880	
7335- Parts -Computer Equipment - Expensed	0	0	0	0	0		0	
7354- Bldg Remodel - State Leased -Expensed	1,672	0	0	0	0		1,672	
7367- Personal Property - Maint & Repair	21	0	105	0	0		126	
7374- Personal Property-Furn & Equip - Controlled	749	0	39	1,095	0		1,883	
7377- Computer Equipment - Expensed	0	0	0	0	0		0	
7378- Computer Equipment - Controlled	1,275	0	4,581	5,323	0		11,179	
7379- Computer Equipment - Cap (>1,000)	4,966	0	0	0	0		4,966	
7380- Computer Software - Expensed	0	0	0	0	0		0	
7382- Books - Expensed	0	107	45	0	0		153	
7806- Interest on Delayed Payment	0	2	0	1	0		3	
7947- Workers Compensation Transfer (SORM)	0	0	0	0	0		0	
7953- SWCAP payment/cost allocation	0	0	0	0	0		0	
7961- STS Transfers-Telecommunications (TexAn)	3,934	0	0	0	0		3,934	
7962- STS transfer to GR (CCTS)	-577	0	0	0	0		-577	
Budget:	26,009	5,500	8,385	17,217	447	1,144	58,701	0.00
Expended:	26,009	5,500	8,385	17,217	447	1,144	58,701	
2009 - Balance Other Operating Expense:	0	0	0	0	0	0	0	0%
Grants:								
7312- Medical Supplies								
7623- Grants- Community Serv. Programs								
7701- Loans to Political Subdivisions								
Budget:	0	0	32,424	0	0	0	32,424	0.00
Expended:	0	0	32,424	0	0	0	32,424	
4000 - Balance Grants:	0	0	0	0	0	0	0	0%
Capital Expenditures:								
7312- Medical Supplies	0	0	0	0	0		0	
7354- Remodeling of Bldg-State Owned - Capitalized	0	0	0	0	0	0	0	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0	0	0	0		0	
Budget:	0	0	0	0	0	0	0	0
Expended:	0	0	0	0	0	0	0	
5000 - Balance Capital Expenditures:	0	0	0	0	0	0	0	#DIV/0!
Budget:	115,127	516,603	267,992	236,772	47,066	134,660	1,318,220	0.00
Expended:	115,127	516,603	267,992	236,772	47,066	134,660	1,318,220	
TOTAL BALANCE	0	0	0	0	0	0	0	0%

Texas Commission on Fire Protection
Fiscal Year 2012 - Operating Budget

Thru: August 31, 2012

Goal C: Indirect Administration

	Exec Office	Supp Svcs	Commis	Total	%
	Budget:	348,093	98,803	446,896	0.00
	Expended:	348,093	98,803	446,896	
1001 - Balance Salaries & Wages:	0	0	0	0	0%
Other Personnel Costs:					
7004- Non-Permanent Full-Time Employee	0	0	0	0	
7017- One-Time Merit	6,500	6,500	0	13,000	
7022- Longevity Pay	5,380	3,520	0	8,900	
7023- Lump Sum Termination	0	340	0	340	
7984- Unemployment/TWC	0	7,077	0	7,077	
	Budget:	11,880	17,437	29,317	0.00
	Expended:	11,880	17,437	29,317	
1002 - Balance Other Personnel Costs	0	0	0	0	0%
Professional Fees and Services:					
7242- Consulting Services - IT Computer	0	11,783	0	11,783	
7245- Financial & Accounting Services	0	1,942	0	1,942	
7253- Other Professional Fees (EAP)	659	0	0	659	
7274- Temporary Employment Agencies	0	5,297	0	5,297	
7275- Computer Programming Services	0	0	0	0	
	Budget:	659	19,022	19,681	0.00
	Expended:	659	19,022	19,681	
2001 - Balance Professional Fees and Services:	0	0	0	0	0%
	Budget:	1,379	1,885	3,264	0.00
	Expended:	1,379	1,885	3,264	
2003 - (7300) Balance Consumable Supplies:	0	0	0	0	0%
Utilities:					
7501- Electricity	0	0	0	0	
7503- Telecommunications-Long Distance	0	0	0	0	
7504- Telecommunications-Monthly Charge	0	0	0	0	
7514- Telecommunications-Maint & Repair	0	0	0	0	
7516- Telecommunications-Other Charges (reg voice/internet)	0	0	0	0	
7517- Telecommunications equipment - Expensed	0	455	0	455	
	Budget:	0	455	455	0.00
	Expended:	0	455	455	
2004 - Balance Utilities:	0	0	0	0	0%
Travel:					
7101- Travel I/S - Public Transportation Fares	1,571	0	5,293	6,863	
7102- Mileage	0	43	8,906	8,949	
7104- Travel I/S - Actual Expense Overnight	305	0	0	305	
7105- Travel I/S - Incidental Expenses	485	27	469	981	
7106- Travel I/S - Meals & Lodging	873	136	0	1,009	
7107- Travel I/S - Non-Overnight Travel (Meals)	132	0	36	168	
7110- Travel I/S - Board Member Meals & Lodging	0	0	5,163	5,163	
7111- Travel OOS - Public Transportation Fares	0	0	0	0	
7112- Travel OOS - Mileage	0	0	0	0	
7115- Travel OOS - Incidental Expenses	0	0	0	0	
7116- Travel OOS - Meals, Lodging Allowable	0	0	0	0	
7135- Travel I/S - State Occupancy Tax	0	0	0	0	
7136- Travel I/S - State Occupancy Tax Galveston	0	0	0	0	
	Budget:	3,367	206	19,867	0.00
	Expended:	3,367	206	19,867	
2005 - Balance Travel:	0	0	0	0	0%
	Budget:	240	592	832	0

Texas Commission on Fire Protection
Fiscal Year 2012 - Operating Budget

Thru: August 31, 2012

Goal C: Indirect Administration

	Exec Office	Supp Svcs	Commis	Total	%
Expended:	240	592	0	832	
2006 - (7470) Balance Rent - Building (storage):	0	0	0	0	0%
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	0	2,761	0	2,761	
7411- Rental - Computer Equipment	0	793	0	793	
Budget:	0	3,555	0	3,555	0.00
Expended:	0	3,555	0	3,555	
2007 - Balance Rent - Machine and Other:	0	0	0	0	0%
Other Operating Expense:					
7042- ERS Insurance Payment	3,424	945	0	4,370	
7201- Membership Dues	0	245	0	245	
7203- Registration Fees-Employee Training	0	935	0	935	
7210- Fees & Other Charges (DPS)	96	0	0	96	
7211- Awards	149	0	0	149	
7216- Insurance Premiums - appvd by oag	0	0	0	0	
7262- Maint & Repair - Computer Software	0	0	0	0	
7266- Maint & Repair - Building	0	0	0	0	
7267- Maint & Repair - Computer Equipment	585	225	0	810	
7273- Reproduction & Printing	80	236	0	315	
7276- Communication Services (T-1 Line)	2,000	0	0	2,000	
7281- Advertising Services	0	0	0	0	
7286- Freight & Delivery Services	0	0	0	0	
7291- Postage & Postal Services	0	3,093	0	3,093	
7299- Purchased Contracted Services	0	34	0	34	
7303- Subscriptions, Periodicals and Info Services	0	0	0	0	
7312- Medical Supplies	0	0	0	0	
7330- Parts -equip, furn	0	152	0	152	
7334- Furnishings & Equipment -Expensed	607	358	0	964	
7335- Parts -Computer Equipment - Expensed	255	80	0	335	
7354- Bldg Remodel - State Leased -Expensed	27,222	1,270	0	28,492	
7367- Personal Property - Maint & Repair	0	0	0	0	
7374- Personal Property-Furn & Equip - Controlled	4,897	973	0	5,870	
7377- Computer Equipment - Expensed	906	100	0	1,005	
7378- Computer Equipment - Controlled	4,835	3,889	0	8,724	
7379- Computer Equipment - Cap (>1,000)	1,511	0	0	1,511	
7380- Computer Software - Expensed	1,869	0	0	1,869	
7382- Books - Expensed	0	105	0	105	
7806- Interest on Delayed Payment	0	0	0	0	
7947- Workers Compensation Transfer (SORM)	0	2,490	0	2,490	
7953- SWCAP payment/cost allocation	0	0	0	0	
7961- STS Transfers-Telecommunications (TexAn)	0	1,197	0	1,197	
7962- STS transfer to GR (CCTS)	0	2,426	0	2,426	
Budget:	48,436	18,752	0	67,188	0.00
Expended:	48,436	18,752	0	67,188	
2009 - Balance Other Operating Expense:	0	0	0	0	0%
Capital Expenditures:					
7387- computer Software-expensed > 1,000	0	0	0	0	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0	0	0	
Budget:	0	0	0	0	0
Expended:	0	0	0	0	
5000 - Balance Capital Expenditures:	0	0	0	0	#DIV/0!
Budget:	414,054	160,706	19,867	594,627	0.00
Expended:	414,054	160,706	19,867	594,627	
TOTAL - BALANCE	0	0	0	0	0%

- 4. Reports from the Budget and Strategic Plan subcommittees with discussion and possible action relating to any recommendations developed by these subcommittees.**

5. **Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen's and Fire Marshals' Association of Texas, the Texas Association of Fire Educators, the Texas Forest Service, the National Fire Protection Association, Safe-D, and the State Fire Marshal's Office.**

6. **Discussion and possible action concerning reports by the Commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).**

- 7. New matters from the commission, staff, or public regarding rulemaking which may be discussed in future commission meetings.**

8. Discussion and possible action on future meeting dates.

9. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - A. **Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**
 1. **Proposed amendments to 37 TAC, Chapter 441, Continuing Education, including but not limited to, §441.3, Definitions, §441.5, Requirements, §441.7, Continuing Education for Structure Fire Protection Personnel, §441.9, Continuing Education for Aircraft Rescue Fire Fighting Personnel, §441.11, Continuing Education for Marine Fire Protection Personnel, §441.13, Continuing Education for Fire Inspector Personnel, §441.15, Continuing Education for Arson Investigator or Fire Investigator, §441.17, Continuing Education for Hazardous Materials Technician, §441.19, Continuing Education for Head of a Fire Department, §441.21, Continuing Education for Fire Service Instructor.**

CHAPTER 441

CONTINUING EDUCATION

§441.1. Objective.

Continuing education is intended to maintain or increase the knowledge and skills pertinent to the fire service.

§441.3. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Certification period--That period from the time a certificate is obtained or renewed until it is time for the certificate to be renewed again. See §437.5 of this title (relating to Renewal Fees) for the definition of certification period.
- (2) **Level 1**~~[Track A]~~ --Training intended to maintain previously learned skills as stated in the commission certification curriculum manual for the certifications held.
- (3) **Level 2**~~[Track B]~~ -- Fire service training or education intended to develop new skills that are not contained in the commission's certification curriculum manual for certifications held.

§441.5. Requirements.

- (a) Continuing education shall be required in order to renew certification. ~~[which has a continuing education requirement stated in this chapter.]~~
- (b) The continuing education requirement for renewal ~~of certification~~ shall consist of a minimum of ~~18~~**20** hours of training to be conducted during the certification period. ~~[Only 20 total hours of continuing education shall be required to renew all Texas Commission on Fire Protection certificates if any individual holds more than one certificate, except as provided in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).]All documentation of training used to satisfy the continuing education requirements must be maintained for a period of three years from the date of the training. Continuing education records shall be maintained by the department in accordance with the Texas State Library and Archives Commission, State and Local Records Management Division, Records Schedule, Local Schedule (GR 1050-28), whichever is greater.~~
- (c) **Level 1**~~[Track A]~~ training must be conducted by a certified instructor. Interactive computer-based continuing education training that is supervised and verified by a certified instructor is acceptable.
- (d) The continuing education program of a regulated entity must be administered and maintained in accordance with commission rule by a certified instructor.
- (e) No more than four hours per year in any one subject of **Level 1 training** ~~[the appropriate chapter of the commission's Certification Curriculum Manual]~~ may be counted toward the ~~[20-hour]~~ continuing education requirement for **a particular certification.**~~[Track A]~~
- (f) There shall be no "hour per subject limit" placed on **Level 2**~~[Track B]~~ courses, except that emergency medical courses shall be limited to four hours per year.

- (g) The head of a fire department may select subject matter for continuing education appropriate for a particular discipline.
- (h) The head of a fire department must certify whether or not the individuals whose certificates are being renewed have complied with the continuing education requirements of this chapter on the certification renewal **document**.~~[application]~~ Unless exempted from the continuing education requirements, an individual who fails to comply with the continuing education requirements in this chapter shall be notified by the commission of the failure to comply.
- (i) After notification from the commission of a failure to comply with continuing education requirements, an individual who holds a certificate is prohibited from performing any duties authorized by a required certificate until such time as the deficiency has been resolved and written documentation is furnished by the department head for approval by the commission, through its Fire Service Standards and Certification Division director. Continuing education hours obtained to resolve a deficiency may not be applied to the continuing education requirements for the current certification period.
- (j) Any person who is a member of a paid or volunteer fire department who is on extended leave for a cumulative period of six months or longer due to a documented illness, injury, or activation to military service may be exempted from the continuing education requirement for the applicable renewal period(s). Such exemptions shall be reported by the head of the department to the commission at renewal time, and a copy kept with the department continuing education records for three years.
- (k) Any individual who is not a member of a paid or volunteer fire department who is unable to perform work, substantially similar in nature as would be performed by fire protection personnel appointed to that discipline, may be exempted from the continuing education requirement for the applicable renewal period(s). Commission staff shall determine the exemption using documentation of the illness or injury that cumulatively lasts six months or longer, which is provided by the individual and the individual's treating physician or by documentation of activation to military service.
- (l) In order to renew certification for any discipline which has a continuing education requirement stated in this chapter, an individual holder of a certificate not employed by a regulated entity must comply with the continuing education requirements for that discipline.~~[Only 20 total hours of continuing education for each certification period shall be required to renew all certificates the individual holds, except as provided in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).]~~ *A minimum of two hours of continuing education, in level 1 or level 2 subjects relating to the certification being renewed, in addition to the continuing education requirements in §441.5(b) of this title relating to (Requirements), will be required for individual certificate holders and who are not employed by a regulated entity.*
- (m) An individual certificate holder, not employed by a regulated entity, shall submit documentation of continuing education training **upon notification by the commission**.~~[at the time of renewal.]~~ An example of documentation of continuing education training may include, but not be limited to a Certificate of Completion, a college or training facility transcript, a fire department training roster, etc. Commission staff will review and may approve or disapprove such documentation of training in accordance with applicable commission rules and/or procedures. The training for a resident of Texas at the time the continuing education training is conducted shall be administered by a commission instructor, commission certified training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The training for a nonresident of Texas, shall be delivered by a state fire academy, a fire department training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The individual must submit training documentation to the commission for evaluation of the equivalency of the training required by this chapter. The individual certificate holder is responsible for maintaining all of his/her

training records for a period of three years from the date of the training.

- (n) If an individual has completed a commission approved academy in the 12 months prior to his or her certification expiration date, a copy of that certificate of completion will be acceptable documentation of continuing education for that certification renewal period.

§441.7. Continuing Education for Structure Fire Protection Personnel.

(a) **A minimum of two hours of continuing** ~~[Continuing]~~education in structure fire protection subjects **in addition to the continuing education requirements in §441.5(b) of this title relating to (Requirements)** will be required for personnel certified as structure fire protection personnel **and who are appointed to structure fire protection duties.**

(b) Subjects selected to satisfy the continuing education requirement may be selected from either **Level 1**, ~~[Track A]~~**Level 2**,~~[Track B]~~ or a combination of the two.

§441.9. Continuing Education for Aircraft Rescue Fire Fighting Personnel.

(a) Continuing education will be required for personnel assigned as aircraft rescue fire fighting personnel.

(b) Continuing education must, at a minimum, meet the specific training requirements of FAR 139.319(i)(2) and (3) (pertaining to Aircraft Rescue and Fire Fighting Operational Requirements). Continuing education required by this subsection may exceed 20 hours, if necessary, to complete all required subjects.

§441.11. Continuing Education for Marine Fire Protection Personnel.

(a) **A minimum of two hours of continuing** ~~[Continuing]~~education in marine fire protection subjects **in addition to the continuing education requirements in §441.5(b) of this title relating to (Requirements)** will be required for personnel certified as marine fire protection personnel **and who are appointed to marine fire protection duties** for any certification period beginning after October 31, 1993.

(b) Subjects selected to satisfy the continuing education requirement may be selected from either **Level 1**, ~~[Track A]~~**Level 2**,~~[Track B]~~ or a combination of the two.

§441.13. Continuing Education for Fire Inspection Personnel.

(a) **A minimum of two hours of continuing** ~~[Continuing]~~ education in fire inspection subjects **in addition to the continuing education requirements in §441.5(b) of this title relating to (Requirements)** will be required for personnel certified as fire inspection personnel **and who are appointed to fire inspection duties.**

(b) Subjects selected to satisfy the continuing education requirement may be selected from either **Level 1**, ~~[Track A]~~**Level 2**, ~~[Track B]~~ or a combination of the two.

§441.15. Continuing Education for Arson Investigator or Fire Investigator.

(a) **A minimum of two hours of continuing** ~~[Continuing]~~education in arson or fire investigation subjects **in addition to the continuing education requirements in §441.5(b) of this title relating to (Requirements)** in will be required for personnel certified as arson investigation or fire investigation personnel **and who are**

appointed to arson or fire investigation duties.

- (b) Subjects selected to satisfy the continuing education requirement may be selected from either **Level 1**, ~~[Track A]~~ **Level 2**, ~~[Track B]~~ or a combination of the two.

§441.17. Continuing Education for Hazardous Materials Technician.

- (a) ~~Eight~~ **Ten** hours of continuing education in hazardous materials (technician level) will be required for individuals certified as a hazardous materials technician. This will be in addition to continuing education required by other sections of this chapter.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either **Level 1**, ~~[Track A]~~ **Level 2**, ~~[Track B]~~ or a combination of the two.

§441.19. Continuing Education for Head of a Fire Department.

- (a) **A minimum of two hours of continuing** ~~[Continuing]~~ education *in fire administration subjects* **in addition to the continuing education requirements in §441.5(b) of this title relating to (Requirements)** will be required for personnel certified as head of a fire department **and who are appointed as head of a department.**
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either **Level 1**, ~~[Track A]~~ **Level 2**, ~~[Track B]~~ or a combination of the two.

§441.21. Continuing Education for Fire Service Instructor.

- (a) **A minimum of two hours of continuing** ~~[Continuing]~~ education *in fire service instruction subjects* **in addition to the continuing education requirements in §441.5(b) of this title relating to (Requirements)** will be required for individuals certified as a fire service instructor **and who are appointed to fire service instructor duties.**
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either **Level 1**, ~~[Track A]~~ **Level 2**, ~~[Track B]~~ or a combination of the two.

9. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - A. **Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**
 2. **Proposed amendments to 37 TAC, Chapter 421, Standards For Certification, including but not limited to, §421.17, Requirement to Maintain Certification.**

CHAPTER 421

STANDARDS FOR CERTIFICATION

§421.1. Procedures for Meetings.

- (a) Time and place. The Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall meet at such time and place in the State of Texas as they deem proper. The Fire Fighter Advisory Committee shall meet at least twice each calendar year.
- (b) Meeting called. Meetings shall be called by the chairman, by the Commission, or upon the written request of five members.
- (c) Quorum. A majority of members shall constitute a quorum.
- (d) Members. The Fire Fighter Advisory Committee shall consist of nine members appointed by the Commission. The Curriculum and Testing Committee shall consist of members appointed by the Commission upon the recommendation of the Fire Fighter Advisory Committee. Committee members serve at the will of the Commission.
- (e) Officers. Officers of the Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall consist of a chairman, vice-chairman, and secretary. Each committee shall elect its officers from the appointed members at its first meeting and thereafter at its first meeting following January 1 of each year or upon the vacancy of an office.
- (f) Responsibility. The Fire Fighter Advisory Committee shall review Commission rules relating to fire protection personnel and fire departments and recommend changes in the rules to the Commission.
- (g) Effective Date. Rules shall become effective no sooner than 20 days after filing with the Texas Register for final adoption. The committee or Commission may recommend a later effective date.
- (h) Removal. It is a ground for removal from an advisory committee appointed by the Commission if a member is absent from more than half of the regularly scheduled committee meetings that the member is eligible to attend during a calendar year unless the absence is excused by a majority vote of the committee.

§421.3. Minimum Standards Set by the Commission.

- (a) General statement. It shall be clearly understood that the specified minimum standards herein described are designated as a minimum program. Employing entities are encouraged to exceed the minimum program wherever possible. Continuous in-service training beyond the minimum standards for fire protection personnel is strongly recommended. Nothing in these regulations shall limit or be construed as limiting the powers of the Civil Service Commission, or the employing entity, to enact rules and regulations which establish a higher standard of training than the minimum specified, or which provides for the termination of the services of unsatisfactory employees during or upon completion of the prescribed probationary period.
- (b) Functional position descriptions.
 - (1) Structural fire protection personnel. The following general position description for structural fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

- (A) **Qualifications.** Successfully complete a Commission-approved course; achieve a passing score on written and performance certification examinations; must be at least 18 years of age; generally, the knowledge and skills required show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, drag, and balance weight equivalent to the average human weight; ability to interpret in English, written and oral instructions; ability to work effectively in high stress situations; ability to work effectively in an environment with loud noises and flashing lights; ability to function through an entire work shift; ability to calculate weight and volume ratios; ability to read and understand English language manuals including chemical, medical and technical terms, and road maps; ability to accurately discern street signs and address numbers; ability to document in English, all relevant information in prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other emergency response personnel. Good manual dexterity with ability to perform all tasks related to the protection of life and property; ability to bend, stoop, and crawl on uneven surfaces; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and ability to work in low or no light, confined spaces, elevated heights and other dangerous environments.
- (B) **Competency.** A basic fire fighter must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 1 of the Commission's Certification Curriculum Manual.
- (2) **Aircraft rescue fire fighting personnel.** The following general position description for aircraft rescue fire fighting personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of aircraft rescue fire fighting personnel operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) **Qualifications.** In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of an airport; ability to use and understand communication equipment, terminology, and procedures utilized by airports; ability and knowledge in the application of fire suppression agents; and ability to effectively perform fire suppression and rescue operations.
- (B) **Competency.** Basic fire fighting and rescue personnel must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 2 of the Commission's Certification Curriculum Manual.
- (3) **Marine fire protection personnel.** The following general position description for marine fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the marine fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) **Qualifications.** In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of a navigable waterway; ability to use and understand communication equipment, terminology, and procedures used by the maritime industry; and knowledge in the operation of fire fighting vessels.
- (B) **Competency.** A marine fire fighter must demonstrate competency in handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 3 of the Commission's Certification Curriculum Manual.
- (4) **Fire inspection personnel.** The following general position description for fire inspection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and

tasks required of the fire inspector operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

- (A) Qualifications. Successfully complete a Commission-approved course; achieve a passing score on certification examinations; must be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an inspection; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in an environment with potentially loud noises; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, construction and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Demonstrate knowledge of characteristics and behavior of fire, and fire prevention principles. Good manual dexterity with the ability to perform all tasks related to the inspection of structures and property; ability to bend, stoop, and crawl on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and the ability to work in low light, confined spaces, elevated heights, and other dangerous environments.
 - (B) Competency. A fire inspector must demonstrate competency in conducting inspections utilizing equipment and skills in accordance with the objectives in Chapter 4 of the Commission's Certification Curriculum Manual.
- (5) Fire Investigator personnel. The following general position description for fire investigator personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire investigator operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. Successfully complete a Commission-approved course; achieve a passing score on certification examinations; be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an investigation; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in a hazardous environment; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, legal and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Good manual dexterity with the ability to perform all tasks related to fire investigation; ability to bend, stoop, and walk on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold and moisture; and the ability to work in low light, confined spaces, elevated heights, and other potentially dangerous environments.
 - (B) Competency. A fire investigator or arson investigator must demonstrate competency in determining fire cause and origin utilizing equipment and skills in accordance with the objectives in Chapter 5 of the Commission's Certification Curriculum Manual.

- (6) Hazardous Materials Technician personnel. The following general position description for hazardous materials personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the hazardous materials technician operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: successfully complete a Commission-approved course; achieving a passing score on the certification examination; the ability to analyze a hazardous materials incident, plan a response, implement the planned response, evaluate the progress of the planned response, and terminate the incident.
 - (B) Competency. A hazardous materials technician must demonstrate competency handling emergencies resulting from releases or potential releases of hazardous materials, using specialized chemical protective clothing and control equipment in accordance with the objectives in Chapter 6 of the Commission's Certification Curriculum Manual.
- (7) Driver/Operator--Pumper personnel. The following general position description for driver/operator--pumper personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the driver/operator--pumper of a fire department pumper operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: ability to perform specified routine test, inspection, and maintenance functions; ability to perform practical driving exercises; ascertain the expected fire flow; ability to position a fire department pumper to operate at a fire hydrant; ability to produce effective streams; and supply sprinkler and standpipe systems.
 - (B) Competency. A driver/operator--pumper must demonstrate competency operating a fire department pumper in accordance with the objectives in Chapter 7 of the Commission's Certification Curriculum Manual.
- (8) Fire Officer I personnel. The following general position description for Fire Officer I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection and Fire Instructor I personnel: the ability to supervise personnel, and assign tasks at emergency operations; the ability to direct personnel during training activities; the ability to recommend action for member-related problems; the ability to coordinate assigned tasks and projects, and deal with inquiries and concerns from members of the community; the ability to implement policies; the ability to perform routine administrative functions, perform preliminary fire investigation, secure an incident scene and preserve evidence; the ability to develop pre-incident plans, supervise emergency operations, and develop and implement action plans; the ability to deploy assigned resources to ensure a safe work environment for personnel, conduct initial accident investigation, and document an incident.
 - (B) Competency. A Fire Officer I must demonstrate competency in handling emergencies and supervising personnel utilizing skills in accordance with the objectives in Chapter 9 of the Commission's Certification Curriculum Manual.
- (9) Fire Officer II personnel. The following general position description for Fire Officer II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and

tasks required of the Fire Officer II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

- (A) Qualifications. In addition to the qualifications for Fire Officer I and Fire Instructor I personnel: the ability to motivate members for maximum job performance; the ability to evaluate job performance; the ability to deliver life safety and fire prevention education programs; the ability to prepare budget requests, news releases, and policy changes; the ability to conduct pre-incident planning, fire inspections, and fire investigations; the ability to supervise multi-unit emergency operations, identify unsafe work environments or behaviors, review injury, accident, and exposure reports.
 - (B) Competency. A Fire Officer II must demonstrate competency in supervising personnel and coordinating multi-unit emergency operations utilizing skills in accordance with the objectives in Chapter 9 of the Commission's Certification Curriculum Manual.
- (10) Fire Service Instructor I personnel. The following general position description for Fire Service Instructor I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to successfully completing a Commission-approved course and achieving a passing score on the certification examination: must have the ability to deliver instructions effectively from a prepared lesson plan; the ability to use instructional aids and evaluation instruments; the ability to adapt to lesson plans to the unique requirements of both student and the jurisdictional authority; the ability to organize the learning environment to its maximum potential; the ability to meet the record-keeping requirements of the jurisdictional authority.
 - (B) Competency. A Fire Service Instructor I must demonstrate competency in delivering instruction in an environment organized for efficient learning while meeting the record-keeping needs of the authority having jurisdiction, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's Certification Curriculum Manual.
- (11) Fire Service Instructor II personnel. The following general position description for Fire Service Instructor II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to successfully completing a Commission-approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor I: the ability to develop individual lesson plans for a specific topic, including learning objectives, instructional aids, and evaluation instruments; the ability to schedule training sessions based on the overall training plan of the jurisdictional authority; the ability to supervise and coordinate the activities of other instructors.
 - (B) Competency. A Fire Service Instructor II must demonstrate competency in developing individual lesson plans; scheduling training sessions; and supervising other instructors, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's Certification Curriculum Manual.
- (12) Fire Service Instructor III personnel. The following general position description for Fire Service Instructor III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor III operating in the

State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

- (A) Qualifications. In addition to successfully completing a Commission-approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor II: the ability to develop comprehensive training curricula and programs for use by single or multiple organizations; the ability to conduct organizational needs analysis; and the ability to develop training goals and implementation strategies.
- (B) Competency. A Fire Service Instructor III must demonstrate competency in developing comprehensive training curricula and programs; conducting organizational needs analysis; and developing training goals and implementation strategies, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's Certification Curriculum Manual.

§421.5. Definitions.

The following words and terms, when used in this standards manual, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Admission to employment--An entry level full-time employee of a local government entity in one of the categories of fire protection personnel.
- (2) Appointment--The designation or assignment of a person to a discipline regulated by the Commission. The types of appointments are:
 - (A) permanent appointment--The designation or assignment of certified fire protection personnel or certified part time fire protection employees to a particular discipline (See Texas Government Code, §419.032); and
 - (B) probationary or temporary appointment--The designation or assignment of an individual to a particular discipline, except for head of a fire department, for which the individual has passed the Commission's certification and has met the medical requirement of §423.1(b) of this title, if applicable, but has not yet been certified. (See Texas Government Code, §419.032.)
- (3) Approved training--Any training used for a higher level of certification must be approved by the Commission and assigned to either the A-List or the B-List. The training submission must be in a manner specified by the Commission and contain all information requested by the Commission. The Commission will not grant credit twice for the same subject content or course. Inclusion on the A-List or B-List does not preclude the course approval process as stated elsewhere in the Standards Manual.
- (4) Assigned/work--A fire protection personnel or a part-time fire protection employee shall be considered "assigned/working" in a position, any time the individual is receiving compensation and performing the duties that are regulated by the Texas Commission on Fire Protection certification and has been permanently appointed, as defined in this section, to the particular discipline.
- (5) Assistant fire chief--The officer occupying the first position subordinate to the head of a fire department.
- (6) Auxiliary fire fighter--A volunteer fire fighter.
- (7) Benefits--Benefits shall include, but are not limited to, inclusion in group insurance plans (such as health, life, and disability) or pension plans, stipends, free water usage, and reimbursed travel expenses (such as meals, mileage, and lodging).

- (8) Chief Training Officer--The individual, by whatever title he or she may be called, who coordinates the activities of a certified training facility.
- (9) Class hour--Defined as not less than 50 minutes of instruction, also defined as a contact hour; a standard for certification of fire protection personnel.
- (10) Code--The official legislation creating the Commission.
- (11) College credits--Credits earned for studies satisfactorily completed at an institution of higher education accredited by an agency recognized by the U.S. Secretary of Education and including National Fire Academy (NFA) open learning program colleges, or courses recommended for college credit by the American Council on Education (ACE) or delivered through the National Emergency Training Center (both EMI and NFA) programs. A course of study satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide that is primarily related to Fire Service, Emergency Medicine, Emergency Management, or Public Administration is defined as applicable for Fire Science college credit, and is acceptable for higher levels of certification.
- (12) Commission--Texas Commission on Fire Protection.
- (13) Commission-recognized training--A curriculum or training program which carries written approval from the Commission, or credit hours that appear on an official transcript from an accredited college or university, or any fire service training received from a nationally recognized source, i.e., the National Fire Academy.
- (14) Compensation--Compensation is to include wages, salaries, and "per call" payments (for attending drills, meetings or answering emergencies).
- (15) Expired--Any certification that has not been renewed on or before the end of the certification period.
- (16) Federal fire fighter--A person as defined in the Texas Government Code, §419.084(h).
- (17) Fire chief--The head of a fire department.
- (18) Fire department--A department of a local government that is staffed by one or more fire protection personnel or part-time fire protection employees.
- (19) Fire protection personnel--Any person who is a permanent full-time employee of a fire department or governmental entity and who is appointed duties in one of the following categories/disciplines: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others employed in related positions necessarily or customarily appertaining thereto.
- (20) Fire suppression duties--Engaging in the controlling or extinguishment of a fire of any type or performing activities which are required for and directly related to the control and extinguishment of fires or standing by on the employer's premises or apparatus or nearby in a state of readiness to perform these duties.
- (21) Full-time--An officer or employee is considered full-time if the employee works an average of 40 hours a week or averages 40 hours per week or more during a work cycle in a calendar year. For the purposes of this definition paid leave will be considered time worked.
- (22) Government entity--The local authority having jurisdiction as employer of full-time fire protection personnel in a state agency, incorporated city, village, town or county, education institution or political subdivision.
- (23) High school--A school accredited as a high school by the Texas Education Agency or equivalent accreditation agency from another jurisdiction.

- (24) Immediately dangerous to life or health (IDLH)--An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.
- (25) Incipient stage fire--A fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.
- (26) Interior structural fire fighting--The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. (See 29 CFR §1910.155)
- (27) Lead instructor--An individual qualified as an instructor to deliver fire protection training.
- (28) Municipality--Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipal pertains to a municipality as herein defined.
- (29) National Fire Academy semester credit hours--The number of hours credited for attendance of National Fire Academy courses is determined as recommended in the most recent edition of the "National Guide to Educational Credit for Training Programs," American Council on Education (ACE).
- (30) Non-self-serving affidavit--A sworn document executed by someone other than the individual seeking certification.
- (31) Participating volunteer fire fighter--An individual who voluntarily seeks certification and regulation by the Commission under the Government Code, Chapter 419, Subchapter D.
- (32) Participating volunteer fire service organization--A fire department that voluntarily seeks regulation by the Commission under the Government Code, Chapter 419, Subchapter D.
- (33) Part-time fire protection employee--An individual who is appointed as a part-time fire protection employee and who receives compensation, including benefits and reimbursement for expenses. A part-time fire protection employee is not full-time as defined in this section.
- (34) Personal alert safety system (PASS)--Devices that are certified as being compliant with NFPA 1982, and that automatically activates an alarm signal (which can also be manually activated) to alert and assist others in locating a fire fighter or emergency services person who is in danger.
- (35) Political subdivision--A political subdivision of the State of Texas that includes, but is not limited to the following:
- (A) city;
 - (B) county;
 - (C) school district;
 - (D) junior college district;
 - (E) levee improvement district;
 - (F) drainage district;
 - (G) irrigation district;

- (H) water improvement district;
 - (I) water control and improvement district;
 - (J) water control and preservation district;
 - (K) freshwater supply district;
 - (L) navigation district;
 - (M) conservation and reclamation district;
 - (N) soil conservation district;
 - (O) communication district;
 - (P) public health district;
 - (Q) river authority;
 - (R) municipal utility district;
 - (S) transit authority;
 - (T) hospital district;
 - (U) emergency services district;
 - (V) rural fire prevention district; and
 - (W) any other governmental entity that: embraces a geographical area with a defined boundary;
 - (i) embraces a geographical area with a defined boundary;
 - (ii) exists for the purpose of discharging functions of the government; and
 - (iii) possesses authority for subordinate self-government through officers selected by it.
- (36) Reciprocity for IFSAC seals--Valid documentation of accreditation from the International Fire Service Accreditation Congress used for TCFP certification may only be used for obtaining an initial certification.
- (37) Recognition of training--A document issued by the Commission stating that an individual has completed the training requirements of a specific phase level of the Basic Fire Suppression Curriculum.
- (38) School--Any school, college, university, academy, or local training program which offers fire service training and included within its meaning the combination of course curriculum, instructors, and facilities.
- (39) Structural fire protection personnel--Any person who is a permanent full-time employee of a government entity who engages in fire fighting activities involving structures and may perform other emergency activities typically associated with fire fighting activities such as rescue, emergency medical response, confined space rescue, hazardous materials response, and wildland fire fighting.
- (40) Trainee--An individual who is participating in a Commission approved training program.
- (41) Volunteer fire protection personnel--Any person who has met the requirements for membership in a volunteer fire service organization, who is assigned duties in one of the following categories: fire

suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others in related positions necessarily or customarily appertaining thereto.

(42) Volunteer fire service organization--A volunteer fire department or organization not under mandatory regulation by the Texas Commission on Fire Protection.

(43) Years of experience--For purposes of higher levels of certification or fire service instructor certification:

(A) Except as provided in subparagraph (B) of this paragraph, years of experience is defined as full years of full-time, part-time or volunteer fire service while holding:

- (i) a Texas Commission on Fire Protection certification as a full-time, or part-time employee of a government entity, a member in a volunteer fire service organization, and/or an employee of a regulated non-governmental fire department; or
- (ii) a State Firemen's and Fire Marshals' Association advanced fire fighter certification and have successfully completed, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or
- (iii) an equivalent certification as a full-time fire protection personnel of a governmental entity from another jurisdiction, including the military, or while a member in a volunteer fire service organization from another jurisdiction, and have, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or
- (iv) for fire service instructor eligibility only, a State Firemen's and Fire Marshals' Association Level II Instructor Certification, received prior to June 1, 2008 or Instructor I received on or after June 1, 2008 or an equivalent instructor certification from the Texas Department of State Health Services (DSHS) or the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Documentation of at least three years of experience as a volunteer in the fire service shall be in the form of a non self-serving sworn affidavit.

(B) For fire service personnel certified as required in subparagraph (A) of this paragraph on or before October 31, 1998, years of experience includes the time from the date of employment or membership to date of certification not to exceed one year.

§421.9. Designation of Fire Protection Duties.

- (a) An individual who performs one or more fire protection duties, listed in the Texas Government Code, §419.021(3)(C), for a fire department of local government entity shall be designated to only one of the following categories:
 - (1) fire protection personnel;
 - (2) a part-time fire protection employee; or
 - (3) a volunteer fire fighter or other auxiliary fire fighter.
- (b) A fire department regulated by the Commission may not designate the same person under more than one category under this section. The designation shall be made on the records of the department and the designation shall be made available for inspection by the Commission or sent to the Commission on request.

- (c) A fire department regulated by the Commission shall report the appointment of fire protection personnel to a regulated discipline via the Commission's online management program, or the appropriate form if available. Fire protection personnel who are assigned to a regulated discipline as part of their regularly assigned duties shall be appointed to that discipline with the Commission. No individual may be appointed to a discipline without approval by the Commission. The Commission shall not approve an initial appointment to a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. Termination of fire protection personnel or part-time fire protection employees shall be reported to the Commission via the Commission's online management program, or the appropriate form if available within 14 calendar days of the action. In the case of termination, the employing entity shall report an individual's last known home address to the Commission. A Removal from Appointment form may be submitted without the employee's signature.
- (d) A fire department may not in a calendar year compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter in an amount that is equal to or more than what a person receives working 2,080 hours at the federal minimum wage.
- (e) A person certified as fire protection personnel in one fire department may be employed and designated as a part-time fire protection employee in another fire department without additional certification as a part-time fire protection employee.

§421.11. Requirement To Be Certified Within One Year.

- (a) Fire protection personnel or part-time fire protection employees of a fire department who are appointed duties identified as fire protection personnel duties must be certified by the Commission in the discipline(s) to which they are assigned within one year of their appointment to the duties or within two years of successfully passing the applicable Commission examination, whichever is less. The Commission shall not approve an initial certification for a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. An individual who accepts appointment(s) in violation of this section shall be removed from the appointment(s) and will be subject to administrative penalties. A department or local government that appoints an individual in violation of this section will also be subject to administrative penalties.
- (b) An individual who has been removed from appointment to duties identified as fire protection personnel duties for violation of this section must petition the Commission in writing for permission to be reappointed to the duties from which they were removed. The petition will be considered only if the individual has obtained all appropriate certification(s) applicable to the duties to which the individual seeks reappointment.

§421.13. Individual Certificate Holders.

- (a) Employment is not mandatory for certification. An individual may hold or renew any certificate issued by the commission for which they maintain their qualifications.
- (b) An individual certificate holder must notify the commission of a change of his or her home address within 14 calendar days of a change of address.

§421.15. Extension of Training Period.

A fire department may apply to the commission for an extension of the one-year training period, identified in §419.032(c) of the Government Code, for a time period not exceeding two years from the date of original appointment as follows:

- (1) the request for extension shall be placed on the Fire Fighter Advisory Committee's (FFAC's) agenda to be heard at its next regular or special called meeting after submission of the request;

- (2) after review by the FFAC, the application along with the FFAC's recommendations will be sent to the commission to be heard at its next regular meeting. If the request for extension is approved by the commission, the extension shall become effective immediately; and
- (3) the one-year extension of training time, if granted, shall run from the date of forfeiture and removal or, at the latest, from one year after the original date training began, whichever occurs first.

§421.17. Requirement to Maintain Certification.

- (a) All full-time or part-time employees of a fire department or local government who are assigned duties identified as fire protection personnel duties must maintain certification by the Commission in the discipline(s) to which they are assigned for the duration of their assignment.
- (b) In order to maintain the certification required by this section, the certificate(s) of the employees must be renewed annually by complying with §437.5, of this title (relating to Renewal Fees) and Chapter 441 of this title (relating to Continuing Education) of the Commission's standards manual.
- (c) An individual whose certificate has been expired for one year or longer may not renew the certificate that was previously held. To obtain a new certification, an individual must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification).
- (d) The Commission will provide proof of current certification to individuals whose certification has been renewed.

(e) All certificate holders are subject to the requirements of Section 57.491 of the Texas Education Code regarding license renewal and default on student loans.

9. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - A. **Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**
 3. **Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review of 37 TAC, Chapter 401, Practice and Procedure, Subchapter A, General Provisions and Definitions, including, but not limited to, §401.5, Delegation of Authority, §401.11, Conduct of Commission and Advisory Meetings, and §401.13, Computation of Time, Subchapter B, §401.17, Requirements, and §401.19, Petition for Adoption of Rules, Subchapter C, Examination Appeals Process, §401.21, Examination Challenge, and §401.123, Examination Waiver Request, Subchapter D, Disciplinary Proceedings, §401.31, Disciplinary Proceedings in Contested Cases, Subchapter E, §401.41, Preliminary Staff Conference, §401.43, Prehearing Conferences, §401.45, Interim Orders, §401.47, Appeal of an Interim Order, and §401.49, Prehearing Statements, Subchapter F, Contested Cases, §401.51, Preliminary Notice and Opportunity for Hearing, Subchapter H, Reinstatement, §401.117, Commission Action Possible upon Reinstatement, and Subchapter I, Notice and Processing Periods For Certificate Applications, 401.121, Purpose of Establishing Time Periods, §401.123, Notice of Deficiency, and §401.125 Processing Periods new Subchapter J, Charges For Public Records, §401.129, Charges for Public Records, and new Subchapter K, Historically Underutilized Businesses, §401.131, Historically Underutilized Businesses.**

Chapter 401

ADMINISTRATIVE PRACTICE AND PROCEDURE

Subchapter A

GENERAL PROVISIONS AND DEFINITIONS

§401.1. Purpose and Scope.

- (a) Purpose. The purpose of this chapter is to provide a system of procedures for practice before the Texas Commission on Fire Protection that will promote the just and efficient disposition of proceedings and public participation in the decision-making process. The provisions of this chapter shall be given a fair and impartial construction to attain these objectives.
- (b) Scope.
- (1) This chapter shall govern the initiation, conduct, and determination of proceedings required or permitted by law in matters regulated by the commission, whether instituted by order of the commission or by the filing of an application, complaint, petition, or any other pleading.
 - (2) This chapter shall not be construed so as to enlarge, diminish, modify, or otherwise alter the jurisdiction, powers, or authority of the commission, its staff, or the substantive rights of any person.
 - (3) This chapter shall not apply to matters related solely to the internal personnel rules and practices of this agency.
 - (4) To the extent that any provision of this chapter is in conflict with any statute or substantive rule of the commission, the statute or substantive rule shall control.
 - (5) In matters referred to the State Office of Administrative Hearings (SOAH), hearings or other proceedings are governed by 1 TAC Chapter 155 (relating to Rules of Procedures) adopted by SOAH effective January 2, 1998. To the extent that any provision of this chapter is in conflict with SOAH Rules of Procedures, the SOAH rules shall control.

§401.3. Definitions.

The following terms, when used in this chapter, shall have the following meanings, unless the context or specific language of a section clearly indicates otherwise:

- (1) Advisory Committee--An advisory committee that is required to assist the commission in its rule-making function and whose members are appointed by the commission pursuant to Government Code, §419.008, or other law.
- (2) Agency--Includes the commission, the executive director, and all divisions, departments, and employees thereof.
- (3) APA--Government Code, Chapter 2001, The Administrative Procedure Act, as it may be amended from time to time.
- (4) Applicant--A person, including the commission staff, who seeks action from the commission by written application, petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.

- (5) Application--A written request seeking a license from the commission, petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.
- (6) Authorized Representative--A person who enters an appearance on behalf of a party, or on behalf of a person seeking to be a party or otherwise to participate in a commission proceeding.
- (7) Chairman--The commissioner who serves as presiding officer of the commission pursuant to Government Code, §419.007.
- (8) Commission--The Texas Commission on Fire Protection.
- (9) Commissioner--One of the appointed members of the decision-making body defined as the commission.
- (10) Complainant--Any person, including the commission's legal staff, who files a signed written complaint intended to initiate a proceeding with the commission regarding any act or omission by a person subject to the commission's jurisdiction.
- (11) Contested Case--A proceeding, including but not restricted to, the issuance of certificates, licenses, registrations, permits, etc., in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing.
- (12) Days--Calendar days, not working days, unless otherwise specified in this chapter or in the commission's substantive rules.
- (13) Division--An administrative unit for regulation of specific activities within the commission's jurisdiction.
- (14) Executive Director--The executive director appointed by the commission pursuant to Government Code, §419.009.
- (15) Hearings Officer--An administrative law judge on the staff of the State Office of Administrative Hearings assigned to conduct a hearing and to issue a proposal for decision, including findings of fact and conclusions of law, in a contested case pursuant to Government Code, Chapter 2003.
- (16) License--Includes the whole or part of any agency permit, certificate, approval, registration, license, or similar form of permission required or permitted by law.
- (17) Licensee--A person who holds an agency permit, certificate, approval, registration, license, or similar form of permission required or permitted by law.
- (18) Licensing--Includes the agency process respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.
- (19) Party--Each person or agency named or admitted as a party in a contested case.
- (20) Person--Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than the commission.
- (21) Pleading--A written document submitted by a party, or a person seeking to participate in a proceeding, setting forth allegations of fact, claims, requests for relief, legal argument, and/or other matters relating to a commission proceeding.
- (22) Presiding Officer--The chairman, the acting chairman, the executive director, or a duly authorized hearings officer.
- (23) Proceeding--Any hearing, investigation, inquiry, or other fact-finding or decision-making procedure, including the denial of relief or the dismissal of a complaint.

- (24) Respondent--A person under the commission's jurisdiction against whom any complaint or appeal has been filed or who is under formal investigation by the commission.

§401.5. Delegation of Authority.

All decisions to suspend, revoke, or deny an application for any certificate or approval, to reprimand or place on probation the holder of such certificate or approval, or to impose an order for restitution, remedial action, or administrative penalties pursuant to Government Code, Chapter 419, shall be made by the executive director or designee.

§401.7. Construction.

- (a) A provision of a rule referring to the commission, the executive director, or a provision referring to the presiding officer, is construed to apply to the commission or chairman if the matter is within the jurisdiction of the commission, to the executive director if the matter is within the jurisdiction of the executive director.
- (b) Unless otherwise provided by law, any duty imposed on the commission, the chairman, or the executive director may be delegated to a duly authorized representative. In such case, the provisions of any rule referring to the commission, the chairman, or the executive director, shall be construed to also apply to the duly authorized representative of the commission, the chairman, or the executive director.

§401.9. Records of Official Action.

All official acts of the commission or the executive director shall be evidenced by a recorded or written record. Official action of the commission or the executive director shall not be bound or prejudiced by any informal statement or opinion made by any member of the commission, the executive director, or the employees of the agency.

§401.11. Conduct of Commission and Advisory Meetings.

- (a) Statements concerning items which are part of the commission's posted agenda. Persons who desire to make presentations to the commission concerning matters on the agenda for a scheduled commission[meeting] or **fire fighter** advisory committee meeting shall complete registration cards which shall be made available at the entry to the place where the commission's scheduled meeting is to be held. The registration cards shall include blanks in which all of the following information must be disclosed:
- (1) name of the person making a presentation;
 - (2) a statement as to whether the person is being reimbursed for the presentation; and if so, the name of the person or entity on whose behalf the presentation is made;
 - (3) a statement as to whether the presenter has registered as a lobbyist in relationship to the matter in question;
 - (4) a reference to the agenda item which the person wishes to discuss before the commission;
 - (5) an indication as to whether the presenter wishes to speak for or against the proposed agenda item; and
 - (6) a statement verifying that all factual information to be presented shall be true and correct to the best of the knowledge of the speaker.
- (b) Discretion of the presiding officer. The presiding officer of the commission or the advisory committee, as the case may be, shall have discretion to employ any generally recognized system of parliamentary

procedures, including, but not limited to Robert's Rules of Order for the conduct of commission or committee meetings, to the extent that such parliamentary procedures are consistent with the Texas Open Meetings Act or other applicable law and these rules. The presiding officer shall also have discretion in setting reasonable limits on the time to be allocated for each matter on the agenda of a scheduled commission meeting or advisory committee meeting and for each presentation on a particular agenda item. If several persons wish to address the commission or advisory committee on the same agenda item, it shall be within the discretion of the chair to request that persons who wish to address the same side of the issue coordinate their comments, or limit their comments to an expression in favor of views previously articulated by persons speaking on the same side of an issue.

- (c) Requests that issues be placed on an agenda for discussion. Persons who wish to bring issues before the commission shall first address their request **in writing** to the ~~[General Counsel and]~~ Executive Director, ~~[Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas 78768-2286]~~. Such requests should be submitted at least **15**~~[30]~~ days in advance of commission **or fire fighter advisory committee** meetings.~~[, but in no event less than 15 days.]~~ The decision whether to place a matter on an agenda for discussion before the full commission, or alternatively before **the fire fighter advisory committee** ~~[a commission advisory committee]~~, or with designated staff members, shall be within the discretion of the appropriate presiding officer.

§401.13. Computation of Time.

- (a) Computing Time. In computing any period of time prescribed or allowed by these rules, by order of the Agency, or by any applicable statute, the period shall begin on the day after the act, event, or default in controversy and conclude on the last day of such computed period, unless it be a Saturday, Sunday, or a legal holiday, in which event, the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. A party or attorney of record notified ~~[by mail]~~ under §401.61 of this title (relating to Record) is deemed to have been notified on the date ~~[on]~~ which notice is **sent** ~~[mailed]~~.
- (b) Extensions. Unless otherwise provided by statute, the time for filing any pleading, except a notice of protest, may be extended by order of the **executive** director **or designee**, upon the following conditions:
- (1) A written motion must be duly filed with the **executive** director **or designee** prior to the expiration of the applicable period of time allowed for such filings.
 - (2) The written motion must show good cause for such extension and that the need is not caused by the neglect, indifference, or lack of diligence on the part of the movant.
 - (3) A copy of any such motion shall be served upon all other parties of record to the proceeding contemporaneously with the filing thereof.

§401.15. Agreements To Be in Writing.

- (a) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.
- (b) No stipulation or agreement between the parties, their attorneys or representatives, with regard to any matter involved in any proceeding before the Agency, shall be enforced unless it shall have been reduced to writing and signed by the parties or their authorized representatives, or unless it shall have been dictated into the record by them during the course of a hearing, or incorporated in an order bearing their written approval. This rule does not limit a party's ability to waive, modify, or stipulate any right or privilege afforded by these rules, unless precluded by law.

Subchapter B

RULEMAKING PROCEEDINGS

§401.17. Requirements.

Except for the requirements of mandatory rule development by **the fire fighter** advisory **committee** ~~[committees]~~ provided for by law, the procedure for rulemaking is governed by Subchapter B of the Administrative Procedure Act (**APA**).

§401.19. Petition for Adoption of Rules.

- (a) Any person may petition the **commission** ~~[Commission]~~ requesting the adoption of a new rule or an amendment to an existing rule as authorized by the APA, §2001.021.
- (b) Petitions shall be sent to the executive director. Petitions shall be deemed sufficient if they contain:
 - (1) the name and address of the person or entity on whose behalf the application is filed;
 - (2) specific reference to the existing rule which is proposed to be changed, amended, or repealed; new, changed, or amended proposed rule with new language underlined and deleted language dashed out;
 - (4) the proposed effective date; and
 - (5) a justification for the proposed action set out in narrative form with sufficient particularity to inform the **commission** ~~[Commission]~~ and any other interested person of the reasons and arguments on which the petitioner is relying.
- (c) The executive director shall direct that the petition for adoption of rules be placed on the next agenda for discussion by the **commission** ~~[Commission]~~ or **the fire fighter** ~~[an]~~ advisory committee with subject matter jurisdiction in accordance with §401.11 of this title (relating to Conduct of Commission and Advisory Meetings).
- (d) A request for clarification of a rule shall be treated as a petition for a rule change. The **commission** ~~[Commission]~~ staff may request submission of additional information from the applicant to comply with the requirements of subsection (b) of this section.

SUBCHAPTER C

EXAMINATION APPEALS PROCESS

§401.21. Examination Challenge.

- (a) An examinee who seeks to challenge the failure of an examination must submit a written request for an informal conference to the Fire Service Standards and Certification division director to discuss informal disposition of the complaint(s).
- (b) An examination may be challenged only on the basis of examination content, failure to comply with commission [~~Commission~~] rules by a certified training facility, or problems in the administration of the examination.
- (c) The written request must identify the examinee, the specific examination taken, the date of the examination, and the basis of the appeal.
- (d) An examinee who challenges the content of an examination must identify the subject matter of the question(s) challenged and is not entitled to review the examination due to the necessity of preserving test security.
- (e) The request must be submitted within 30 days from the date the grade report is posted on the website.
- (f) Commission staff shall schedule a conference with the applicant in accordance with §401.41 of this title (relating to Preliminary Staff Conference) to discuss the challenge within 30 days of the request or as soon as practical. The examinee may accept or reject the settlement recommendations of the commission [~~Commission~~] staff. If the examinee rejects the proposed agreement, the examinee must request a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the action complained of.

§401.23. Examination Waiver Request.

- (a) An individual who is required to take a commission [~~Commission~~] examination [~~pursuant to §439.15 of this title (relating to Testing for Proof of Proficiency) or §439.17 of this title (relating to Testing for Certification Status)~~] may petition the commission [~~Commission~~] for a waiver of the examination if the person's certificate or eligibility expired because of a good faith clerical error on the part of the individual or an employing entity.
- (b) The waiver request must include a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with commission [~~Commission~~] requirements and that failure to comply was due to circumstances beyond the control of the certificate holder or applicant.
- (c) Commission staff shall schedule a conference with the applicant in accordance with §401.41 of this title (relating to Preliminary Staff Conference) to discuss the waiver request within 30 days of the request, or as soon as practical. The applicant may accept or reject the settlement recommendations of the commission [~~Commission~~] staff. If the examinee rejects the proposed agreement, the applicant must request a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the action complained of.

SUBCHAPTER D
DISCIPLINARY PROCEEDINGS

§401.31. Disciplinary Proceedings in Contested Cases.

- (a) If the **commission** [~~Commission~~] staff recommends administrative penalties or any other sanction pursuant to Chapter 445 of this title (relating to Administrative Inspections and Penalties) or §401.105 of this title, (relating to Administrative Penalties) for alleged violations of laws or rules administered or enforced by the **commission** [~~Commission~~] and its staff, the respondent may request a preliminary staff conference in accordance with §401.41 of this title (relating to Preliminary Staff Conference).
- (b) Commission staff shall schedule a **Preliminary Staff** conference with the applicant in accordance with §401.41 of this title (relating to Preliminary Staff Conference) to discuss the alleged violations of laws or rules within 30 days of the request or as soon as practical. The respondent may accept or reject the settlement recommendations of the **commission** [~~Commission~~] staff. If the respondent rejects the proposed agreement, the respondent must request a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the notice of the staff's recommended disciplinary action.

SUBCHAPTER E

PREHEARING PROCEEDINGS

§401.41. Preliminary Staff Conference.

- (a) General. After receipt of preliminary notice of alleged violations of laws or rules administered or enforced by the commission and its staff, the holder of the certificate, applicant or regulated entity may request a conference with the commission's staff for the purpose of showing compliance with all requirements of law, or to discuss informal disposition of any complaint or contested case, pursuant to the Government Code, §419.906(c) and §2001.056.
- (b) Representation. The certificate holder, applicant or regulated entity may be represented by counsel or by a representative of his or her choice. The commission shall be represented by one or more members of its staff and by commission ~~staff~~ legal counsel.
- (c) Informal Proceedings. The conference shall be informal, and will not follow procedure established in Subchapter F of this chapter (relating to Contested Cases) for contested cases. The commission's representative(s) may prohibit or limit attendance by other persons; may prohibit or limit access to the commission's investigative file by the licensee, the licensee's representative, and the complainant, if present; and may record part or all of the staff conference. At the discretion of the commission's representative(s), the licensee, the licensee's representative, and the commission staff may question witnesses; make relevant statements; and present affidavits, reports, letters, statements of persons not in attendance, and such other evidence as may be appropriate.
- (d) Settlement Conference. At the discretion of the commission's representative(s), the preliminary staff conference may be concluded, and a settlement conference initiated to discuss staff recommendations for informal resolution of the issues. Such recommendations may include any disciplinary actions authorized by law, including restitution, remedial actions, or such reasonable restrictions that may be in the public interest. Recommendations for administrative penalties or monetary forfeitures shall be made in accordance with §401.105 of this title (relating to Administrative Penalties). These recommendations may be modified by the commission's representative(s) based on new information, a change of circumstances, or to expedite resolution in the interest of protecting the public. The commission's representative(s) may also recommend that the investigation be closed or referred for further investigation.
- (e) Proposed Consent Order. The licensee may accept or reject the settlement recommendations of the commission staff. If the licensee accepts the recommendations, the licensee shall execute a settlement agreement in the form of a proposed consent order as soon thereafter as practicable. If the licensee rejects the proposed agreement, the matter may be scheduled for a hearing as described in Subchapter F of this chapter (relating to Contested Cases).
- (f) Approval of Consent Order. Following acceptance and execution of the settlement agreement recommended by staff, said proposed agreement shall be submitted to the executive director for approval. If the order is approved, it shall be signed by the executive director. If the proposed order is not approved, the licensee shall be so informed and the matter shall be referred to the commission staff for appropriate action to include dismissal, closure, further negotiation, further investigation, or a formal hearing.

§401.43. Prehearing Conferences.

The presiding hearings officer shall schedule prehearing conferences as necessary for the efficient management of the proceedings. The presiding hearings officer shall conduct prehearing conferences for any appropriate purpose, including consideration of the following:

- (1) motions and other preliminary matters related to the proceeding, including notice, discovery, and procedural schedules;
- (2) settlement of the case, or clarification and simplification of the issues;
- (3) the necessity or desirability of amended pleadings;
- (4) the possibility of obtaining stipulations that would avoid the unnecessary introduction of evidence;
- (5) evidentiary matters, including a request for interim relief;
- (6) the specific procedures to be followed at the hearing;
- (7) the scheduling of the hearing on the merits; and
- (8) any other matters as may assist the disposition of the proceeding in a fair and efficient manner.

§401.45. Interim Orders.

The presiding hearings officer shall issue orders covering procedural and discovery matters, requests for interim relief, and such other matters as may aid in the conduct of the hearing and efficient and fair disposition of the proceeding. Interim orders may be written or stated orally on the record.

§401.47. Appeal of an Interim Order.

- (a) Availability of Appeal. Appeals are available for any order of the presiding hearings officer that immediately prejudices a substantial or material right of a party, or materially affects the course of the hearing, other than evidentiary rulings. Interim orders shall not be subject to exceptions or applications for rehearing prior to issuance of a report of a hearing officer.
- (b) Procedure for Appeal. If the presiding hearings officer intends to reduce an oral ruling to a written order, the presiding hearings officer shall so indicate on the record at the time of the oral ruling and shall promptly issue the written order. Any appeal to the executive director as to matters within his or her jurisdiction shall be filed within five working days of the issuance of the written order or the appealable oral ruling. The appeal shall be served on all parties by hand delivery, facsimile transmission, or by overnight courier delivery.
- (c) Contents. An appeal shall specify the reasons why the interim order is unjustified or improper.
- (d) Responses. Any response to an appeal shall be filed within five working days of the filing of the appeal.
- (e) Motions for Stay. Pending a ruling by the executive director, the presiding hearings officer may, upon motion, grant a stay of the interim order. A motion for a stay shall

specify the basis for a stay. Good cause shall be shown for granting a stay. The mere filing of an appeal shall not stay the interim order or the procedural schedule.

- (f) Denial. The executive director shall rule on the interim order within 20 days of the filing of the appeal. If the executive director does not rule on the appeal within 20 days of its filing, or extend the time for ruling, the interim order is deemed approved and any granted stay is lifted. The appeal may be carried with the underlying case provided the executive director does not act upon the appeal within the time provided in this section.
- (g) Reconsideration. The presiding hearings officer may treat an appeal as a motion for reconsideration and may withdraw or modify the order under appeal prior to a decision on the appeal.

§401.49. Prehearing Statements.

- (a) Prehearing Statements Required. Each party shall file a prehearing statement no later than three days before the start of a hearing unless the presiding officer determines that such a requirement would add unjustified burden and expense to the proceeding, or that a different deadline should be imposed. The presiding hearings officer may impose sanctions provided in §401.103 of this title (relating to Discovery Sanctions) against any party who fails to comply with the requirement that a prehearing statement be filed.
- (b) Contents of Prehearing Statement. Unless otherwise provided by order of the presiding hearings officer, the prehearing statement shall contain the following information:
 - (1) a concise statement of the party's position in the proceeding;
 - (2) a concise statement of each question of fact, law, or policy the party considers at issue;
 - (3) a concise statement of the party's position on each issue identified pursuant to paragraph (2) of this subsection;
 - (4) a statement of issues that have been resolved by agreement of the parties, including agreements that do not include all parties; and
 - (5) a statement as to any requirement set forth in the prehearing order that cannot be complied with, the reasons for noncompliance, and such other information as will aid in achieving an orderly disposition of the proceeding.

SUBCHAPTER F

CONTESTED CASES

§401.51. Preliminary Notice and Opportunity for Hearing.

- (a) In General. Except as otherwise provided by law, the procedure for the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a certificate is governed by Government Code, Chapter 2001, pertaining to Administrative Procedures and by 1 TAC Chapter 155 (relating to Rules of Procedures) adopted by SOAH effective **November 26, 2008** [~~January 2, 1998~~].
- (b) Preliminary Notice. A revocation, suspension, annulment, or withdrawal of a certificate or license is not effective unless, before the institution of agency proceedings, the holder of the certificate receives preliminary notice of the facts or conduct alleged to warrant the intended action and an opportunity to show compliance with all requirements of law, as required by Government Code, §2001.054(c).
- (c) Staff Conference. The holder of the certificate may request a conference with ~~[the]~~ **commission** [~~Commission's~~] staff for the purpose of showing compliance with all requirements of law, or to discuss informal disposition of any complaint or contested case, pursuant to the Government Code, §419.906(c) and §2001.056, and the procedures provided in §401.41 of this title (relating to Preliminary Staff Conference).
- (d) Request for Hearing. Except as otherwise provided by law, if an applicant's original application or request for certificate is denied, he or she shall have 30 days from the date of denial to make a written request for a hearing, and if so requested, the hearing will be granted and the provisions of the APA and this chapter with regard to contested cases shall apply.

§401.53. Notice of Hearing.

- (a) Notice in a contested case shall comply with the APA, §2001.051 and §2001.052.
- (b) Deposit in the United States mails of a registered or certified letter, return receipt requested, containing a notice of a hearing in compliance with the requirements specified in this rule, or containing a copy of any decision or order addressed to the affected party or the attorney of record for the party at the party's last known address, shall constitute notice of the hearing or of such decision or order. The date of deposit as herein provided is the date of the act, after which any designated period begins to run as provided in §401.13 of this title (relating to Computation of Time).

§401.55. Hearings Officer.

- (a) The executive director may designate and appoint a hearings officer to act on his or her behalf in conducting any hearing or proceeding held under this chapter and to prepare proposals for decision on those hearings.
- (b) The hearings officer has the authority to administer oaths; call and examine witnesses; issue subpoenas; make rulings on motions, admissibility of evidence, and amendments to pleadings; maintain decorum; schedule and recess the proceedings from day to day; and make any other orders as justice requires.

- (c) If the hearings officer is unable to continue presiding over a case at any time before the final decision, another officer will be appointed who shall perform any remaining function without the necessity of repeating any previous proceedings.

§ 401.57. Filing of Exceptions and Replies to Proposal for Decision.

- (a) A copy of the proposal for decision in a contested case shall be simultaneously delivered or mailed by certified mail, return receipt requested, to each party representative of record.
- (b) Exceptions to the proposal for decision shall be filed within ten calendar days of the date of the proposal for decision.
- (c) Replies to exceptions shall be filed within 20 calendar days of the date of the proposal for decision.
- (d) All disagreements with the factual finds of the proposal for decision must be made in the parties' exceptions to the proposal for decision or be waived.
- (e) The exceptions shall be specifically and concisely stated. The evidence relied upon shall be stated with particularity, and any evidence or arguments relied upon shall be grouped under the exceptions to which they relate.

§401.59. Orders.

After the time for filing exceptions and replies to exceptions expires, the hearings officer's proposal for decision will be considered by the executive director and either adopted or modified and adopted. An order issued by the hearings officer may be modified or vacated only for reasons of policy, with the reasons and legal basis clearly stated in writing. All final decisions or orders of the commission or the executive director shall be in writing and signed. A final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall be accomplished by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by certified mail of any decision or order, and a copy of the decision or order shall be delivered or mailed to any party and to his or her authorized representative.

§401.61. Record.

- (a) The record in a contested case includes the matters listed in the APA, Government Code, §2001.060.
- (b) Proceedings, or any part of them, shall be transcribed on written request of any party. The party requesting the proceeding to be transcribed shall bear the expense thereof in accordance with the usual and customary charges of a court reporter. Should two or more parties make such request, the cost shall be borne on a pro rata basis. This section does not limit the agency to a stenographic record of proceedings.

§401.63. Appeals to the Commission.

- (a) In general. Any party aggrieved of a final decision or order of the executive director in a contested case may appeal to the commission after the decision or order complained of is final. An appeal to the commission for review of action of the executive director shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable, but for good cause shown, the commission may

allow an appeal after that date. A motion for rehearing is not a prerequisite for an appeal to the commission.

- (b) **Standard of Review.** The review of decisions of the executive director by the commission shall be based on the substantial evidence rule. In reviewing any final decision or order of the executive director, the commission may consider the record in the contested case developed before the executive director or the assigned examiner, and may not consider evidence not presented to or officially noticed by the executive director or the hearings officer. A party may apply to the commission to present additional evidence. If the commission is satisfied that the additional evidence is material and that there were good reasons for the failure to present it in the proceeding before the executive director, the commission may order that additional evidence be taken before the assigned hearings officer on conditions set by the commission. The executive director may change his or her findings and decision by reason of the additional evidence and shall file the additional evidence and any changes, new findings, or decisions with the commission.
- (c) **Oral argument.** On the request of any party, the commission may allow oral argument prior to the final determination of an appeal of a decision or order of the executive director.

§401.65. Suspension of Orders.

Pending appeal and final disposition of a matter, the commission, for good cause, may suspend the effectiveness of the executive director's orders. A request for hearing does not of itself stay an official act or order unless the official act or order is stayed by controlling law.

§401.67. Motions for Rehearing.

- (a) In the absence of a finding of imminent peril, a motion for rehearing is a prerequisite to a judicial appeal. A motion for rehearing must be filed by a party within 20 days after the date the party representative is notified of the final decision or order.
- (b) Replies to a motion for rehearing must be filed with the agency within 30 days after the date the party representative is notified of the final decision or order.
- (c) Agency action on the motion for rehearing must be taken within 45 days after the date a party representative is notified of the final decision or order. If agency action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date the party representative is notified of the final decision or order.
- (d) The commission may rule on a motion for rehearing at a meeting or by mail, telephone, telegraph, facsimile transmission, or another suitable means of communication. The motion shall be deemed overruled by operation of law, unless a majority of the commissioners serving vote to grant the motion within the time provided by law for ruling on the motion for rehearing.
- (e) The agency may, by written order, extend the period of time for filing the motions or replies and taking agency action, except that an extension may not extend the period for agency action beyond 90 days after the date a party representative is notified of the final order or decision.
- (f) In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date the party representative is notified of the final decision or order.

SUBCHAPTER G

CONDUCT AND DECORUM, SANCTIONS, AND PENALTIES

§401.101. Conduct and Decorum.

- (a) Standard of conduct during adjudicative proceedings.
 - (1) The hearings officer and the party representative should refer to the Texas Disciplinary Rules of Professional Conduct for guidance, regardless of whether all participants are licensed attorneys (Texas State Bar Rules, Article 10, §9).
 - (2) Party representatives shall maintain high standards of professionalism during the administrative process and promote an atmosphere of civility and fairness.
 - (3) A party representative shall use these rules for legitimate purposes and not for dilatory purposes or to harass or intimidate other participants.
- (b) Exclusion or disqualification of party representatives.
 - (1) Contemptuous conduct. A hearings officer may exclude or disqualify a party representative from participating in an agency hearing for contemptuous conduct. The hearings officer shall warn the party representative prior to exclusion, if possible. Contemptuous conduct includes:
 - (A) actual or threatened physical assault of any participant to the proceeding;
 - (B) knowingly or recklessly making a false statement of material fact or law to the hearings officer;
 - (C) counseling or assisting a witness to testify falsely;
 - (D) knowingly or recklessly offering or using false evidence;
 - (E) filing a frivolous or knowingly false pleading or other document, or filing a frivolous or knowingly false defense. A frivolous filing is one:
 - (i) primarily for the purpose of harassing or maliciously injuring another person; or
 - (ii) for which the party representative is unable to make a good faith argument for an extension, modification, or reversal of existing law;
 - (F) paying, offering to pay, or acquiescing in a payment or offer of payment to a witness based on the content of the witness' testimony or the outcome of the proceeding;
 - (G) continually violating an established rule of agency procedure or of evidence;
 - (H) raising superfluous objections or otherwise unreasonably delaying the proceeding or increasing the costs or other burden of the proceeding;

- (I) misrepresenting, mischaracterizing, or misquoting facts or law to gain unfair advantage;
 - (J) except as otherwise permitted by law, communicating or causing someone else to communicate with the hearings officer without the knowledge and consent of opposing party representatives in order to gain unfair advantage or to influence the proceeding;
 - (K) using vulgar or abusive language during the proceeding; and
 - (L) engaging in disruptive conduct.
- (2) Conflicts of interest. A hearings officer may disqualify a party representative from participating in a proceeding if the hearings officer decides that the party representative has a conflict of interest. Conflicts of interest can be, but are not limited to, the following:
- (A) when a party representative who previously acted as a public officer or employee on a matter later attempts to represent a private client on the same matter, unless the appropriate government agency consents;
 - (B) when a party representative who serves as a public officer or employee on a matter negotiates for private employment with a party or party representative involved in the same matter;
 - (C) when a party representative who serves as a public officer or employee participates in a matter involving a former private client whom he or she represented on the same matter, unless no one may legally act in the attorney's stead;
 - (D) when an attorney engages in the practice of law while under suspension or in violation of a disciplinary order or judgment; and
 - (E) any other conflict of interest that, in the opinion of the hearings officer, offends the dignity and decorum of the proceeding.
- (3) Procedures for excluding or disqualifying a party representative.
- (A) Notice. The hearings officer shall state the specific reason for excluding or disqualifying a party representative on the record or in a written order. The hearings officer shall notify the affected party and representative of the exclusion or disqualification personally or by certified mail.
 - (B) Reasonable time for substitution. After the hearings officer has excluded or disqualified a party representative, the affected party or party representative shall have reasonable time to appeal to the executive director. If the exclusion or disqualification order is sustained, the party shall have a reasonable time to substitute a new representative. In determining a reasonable time, the hearings officer shall consider the right of opposing parties to have the proceeding resolved without undue delay. The hearings officer may therefore align the affected party with another party in interest instead of permitting a substitution.
 - (C) Appeal of exclusion or disqualification. A party or party representative may appeal the exclusion (if it is for a period of more than eight hours) or

disqualification to the executive director pursuant to §401.47 of this title (relating to Appeal of an Interim Order).

- (D) No further participation. After being disqualified from the proceeding, a party representative may not provide further assistance, either directly or indirectly, to any party with regard to the proceeding, except to the extent reasonably necessary to make an appeal of the disqualification order pursuant to §401.47 (relating to Appeal of an Interim Order) of this title and to complete the withdrawal and substitution of a new party representative.
- (E) No recusal. The exclusion or disqualification of a party representative by a hearings officer is not a ground for recusal of the hearings officer in the same or any subsequent proceeding.

§401.103. Discovery Sanctions.

- (a) After notice and opportunity for hearing, an order imposing sanctions, as are just, may be issued by the hearings officer for failure to comply with a discovery order or subpoena issued pursuant to a Commission for deposition or production of books, records, papers, or other objects. The order imposing sanctions may:
 - (1) disallow any further discovery of any kind or of a particular kind of disobedient party;
 - (2) require the party, the party's representative, or both to obey the discovery order;
 - (3) require the party, the party's representative, or both to pay reasonable expenses, including attorney fees, incurred by reason of the party's noncompliance;
 - (4) direct that the matters regarding which the discovery order was made shall be deemed established in accordance with the claim of the party obtaining the order;
 - (5) refuse to allow the disobedient party to support or oppose designated claims or defenses or prohibit the party from introducing designated matters into evidence;
 - (6) strike pleadings or parts thereof or abate further proceedings until the order is obeyed; or
 - (7) dismiss the action or proceeding or any part thereof or render a decision by default against the disobedient party.
- (b) Appellate Review. Any discovery order or subpoena and any order imposing sanctions issued by the hearings officer is subject to review by an appeal to the executive director in accordance with §401.47 of this title (relating to Appeal of an Interim Order).

§401.105. Administrative Penalties.

- (a) The commission, acting through the executive director may, after notice and hearing required by Government Code, Chapter 2001, Administrative Procedure Act, impose an order requiring payment of an administrative penalty or monetary forfeiture in an amount not to exceed \$1,000 for each violation of Government Code, Chapter 419, or rule promulgated thereunder, as provided by Government Code, §419.906.
- (b) In determining the amount of the administrative penalty or monetary forfeiture the executive director shall consider:

- (1) the seriousness of the violation, including but not limited to the nature, circumstances, extent, and gravity of the prohibited act, and the hazard or potential hazard created to the health and safety of the public;
- (2) the economic damage to property or the public's interests or confidences caused by the violation;
- (3) the history of previous violations;
- (4) any economic benefit gained through the violation;
- (5) the amount necessary to deter future violations;
- (6) the demonstrated good faith of the person, including efforts taken by the alleged violator to correct the violation;
- (7) the economic impact of imposition of the penalty or forfeiture on the person; and
- (8) any other matters that justice may require.

SUBCHAPTER H

REINSTATEMENT

§401.111. Application for Reinstatement of License or Certificate.

- (a) At the expiration of one year from the date of revocation or suspension, or upon the conclusion of any specified period of suspension, the commission may consider a request for reinstatement by the former licensee or certificate holder (applicant).
- (b) The request for reinstatement must be submitted to the commission office in writing and should include a short and plain statement of the reasons why the applicant believes the license should be reinstated.
- (c) Upon denial of any application for reinstatement, the commission may not consider a subsequent application until the expiration of one year from the date of denial of the prior application.
- (d) In taking action to revoke or suspend a license or certificate, the commission may, in its discretion, specify the terms and conditions upon which reinstatement shall be considered.

§401.113. Evaluation for Reinstatement.

In considering reinstatement of a suspended or revoked license or certificate, the commission will evaluate:

- (1) the severity of the act which resulted in revocation or suspension of the license or certificate;
- (2) the conduct of the applicant subsequent to the revocation or suspension of the license or certificate;
- (3) the lapse of time since revocation or suspension;
- (4) the degree of compliance with all conditions the commission may have stipulated as a prerequisite for reinstatement;
- (5) the degree of rehabilitation attained by the applicant as evidenced by sworn notarized statements sent directly to the commission from qualified people who have personal and professional knowledge of the applicant; and
- (6) the applicant's present qualifications to perform duties regulated by the commission.

§401.115. Procedure upon Request for Reinstatement.

- (a) An applicant for reinstatement of a revoked or suspended license or certificate must personally appear before an administrative law judge designated by the commission at a scheduled date and time to show why the license or certificate should be reinstated.
- (b) Upon submission of proof of past revocation or suspension of the applicant's license or certificate, the applicant has the burden of proof to show present fitness and/or rehabilitation to perform duties regulated by the commission.

- (c) Upon receipt of a written request for reinstatement as required by §401.111 of this title (relating to Application for Reinstatement of License or Certificate), the applicant will be notified of a date and time of an appearance before the administrative law judge.

§401.117. Commission Action Possible upon Reinstatement.

After evaluation, the commission may:

- (1) deny reinstatement of a suspended or revoked license or certificate;
- (2) reinstate a suspended or revoked license or certificate and probate the practitioner for a specified period of time under specific conditions;
- (3) authorize reinstatement of the suspended or revoked license or certificate;
- (4) require the satisfactory completion of a specific program of remedial education approved by the commission; **and/or;** ~~[and]~~

~~[(5) require monitoring of the applicant's work activity as specified by the commission.]~~

- (5) reinstate a suspended or revoked license or certificate after verification through examination of required knowledge and skills appropriate to the suspended or revoked license or certificate. All applicable procedures shall be followed and all applicable fees shall be paid.**

§401.119. Failure To Appear for Reinstatement.

An applicant for reinstatement of a revoked or suspended license or certificate who makes a commitment to appear before the administrative law judge, and fails to appear at a hearing set with notice by the agency, shall not be authorized to appear before the administrative law judge before the expiration of six months. For good cause shown, the executive director may authorize an exception to this rule.

SUBCHAPTER I

NOTICE AND PROCESSING PERIODS FOR CERTIFICATE APPLICATIONS

§401.121. Purpose of Establishing Time Periods.

In order to minimize delays [~~which hamper small businesses and other enterprises~~], this subchapter **establishes** [~~established~~] time periods within which the Texas Commission on Fire Protection shall review and process certificate applications efficiently and provides for an appeal process should the agency violate these periods in accordance with the Government Code, Chapter 2005.

§401.123. Notice of Deficiency.

~~[(a) — Manner of Notice.]~~Written notice that an application is [~~complete or~~]deficient must be mailed to the applicant or delivered by such means as will reasonably provide actual notice.

~~[(b) — Written Notice Not Required. Written notice that an application is complete shall not be required under this subchapter if an application is approved and a license issued during the notice period.]~~

§401.125. Processing Periods.

- (a) Notice to applicant. Within 30 days from receipt of an application for a certificate or approval issued pursuant to the Government Code, Chapter 419, the agency shall determine a filing to be complete or deficient and [~~immediately~~] issue written notice **in accordance with §401.123** to the applicant regarding the status of the application.
- (1) Complete application.
 - (A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall advise the applicant of the time period in which the agency must deny or approve the application unless such information has previously been provided to the applicant.
 - (B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.
 - (2) Deficient application.
 - (A) The written notice for a deficient application shall state that the application is not complete, set out the specific additional information that is required for completion, and advise the applicant that the agency may disapprove an application that is not complete [~~within 30 days of its original receipt~~]. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.
 - (B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.
- (b) Processing of application. Within 60 days after receipt of a complete application, the agency shall:
- (1) issue the certificate on payment of the appropriate fees and successful completion of all required examinations; or
 - (2) deny the certificate.
- ~~[(c) — Application disapproved. The agency may disapprove an application that is not complete within 30 days of its original receipt by the agency.]~~

§401.127. Appeal.

- (a) Hearing.

- (1) Notice. An applicant who does not receive notice as to the complete or deficient status of a certificate application within the period established in this subchapter for such application may petition for a hearing to review the matter.
 - (2) Processing. An applicant whose permit is not approved or denied within the period established in this subchapter for such certificate may petition for a hearing to review the matter.
 - (3) Procedure. A hearing under this section shall be in accordance with the Administrative Procedure Act and Subchapter E of this chapter (relating to Contested Cases).
- (b) Petition. A petition filed under this section must be in writing and directed to the executive director. The petition shall identify the applicant, indicate the type of certificate sought and the date of the application, specify each provision in this subchapter that the agency has violated, and describe with particularity how the agency has violated each provision. The petition shall be filed with the office of the executive director.
- (c) Decision. An appeal filed under this section shall be decided in the applicant's favor if the executive director finds that:
- (1) the agency exceeded an established period under this subchapter; and
 - (2) the agency failed to establish good cause for exceeding the period.
- (d) Good cause. The agency is considered to have good cause for exceeding a notice or processing period established for a permit if:
- (1) the number of certificates to be processed exceeds by 15% or more the number of certificates processed in the same calendar quarter of the preceding year;
 - (2) the agency must rely on another public or private entity for all or part of its certificate processing, and the delay is caused by the other entity;
 - (3) the hearing and decision-making process results in reasonable delay under the circumstances;
 - (4) the applicant is under administrative review; or
 - (5) any other conditions exist giving the agency good cause for exceeding a notice or processing period.
- (e) Commission review. A permit applicant aggrieved by a final decision or order of the executive director concerning a period established by these sections may appeal to the commission in writing after the decision or order complained of is final, in accordance with §401.63 of this title (relating to Appeals to the Commission).
- (f) Relief.
- (1) Complete or deficient status. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to issue notice as to the complete or deficient status of an application shall be entitled to notice of application status.
 - (2) Certificate approval or denial. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to approve or deny a certificate shall be entitled to such approval or denial of the certificate and to full reimbursement of all filing fees that have been paid to the agency in connection with the application.

SUBCHAPTER J**CHARGES FOR PUBLIC RECORDS****§401.129. Charges for Public Records.**

- (a) The Texas Commission on Fire Protection is subject to Texas Government Code, Chapter 552, Texas Public Information Act. The Act gives the public the right to request access to government information.**
- (b) The Texas Commission on Fire Protection adopts by reference Title 1, Part 13, Chapter 70, Cost of Copies of Public Information, as promulgated by the Office of the Attorney General.**
- (c) The executive director may waive or reduce a charge for copies when furnishing the information benefits to the general public.**

SUBCHAPTER K**HISTORICALLY UNDERUTILIZED BUSINESSES****§401.131. Historically Underutilized Businesses.**

The Texas Commission on Fire Protection adopts by reference Title 34, Part 1, Chapter 20, Texas Procurement and Support Services, Subchapter B, Historically Underutilized Business Program, as promulgated by the Comptroller of Public Accounts.

9. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - A. **Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**
 4. **Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review of 37 TAC, Chapter 403, Criminal Convictions and Eligibility for Certification, including, but not limited to, §403.1, Purpose, §403.3 Scope, §403.5, Access to Criminal History Record Information, §403.9, Mitigating Factors, §403.11, Procedures for Suspension, Revocation, or Denial of a Certificate to Persons with Criminal Backgrounds, and §403.15, Report of Convictions by an Individual or a Department.**

Chapter 403

CRIMINAL CONVICTIONS AND ELIGIBILITY FOR CERTIFICATION

§403.1. Purpose.

- (a) The purpose of this chapter is to establish **policy, procedures**~~[guidelines]~~ and criteria on the eligibility of persons with a criminal conviction for a certificate or renewal of a certificate issued by the Texas Commission on Fire Protection (the **commission**~~[Commission]~~) and to establish procedures for suspension, probation, revocation, or denial of a certificate held or applied for by persons with a criminal conviction pursuant to Chapter 53, Texas Occupations Code.
- (b) The duties and responsibilities of persons who hold certifications issued by the **commission** ~~[Commission]~~ each involve matters that directly relate to public safety, specifically to the reduction of loss of life and property from fire. Thus, conduct involving the injury to a person or the destruction of property by fire, relates directly to the fitness of the individual to be fire protection personnel. Fire protection personnel often have access to areas not generally open to the public. The public relies on the honesty, trustworthiness, and reliability of persons certified by the **commission**~~[Commission]~~. Thus, crimes involving moral turpitude, including, but not limited to, fraud and dishonesty, are directly relevant. In addition, the ability of such persons to function unimpaired by alcohol or the illegal use of drugs, in dangerous or potentially dangerous circumstances, including, but not limited to, the operation of emergency vehicles is paramount in light of the duty to protect the health and safety of the public.

§403.3. Scope.

- (a) The **policy and procedures**~~[guidelines]~~ established in this chapter apply to a person who holds or applies for any certificate issued under the **commission's**~~[Commission's]~~ regulatory authority contained in Government Code, Chapter 419.
- (b) When a person is charged with, or convicted of a crime of a sexual nature, the conviction of which would require the individual to be registered as a sex offender under Chapter 62 of the Code of Criminal Procedure; or
- (c) When a person engages in conduct that is an offense under Title 7 of the Texas Penal Code, or a similar offense under the laws of the United States of America, another state, or other jurisdiction, the person's conduct directly relates to the competency and reliability of the person to assume and discharge the responsibilities of fire protection personnel. Such conduct includes, but is not limited to, intentional or knowing conduct, without a legal privilege, that causes or is intended to cause a fire or explosion with the intent to injure or kill any person or animal or to destroy or damage any property. The **commission**~~[Commission]~~ may consider the person's conduct even though a final conviction has not occurred and may:
- (1) deny to a person the opportunity to be examined for a certificate;
 - (2) deny the application for a certificate;
 - (3) grant the application for a new certificate with the condition that a probated suspension be placed on the newly granted certificate;
 - (4) refuse to renew a certificate;
 - (5) suspend, revoke or probate the suspension or revocation of an existing certificate; or
 - (6) limit the terms or practice of a certificate holder to areas prescribed by the **commission**~~[Commission]~~.
- (d) When a person's criminal conviction of a felony or misdemeanor directly relates to the duties and responsibilities of the holder of a certificate issued by the **commission**~~[Commission]~~, the **commission** ~~[Commission]~~ may:
- (1) deny to a person the opportunity to be examined for a certificate;
 - (2) deny the application for a certificate;

- (3) grant the application for a new certificate with the condition that a probated suspension be placed on the newly granted certificate;
- (4) refuse to renew a certificate;
- (5) suspend, revoke or probate the suspension or revocation of an existing certificate; or
- (6) limit the terms or practice of a certificate holder to areas prescribed by the **commission**. [Commission.]

§403.5. Access to Criminal History Record Information.

- (a) Criminal history record. The **commission**[Commission] is entitled to obtain criminal history record information maintained by the Department of Public Safety, or another law enforcement agency to investigate the eligibility of a person applying to the **commission**[Commission] for or holding a certificate.
- (b) Confidentiality of information. All information received under this section is confidential and may not be released to any person outside the agency except in the following instances:
 - (1) a court order;
 - (2) with written consent of the person being investigated;
 - (3) in a criminal proceeding; or
 - (4) in a hearing conducted under the authority of the **commission**. [Commission.]
- (c) Early review. A fire department that employs a person regulated by the **commission**[Commission], a person seeking to apply for a beginning position with a regulated entity, a volunteer fire department, or an individual participating in the **commission** [Commission]-certification program may seek the early review under this chapter of the person's present fitness to be certified. Prior to completing the requirements for certification, the individual may request such a review in writing by **submitting the required forms and fee(s)**. [~~providing the person's full name, date of birth and any additional identifying information requested by the Commission.~~] A decision based on an early review does not bind the **commission** [Commission] if there is a change in circumstances.

§403.7. Criminal Convictions Guidelines.

- (a) The following crimes are considered to relate directly to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of persons certified by the commission:
 - (1) offenses under the Government Code, Chapter 419, relating to the Texas Commission on Fire Protection;
 - (2) offenses under the Texas Transportation Code Title 6 Roadways, which are punishable by fines greater than \$200, or imprisonment, or both fine and imprisonment;
 - (3) offenses under the Health and Safety Code, Chapter 481, concerning controlled substances;
 - (4) offenses under the Health and Safety Code, Chapter 483, concerning dangerous drugs;
 - (5) offenses under the following titles of the Texas Penal Code:
 - (A) Title 5-offenses against the person;
 - (B) Title 6-offenses against the family;
 - (C) Title 7-offenses against property;
 - (D) Title 8-offenses against public administration;
 - (E) Title 9-offenses against public order and decency;

(F) Title 10-offenses against public health, safety and morals;

(G) Title 11-offenses involving organized crime; and

(H) Title 4-inchoate offenses Chapter 15 preparatory offenses to any of the offenses in this section;

(6) the offenses listed in this subsection are not inclusive, in that the commission may consider other particular crimes in special cases in order to promote the intent of the statutes administered by the commission.

(b) In all cases the commission shall consider:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring the certificate issued by the commission;

(3) the extent to which the certificate might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;

(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the certificate holder;

(5) the level and nature of supervision of the person by others; and

(6) the level and nature of access to public, commercial, and residential properties, including access after regular business hours and access to areas not open to the general public.

§403.9. Mitigating Factors.

(a) In addition to the factors that must be considered under §403.7 of this title (relating to Criminal Convictions Guidelines), in determining the present fitness of a person who has been convicted of a crime, the **commission**~~[Commission]~~ shall consider the following evidence:

(1) the extent and nature of the person's past criminal activity;

(2) the age of the person at the time of the commission of the crime;

(3) the amount of time that has elapsed since the person's last criminal activity;

(4) the conduct and work activity of the person prior to and following the criminal activity;

(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the person's present fitness, including letters of recommendation from:

(A) prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;

(B) the sheriff or chief of police in the community where the person resides; and

(C) any other persons in contact with the convicted person.

(b) It shall be the responsibility of the applicant to the extent possible to secure and provide to the commission **as required** the recommendations of prosecution, law enforcement, and correctional authorities as required by statute and these rules upon request by the commission staff. The applicant shall **upon request** also furnish:

(1) a copy of the indictment, information or complaint;

(2) a copy of the judgement(s) or order(s) of the court adjudicating guilt, granting probation, community supervision, deferred adjudication, or discharge from probation or community supervision;

- (3) a record of steady employment in the form of a letter from current or former employers;
- (4) a record that the applicant has supported his or her dependents in the form of a letter from a person in the applicant's community with personal knowledge of the circumstances;
- (5) evidence that the applicant has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted, in the form of copies of official records, documents, or a letter from the person's probation or parole officer where applicable concerning his or her current status; and
- (6) a copy of the police or offense report(s).

§403.11. Procedures for Suspension, Revocation, or Denial of a Certificate to Persons with Criminal Backgrounds.

- (a) If the **commission** [~~Commission~~] Standards Division (the division) proposes to suspend, revoke, limit, or deny a certificate based on the criteria in this chapter, the division shall notify the individual **per Government Code, Chapter 2001.** [~~at his or her last known address as shown in the Commission's records, by registered or certified mail.~~] The notice of intended action shall specify the facts or conduct alleged to warrant the intended action.
- (b) If the proposed action is to limit, suspend, revoke, or refuse to renew a current certificate, or deny an application for a new certificate, a written notice of intended action shall comply with the preliminary notice requirements of Government Code §2001.054(c). The individual may request, in writing, an informal conference with the **commission** [~~Commission~~] staff in order to show compliance with all requirements of law for the retention of the certificate, pursuant to Government Code §2001.054(c). A written request for an informal staff conference must be submitted to the division director no later than 15 days after the date of the notice of intended action. If the informal staff conference does not result in an agreed consent order, a formal hearing shall be conducted in accordance with the Administrative Procedure Act, Government Code, Chapter 2001.
- (c) If the individual does not request an informal staff conference or a formal hearing in writing within the time specified in this section, the individual is deemed to have waived the opportunity for a hearing, and the proposed action will be taken.
- (d) If the **commission** [~~Commission~~] limits, suspends, revokes, or denies a certificate under this chapter, the executive director shall give the person written notice:
 - (1) of the reasons for the decision;
 - (2) that the person may appeal the decision of the executive director to the **commission** [~~Commission~~] in accordance with §401.63 of this title (relating to Appeals to the Commission) within 30 days from the date the decision of the executive director is final and appealable;
 - (3) that the person, after exhausting administrative appeals, may file an action in a district court of Travis County, Texas, for judicial review of the evidence presented to the **commission** [~~Commission~~] and its decision; and that such petition must be filed with the court no later than 30 days after the **commission** [~~Commission~~] action is final and appealable.

§403.15. Report of Convictions by an Individual or a Department.

- (a) A certificate holder **must** [~~shall~~] report to the **commission** [~~Commission~~], any conviction, other than a minor traffic offense (Class C misdemeanor) under the laws of this state, another state, the United States, or foreign country, within 14 days of the conviction date.
- (b) A fire department or local government **entity** [~~regulated by the Commission~~] shall report to the **commission** [~~Commission~~], any conviction of a certificate holder [~~employed by the regulated entity,~~] other than a minor traffic offense (class C misdemeanor) under the laws of this state, another state, the United States, or foreign country, that it has knowledge of, within 14 days of the conviction date.
- (c) A certificate holder is subject to suspension, revocation or denial of any or all certifications for violation of the requirements of section (a) above. Each day may be considered a separate offense.**

- (d) A fire department or government entity regulated by the commission violating section (b) above may be subject to administrative penalties of up to \$500. Each day may be considered a separate offense.**
- (e) Notification may be made by mail, e-mail, or in person to the Texas Commission on Fire Protection (TCFP) Austin office. TCFP Form #0014 shall be used.**

9. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - A. **Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**
 5. **Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review and repeal of 37 TAC, Chapter 405, Charges For Public Records, including, but not limited to, §405.1, General Provisions Regarding Charges for Public Records, §405.3, Definitions, §405.5, Charges For Providing Copies of Public Information, §405.7, Access to Information Where Copies Are Not Requested, §405.9, Format for Copies of Public Information, §405.11, Estimates and Waivers of Public Information Charges, and §405.15, The Texas Commission on Fire Protection Charge Schedule.**

Chapter 405

CHARGES FOR PUBLIC RECORDS

~~§405.1. General Provisions Regarding Charges for Public Records.~~

- (a) ~~State agencies, including the Texas Commission on Fire Protection, are subject to the Texas Public Information Act, codified at Texas Government Code, Chapter 552. The Act gives the public the right to request access to government information. The Texas Building and Procurement Commission has adopted rules for use by each state agency in determining charges for public records. When a request for public records is made for more than 50 pages of readily available information, the Commission is authorized to establish charges up to the full cost to the Commission of providing the copies.~~
- (b) ~~The Texas Commission on Fire Protection has considered and conformed its rules to the Texas Building and Procurement Commission's rules in 1 TAC, Chapter 111, for charges for public records. These rules may also be used to determine what the Commission may charge another state agency for public information.~~
- (c) ~~Utilization of standard charges, as determined by the Texas Building and Procurement Commission, enhances the public's understanding of how costs for public information have been calculated. The charges for public information may not be excessive and should be reasonable and not effectively bar access to information.~~
- (d) ~~These rules adopted in this chapter supersede any other rules applicable to charges for public records adopted by the Texas Commission on Fire Protection or its predecessors and are intended to apply to all of the Commission's programs and divisions.~~

~~§405.3. Definitions.~~

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) ~~Actual cost~~—The sum of all direct costs plus a proportional share of overhead or indirect costs. Actual cost should be determined in accordance with rules adopted by the Texas Building and Procurement Commission.
- (2) ~~Commission~~—The Texas Commission on Fire Protection.
- (3) ~~Nonstandard copy~~—A copy of public information that is made available to a requestor in any format other than a standard-size paper copy. Diskettes, magnetic tapes, and CD-ROM are examples of nonstandard copies. Paper copies larger than 8 1/2 by 14 inches (legal size) are also considered nonstandard copies.
- (4) ~~Readily available information~~—Information that already exists in printed form, or information that is stored electronically and is ready to be printed or copied without requiring any programming. Information that requires a substantial amount of time to locate or prepare for release is not readily available information. The Commission may compile and maintain information, especially information that is likely to be the subject of repeated requests for access or copies, in a manner that maximizes the ready availability of the information. In determining whether to charge for providing copies of public records, the Commission may take into account not only whether the information is in fact readily available, but also whether, in the exercise of efficient recordkeeping, it could or should have been readily available.
- (5) ~~Standard paper copy~~—A printed impression on one side of a piece of paper that measures up to 8 1/2 by 14 inches. Each side of a piece of paper on which an impression is made is counted as a single copy. A piece of paper that is printed on both sides is counted as two copies.

~~§405.5. Charges for Providing Copies of Public Information.~~

- (a) ~~Basis for Charges.~~ The charges stated in this section to recover costs associated with providing public information are based on estimated average costs to state agencies.
- (b) ~~Copy charge.~~

- (1) ~~Standard size paper copy~~ The charge for standard size paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.
- (2) ~~Nonstandard copy~~ The charges for nonstandard copies are:
- (A) ~~Diskette~~ \$1.00/each;
 - (B) ~~Audio cassette~~ \$1.00/each;
 - (C) ~~Oversize Paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper — see 1 TAC §111.69)~~ \$.50/each;
 - (D) ~~Rewritable CD (CD RW)~~ \$1.00/each;
 - (E) ~~Non rewritable CD (CD R)~~ \$1.00/each;
 - (F) ~~Magnetic tape~~ actual cost;
 - (G) ~~Data cartridge~~ actual cost;
 - (H) ~~Tape cartridge~~ actual cost;
 - (I) ~~Digital video disc (DVD)~~ \$3.00;
 - (J) ~~JAZ drive~~ actual cost;
 - (K) ~~VHS video cassette~~ \$2.50;
 - (L) ~~Specialty paper (e.g., Mylar, blueprint, blue-line, map, photographic)~~ actual cost; and
 - (M) ~~other electronic media~~ actual cost.
- (3) ~~The charges in this section are to recover the cost of materials onto which information is copied and do not reflect any additional charges that may be associated with a particular request.~~

(c) ~~Personnel charge.~~

- (1) ~~The charge for personnel costs incurred by the Commission in processing a request for public information is \$15 per hour, including fringe benefits. The personnel charge includes the actual time spent to take requests, locate and compile documents, and reproduce requested information. Where applicable, the personnel charge is prorated to cover the cost for personnel time spent.~~
- (2) ~~A personnel charge may not be billed in connection with complying with requests that are for 50 or fewer pages of readily available information.~~
- (3) ~~Personnel time may not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:~~
- (A) ~~to determine whether the Commission will raise any exceptions to disclosure of the requested information under Subchapter C of the Public Information Act; or~~
 - (B) ~~to research or prepare a request for a ruling by the Attorney General's Office pursuant to Texas Government Code, §552.301 (the Public Information Act).~~

(d) ~~Overhead charge.~~

- (1) ~~In response to a request for information that is not readily available or for in excess of 50 pages of readily available information, the Commission may include in the charges direct and indirect costs, in addition to the personnel charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair,~~

utilities and administrative overhead. If the Commission chooses to recover such costs, a charge may be made in accordance with the methodology described in paragraph (3) of this subsection.

(2) — An overhead charge should not be made for requests for readily available information of fewer than 50 pages.

(3) — The overhead charge may be computed at 20% of any charge made to cover personnel costs associated with a particular request. This is the standard methodology as set out in the Texas Building and Procurement Commission rules (1 TAC, §111.63), which state that the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

(e) — Remote document retrieval charge.

(1) — Due to limited on-site capacity of storage of documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort will be made by the Commission to store such documents with the Texas State Library, which is equipped to provide such a service free of charge. To the extent that charges for retrieval of documents result in a charge to the Commission to comply with a request, it is permissible for the Commission to recover costs of such services. Where a charge is made for document retrieval, no additional personnel charge will be factored in for time spent locating documents.

(2) — Such charge may be waived if the request is for 50 pages or fewer of readily available information.

(f) — Computer resource charge.

(1) — The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

(2) — These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to open records requests.

(3) — The charges in this subsection are averages based on a survey of state agencies with a broad range of computer capabilities. The Commission has determined that the category of computer type which most closely fits its existing system is a personal computer or LAN and has set its charge accordingly at \$1.00 per clock hour in accordance with Texas Building and Procurement Commission rules.

(4) — The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather, it is solely to recover costs associated with the actual time required by the computer to execute a program. This time frame most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is set forth in subsection (g) of this section. No charge should be made for computer print-out time.

(g) — Programming time. If a particular request requires the services of a programmer to enter data in order to execute an existing program or to create a new program so that the requested information may be accessed and copied, the Commission may charge for the programmer's time. The average hourly salary of a programmer for the State of Texas is currently \$28.50 an hour, including fringe benefits, which is the charge to be used in these rules. Any charge for programming should be prorated. Only programming services should be charged at this hourly rate. Any personnel time spent in performing services other than programming should be charged at the rate for personnel as described in subsection (e)(1) of this section.

(h) — Miscellaneous supplies. The actual cost of miscellaneous supplies, such as labels, boxes, binders and other supplies used to produce the requested information may be added to the total charge for public information.

(i) — Postal and shipping charges. The Commission may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

(j) — Fax charge. The charge for a fax transmitted locally is \$.10 per page. The charge for a long distance transmission is \$.50 per page for a fax sent within the Commission's area code, and \$1.00 per page for a fax transmitted to a different area code.

(k) — Sales tax. Sales tax shall not be added on charges for public information.

~~(l) Updating of Charges. The Commission shall reevaluate and update these charges as necessary.~~

~~§405.7. Access to Information Where Copies Are Not Requested.~~

- ~~(a) Access to information in standard form. The Commission may not charge for making available for inspection information maintained in standard form, with the following exceptions:~~
- ~~(1) if the information is located at a remote document storage center and the Commission will incur a retrieval charge in order to make the information available, the Commission may charge the requesting party the actual cost of retrieval; or~~
 - ~~(2) if the information requested takes more than five hours to prepare for inspection; and~~
 - ~~(A) is older than five years; or~~
 - ~~(B) completely fills, or when assembled will completely fill, six or more archival boxes.~~
- ~~(b) Access to information in other than standard form. In response to requests for access, for purposes of inspection only, to information that is maintained in other than standard form, the Commission may charge the requesting party the cost of preparing and making available such information if complying with the request will require programming or the manipulation of data.~~

~~§405.9. Format for Copies of Public Information.~~

~~To the extent possible the Commission will attempt to accommodate a requesting party by providing information in the format requested. The extent to which a requestor can be accommodated will depend largely on the technological capability of the Commission. The Commission is not required to acquire software or programming capabilities that it does not already possess to accommodate a particular kind of request. However, the Commission will take into account in its data processing planning the public's interest in obtaining access to information and the ways in which such access can be facilitated through acquisition of improved technology.~~

~~§405.11. Estimates and Waivers of Public Information Charges.~~

- ~~(a) In accordance with 1 TAC, Chapter 111, the Commission will provide to the party requesting copies of public information an itemized statement of estimated charges if charges for copies of public information or if charges for making public information available for inspection will exceed \$40. The itemized statement will contain the following information:~~
- ~~(1) the itemized charges, including any allowable charges for personnel time, overhead, copies, etc; and~~
 - ~~(2) whether a less costly or no cost way of viewing the information is available.~~
- ~~(b) The requestor must respond to the itemized statement in writing by mail, in person, by facsimile or email within 10 business days after the date the statement is sent, or the request will be considered to have been automatically withdrawn by the requestor. The written response must contain one of the following statements:~~
- ~~(1) that the requestor will accept the estimated charges; or~~
 - ~~(2) that the requestor is modifying the request in response to the itemized statement; or~~
 - ~~(3) that the requestor has sent to the Texas Building and Procurement Commission a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.~~
- ~~(c) If the Commission cannot produce the requested public information and/or duplication within 10 business days after the date the written response from the requestor has been received, the Commission will certify to that fact in writing and set a date and hour within a reasonable time, as to when the information will be available.~~
- ~~(d) The Commission will furnish public records without charge or at a reduced charge if it determines that a waiver or reduction is in the public interest because providing the copy of the information primarily benefits the general public.~~

- (e) ~~If the estimated charges are \$100 or more, the Commission may require a bond for the entire estimated amount or a deposit not to exceed 50 percent of the entire estimated charges.~~
- (f) ~~Where a particular request will involve considerable time and resources to process, the Commission staff will advise the requesting party of what may be involved and an estimated date of completion. All efforts will be made to process requests as efficiently as possible so that requested information will be provided at the lowest possible charge. When the Commission charges for public information, full disclosure will be made to the requesting party as to how the charges were calculated.~~

~~§405.15. The Texas Commission on Fire Protection Charge Schedule.~~

~~The following are the charges for copies of public information according to the type of service rendered. No sales tax shall be applied to copies of public information.~~

- (1) ~~Standard paper copy \$.10 per page.~~
- (2) ~~Nonstandard copy.~~
- (A) ~~Diskette \$1.00 each.~~
- (B) ~~Audio cassette \$1.00 each.~~
- (C) ~~Oversize Paper copy \$.50 each.~~
- (D) ~~Rewritable CD (CD-RW) \$1.00 each.~~
- (E) ~~Non-rewritable CD (CD-R) \$1.00 each.~~
- (F) ~~Magnetic tape Actual cost.~~
- (G) ~~Data cartridge Actual cost.~~
- (H) ~~Tape cartridge Actual cost.~~
- (I) ~~Digital video disc (DVD) \$3.00.~~
- (J) ~~JAZ drive Actual cost.~~
- (K) ~~VHS video cassette \$2.50.~~
- (L) ~~Specialty paper (e.g., Mylar, blueprint, blue-line, map, photographic) Actual cost.~~
- (M) ~~other electronic media Actual cost.~~
- (3) ~~Personnel charge.~~
- (A) ~~Programming Personnel \$28.50 per hour.~~
- (B) ~~Other Personnel \$15 per hour.~~
- (4) ~~Overhead charge 20% of personnel charge.~~
- (5) ~~Remote document retrieval charge Actual cost.~~
- (6) ~~Computer resource charge, PC or LAN \$1.00 per clock hour.~~
- (7) ~~Computer resource charge, Midsize computer \$1.50 per CPU minute.~~
- (8) ~~Computer resource charge, Client/Server \$2.20 per clock hour.~~
- (9) ~~Miscellaneous supplies Actual cost.~~

~~(10) Postage and shipping Actual cost.~~

~~(11) Fax charge.~~

~~(A) Local \$.10 per page.~~

~~(B) Long distance, same area code \$.50 per page.~~

~~(C) Long distance, different area code \$1.00 per page.~~

~~(12) Outsourced/Contracted Services Actual cost (may not include development costs).~~

~~(13) Other costs Actual cost.~~

9. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - A. **Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**
 6. **Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review and repeal of 37 TAC, Chapter 407, Administration, including, but not limited to, §407.1 Historically Underutilized Businesses.**

Chapter 407

ADMINISTRATION

~~§407.1. Historically Underutilized Businesses.~~

- ~~(a) The Commission adopts by reference the rules of the Texas Building and Procurement Commission in Texas Administrative Code, Title 1, Part 5, Chapter 111, Subchapter B (relating to Historically Underutilized Business Program). Certification of a business as a historically underutilized business remains the responsibility of the Texas Building and Procurement Commission.~~
- ~~(b) The adoption of this rule is required by Texas Government Code, §2161.003 (as added by the 76th Legislature, effective September 1, 1999).~~

9. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - B. **Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**
 1. **Proposed amendments to title 37 TAC, Chapter 427, Training Facility Certification, including but not limited to, §427.307, On-Site and Distance Training Provider Staff Requirements.**

Chapter 427

Training Facility Certification

§427.307. On-Site and Distance Training Provider Staff Requirements.

- (a) The chief training officer of a training facility, as a minimum, must possess Fire Service Instructor III certification.
- (b) All training instructors (except guest instructors) must possess fire instructor certification. The instructor(s) must be certified in the applicable discipline or be approved by the commission to instruct in the applicable subject.
- (c) The lead instructor, as a minimum, shall possess a Fire Service Instructor II certification and must be certified by the commission in the applicable discipline.
- (d) Guest instructors are not required to be certified as instructors. A guest instructor is defined as an individual with special knowledge, skill, and expertise in a specific subject area who has the ability to enhance the effectiveness of the training. Guest instructors shall teach under the endorsement of the lead instructor.
- (e) In order to teach fire officer certification courses, an individual who does not meet the requirements of subsection (a) or (c) of this section, shall possess a minimum of a bachelor's degree in management or its equivalent.
- (f) In order to teach an instructor certification training course for Fire Service Instructor I, an individual must hold one of the following three qualifications:
 - (1) Hold a Fire Service Instructor II or higher, or
 - (2) A Bachelor's degree with the following:
 - (A) As a minimum, a minor in education, and
 - (B) Three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or
 - (3) An Associate's degree with the following:
 - (A) twelve semester hours of education instructional courses, and
 - (B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.
- (g) In order to teach an instructor certification training course for Fire Service Instructor II or III, an individual must hold one of the following three qualifications:
 - (1) Hold a Fire Service Instructor III or
 - (2) A Bachelor's degree with the following:
 - (A) As a minimum, a minor in education, and
 - (B) Three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or
 - (3) An Associate's degree with the following:
 - (A) twelve semester hours of education instructional courses, and

- (B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.

(h) In order to teach a certification course for Basic Wildland Fire Protection:

- (1) the unit instructor must hold Basic Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.**
- (2) the lead instructor must hold Intermediate Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.**
- (3) the lead instructor must be present in any class being taught.**

(i) In order to teach a certification course for Intermediate Wildland Fire Protection:

- (1) the unit instructor must hold an Intermediate Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.**
- (2) the lead instructor must hold an Intermediate Wildland Fire Protection certificate and a Texas Commission on Fire Protection Instructor I certification.**
- (3) the lead instructor must be present in any class being taught.**

9. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - B. **Discussion and possible action on proposed amendments, new sections, repeals and rule reviews as follows:**
 2. **Proposed amendments to title 37 TAC, Chapter 441, Continuing Education, including but not limited to, new §441.23, Continuing Education for Wildland Fire Fighter.**

CHAPTER 441

CONTINUING EDUCATION

§441.23. Continuing Education for Wildland Fire Fighter.

- (a) A minimum of four hours of continuing education in Wildland Fire Fighting will be required for individuals certified as a Wildland Fire Fighter. The four hours may be included in the eighteen hours required during the certification renewal period.**
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.**

9. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - B. **Discussion and possible action on proposed amendments, new sections, repeals and rule reviews as follows:**
 3. **Proposed amendments to title 37 TAC, Chapter 449, Head of a Fire Department, including but not limited to, §449.1, Minimum Standard for the Head of a Fire Department, §449.3, Minimum Standards for Certification as Head of a Suppression Fire Department, and §449.5, Minimum Standards for Certification as Head of a Prevention Only Department.**

Chapter 449

HEAD OF A FIRE DEPARTMENT

§449.1. Minimum Standards for the Head of a Fire Department.

- (a) An individual who becomes employed and is assigned as the head of a fire department must be certified by the commission as head of a fire department, within one year of appointment.
- (b) An individual appointed head of a department must be eligible to be certified at the time of the appointment or will become eligible to be certified within one year of the appointment and must submit an affidavit verifying eligibility status at the time of the appointment if not holding a Commission certification.
- (c) Holding the head of a fire department certification does not qualify an individual for any other certification. An individual who seeks certification in another discipline must meet the requirements for that discipline.
- (d) Nothing contained in this chapter shall be construed to supercede Chapter 143, Local Government Code, in regard to appointment of a head of a fire department.

§449.3. Minimum Standards for Certification as Head of a Suppression Fire Department.

- (a) **Applicants for Head of a Fire Department certification must complete the following requirements:**~~[In order to be certified as a head of a fire department providing fire suppression, an individual must be appointed as head of a fire department; and]~~

(1) must be appointed as head of a fire department; and

(2) complete the Standards Review Assignment for Head of a Fire Department identified in Chapter 11 of the Curriculum Manual; and

(3) arrange a meeting with a Texas Commission on Fire Protection Compliance Officer for review and approval of the Standards Review Assignment; and

(4) attend at least one Texas Commission on Fire Protection regularly scheduled commission meeting and one regularly scheduled fire fighter advisory committee meeting in the first year of appointment; and

(5)~~(4)~~ hold a certification as a fire protection personnel in any discipline that has a **commission**~~Commission~~-approved curriculum that requires structural fire protection personnel certification and five years experience in a full-time fire suppression position; or

(6)~~(2)~~ an individual from another jurisdiction who possesses valid documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the **commission's**~~Commission's~~ approved basic fire suppression curriculum and provide documentation in the form of a sworn nonself serving affidavit of five years experience in a full-time fire suppression position; or

(7)~~(3)~~ provide documentation in the form of a nonself serving sworn affidavit of ten years experience as an employee of a local governmental entity in a full-time structural fire protection personnel position in a jurisdiction other than Texas; ~~[and successfully pass a Commission, Head of Department examination as specified in Chapter 439 of this title;]or~~

~~(8)~~~~(4)~~ provide documentation in the form of a sworn nonserving affidavit of ten years of experience as a certified structural part-time fire protection employee; or

~~(9)~~~~(5)~~ provide documentation in the form of a sworn nonserving affidavit of ten years experience as an active volunteer fire fighter in one or more volunteer fire departments that meet the requirements of subsection (b) of this section. ~~[and successfully pass a Commission, Head of Department examination as specified in Chapter 439 of this title.]~~

- (b) The ten years of volunteer service must include documentation of attendance at 40% of the drills for each year and attendance of at least 25% of a department's emergencies in a calendar year while a member of a volunteer fire department or departments with 10 or more active members that conducts a minimum of 48 hours of drills in a calendar year.
- (c) Individuals certified as the head of a fire department must meet the continuing education requirement as provided for in Chapter 441 of this title.
- (d) An individual certified as head of a fire department under this section may engage in fire fighting activities only as the head of a fire department. These activities include incident command, direction of fire fighting activities or other emergency activities typically associated with fire fighting duties, i.e. rescue, confined space and hazardous materials response.

449.5. Minimum Standards for Certification as Head of a Prevention Only Department.

(a) **Applicants for Head of a Fire Department certification must complete the following requirements:**

(1) must be appointed as head of a fire department; and

(2) complete the Standards Review Assignment for Head of a Fire Department identified in Chapter 11 of the Curriculum Manual; and

(3) arrange a meeting with a Texas Commission on Fire Protection Compliance Officer for review and approval of the Standards Review Assignment; and

(4) attend at least one Texas Commission on Fire Protection regularly scheduled commission meeting and one regularly scheduled fire fighter advisory committee meeting in the first year of appointment; and

~~[(a) In order to be certified as the head of a fire department providing fire prevention activities only, an individual must be appointed as head of a Fire Prevention Department;] and~~

~~(5)~~~~(1)~~ hold a certification as a fire inspector, fire investigator, or arson investigator and have five years of full-time experience in fire prevention activities; or

~~(6)~~~~(2)~~ an individual from another jurisdiction who possesses valid documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the **commission's**~~Commission's~~ approved basic arson investigator, fire investigator or fire inspector curriculum and provide documentation in the form of a sworn nonserving affidavit of five years experience in a full-time fire prevention position; or

~~(7)~~~~(3)~~ provide documentation in the form of a sworn nonserving affidavit of ten years experience as an employee of a local governmental entity in a full-time fire inspector, fire investigator, or arson investigator position in a jurisdiction other than Texas ~~[and successfully pass a Commission, Head of Department examination as specified in Chapter 439 of this title]; or~~

~~(8)~~~~(4)~~ provide documentation in the form of a sworn nonserving affidavit of ten years experience as a certified fire investigator, fire inspector or arson investigator as a part-time fire prevention employee; or

(9)(5) provide documentation in the form of a sworn nonserving affidavit of ten years experience as an active volunteer fire inspector, fire investigator, or arson investigator with ten years experience in fire prevention. ~~and successfully pass a Commission Head of Department examination as specified in Chapter 439 of this title.]~~

- (b) Individuals certified as the head of a fire department under this section must meet the continuing education requirement as provided for in Chapter 441 of this title.

9. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:

B. Discussion and possible action on proposed amendments, new sections, repeals and rule reviews as follows:

- 4. Proposed amendments to title 37 TAC, Chapter 451, Fire Officer, including but not limited to, New Subchapter C, Minimum Standards For Fire Officer III, §451.301, Fire Officer III Certification, §451.303, Minimum Standards For Fire Officer III Certification, §451.305, Examination Requirements, new Subchapter D, Minimum Standards For Fire Officer IV, §451.401, Fire Officer IV Certification, §451.403, Minimum Standards For Fire Officer IV Certification, and §451.405, Examination Requirements.**

Chapter 451

Fire Officer

SUBCHAPTER C

MINIMUM STANDARDS FOR FIRE OFFICER III

§451.301. Fire Officer III Certification.

A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions who has met all the job performance and certification requirements of Fire Officer II as defined in NFPA 1021, Standard for Fire Officer Professional Qualifications. Typical duties of an individual at the Fire Officer III level include: establishing procedures for hiring, assignment, and professional development of personnel; developing public service/partnership and programs; preparing budgets and budget management systems; planning for organizational resource management; evaluating inspection and public safety programs and plans; managing multi-agency plans and operations; serving as Incident Commander at expanding emergency incidents for all hazard types; and developing and managing a departmental safety program.

§451.303. Minimum Standards for Fire Officer III Certification.

(a) In order to be certified as a Fire Officer III an individual must:

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
- (2) hold Fire Officer II certification through the commission; and
- (3) hold, as a minimum, Fire Service Instructor II certification through the commission; and
- (4) document completion of ICS-300: Intermediate Incident Command System; and
 - (A) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as Fire Officer III; or
 - (B) complete a commission-approved Fire Officer III program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer III program must consist of one of the following:
 - (i) completion of a commission-approved Fire Officer III Curriculum as specified in Chapter 9 of the commission's Certification Curriculum Manual;
 - (ii) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceed the commission-approved Fire Officer III Curriculum; or
 - (iii) successful completion of 15 college semester hours of upper level coursework from a four-year regionally accredited institution in any of the following subject areas:
 - (I) Administration/Management
 - (II) Budget/Finance
 - (III) Planning/Organization

(IV) Leadership/Ethics

(V) Risk Management

(VI) Safety and Health

(VII) Community Risk Reduction

(C) Special temporary provision: Within one year following the effective date of this subchapter, an individual is eligible to take the commission examination for Fire Officer III upon documentation to the commission that the individual has completed training that covers the requirements of NFPA 1021, Chapter 6. The documentation of completed training must be either a certificate of completion from a nationally recognized training provider or documentation of successful completion of the Texas Fire Chiefs Association, Fire Chiefs Academy Program. During the one year period, the commission examination shall consist of a written exam. The examination requirements in §451.305(b) must still be met. This paragraph (C) expires one year from the effective date of this subchapter.

(D) The application processing fee for the initial examination is waived for individuals in subsection (a) paragraphs (4)(B) and 4(C) of this section who have completed the training requirement and submit the application for the commission examination by August 31, 2013. After this date, the application processing fee for examinations will be required.

(b) Out-of-state or military training programs which are submitted to the commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 9 (pertaining to Fire Officer) of the commission's Certification Curriculum Manual are met.

§451.305. Examination Requirements.

(a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer III certification.

(b) Individuals will be permitted to take the commission examination for Fire Officer III certification by documenting the following: Structure Fire Protection Personnel certification, Fire Service Instructor II certification and Fire Officer II certification through the commission or the equivalent IFSAC seals, and completing a commission-approved Fire Officer III program.

SUBCHAPTER D

MINIMUM STANDARDS FOR FIRE OFFICER IV

§451.401. Fire Officer IV Certification.

A Fire Officer IV is an upper level supervisor who performs both supervisory and managerial functions who has met all the job performance and certification requirements of Fire Officer III as defined in NFPA 1021, Standard for Fire Officer Professional Qualifications. Typical duties of an individual at the Fire Officer IV level include: Administering job performance requirements; evaluating and making improvements to department operations; developing long-range plans and fiscal projections; developing plans for major disasters; serving as Incident Commander at major incidents for all hazard types; and administering comprehensive risk management programs.

§451.403. Minimum Standards for Fire Officer IV Certification.

(a) In order to be certified as a Fire Officer IV an individual must:

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
- (2) hold Fire Officer III certification through the commission; and
- (3) document completion of ICS-400: Advanced Incident Command System; and
 - (A) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as Fire Officer IV; or
 - (B) complete a commission-approved Fire Officer IV program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer IV program must consist of one of the following:
 - (i) completion of a commission-approved Fire Officer IV Curriculum as specified in Chapter 9 of the commission's Certification Curriculum Manual;
 - (ii) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceed the commission-approved Fire Officer IV Curriculum; or
 - (iii) successful attainment of a bachelor's degree or higher from a regionally accredited institution in any of the following:
 - (I) Fire Science/Administration/Management
 - (II) Emergency Management
 - (III) Public Administration
 - (IV) Emergency Medicine
 - (V) Business Management/Administration
 - (VI) Political Science

(VII) Human Resources Management

(VIII) Public Health

(IX) Risk Management

(X) Criminal Justice, or

(XI) a related management/administration/leadership degree

(C) Special temporary provision: Within one year following the effective date of this subchapter, an individual is eligible to take the commission examination for Fire Officer IV upon documentation to the commission that the individual has completed training that covers the requirements of NFPA 1021, Chapter 7. The documentation of completed training must be either a certificate of completion from a nationally recognized training provider or documentation of successful completion of the Texas Fire Chiefs Association, Fire Chiefs Academy Program. During the one year period, the commission examination shall consist of a written exam. The examination requirements in §451.405(b) must still be met. This paragraph (C) expires one year from the effective date of this subchapter.

(D) The application processing fee for the initial examination is waived for individuals in subsection (a) paragraphs (3)(B) and 3(C) of this section who have completed the training requirement and submit the application for the commission examination by August 31, 2013. After this date, the application processing fee for examinations will be required.

(b) Out-of-state or military training programs which are submitted to the commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 9 (pertaining to Fire Officer) of the commission's Certification Curriculum Manual are met.

§451.405. Examination Requirements.

(a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer IV certification.

(b) Individuals will be permitted to take the commission examination for Fire Officer IV certification by documenting the following: Structure Fire Protection Personnel certification, and Fire Officer III certification through the commission or the equivalent IFSAAC seals, and completing a commission-approved Fire Officer IV program.

9. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:

B. Discussion and possible action on proposed amendments, new sections, repeals and rule reviews as follows:

- 5. Proposed amendments to title 37 TAC, Chapter 453, Minimum Standards For Hazardous Materials Technician, including but not limited to, new Subchapter A, Hazardous Materials Technician, §453.1, Hazardous Materials Technician Certification, §453.3, Minimum Standards For Hazardous Materials Technician Certification, §453.5, Examination Requirements, and §453.7, International Fire Service Accreditation Congress (IFSAC) Seal, and new Subchapter B, Hazardous Materials Incident Commander, §453.201, Hazardous Materials Incident Commander, §453.203, Minimum Standards For Hazardous Materials Incident Commanders, and §453.205, Examination Requirements.**

Chapter 453

HAZARDOUS MATERIALS

~~[Minimum Standards For Hazardous Materials Technician]~~

Subchapter A

MINIMUM STANDARDS FOR HAZARDOUS MATERIALS TECHNICIAN

§453.1. Hazardous Materials Technician Certification.

- (a) A Hazardous Materials Technician is defined as an individual who performs emergency response to an occurrence which results in, or is likely to result in, an uncontrolled release of a hazardous substance where there is a potential safety or health hazard (i.e., fire, explosion, or chemical exposure). A Hazardous Materials Technician responds to such occurrences and is expected to perform work to handle and control (stop, confine, or extinguish) actual or potential leaks or spills. The Hazardous Materials Technician assumes a more aggressive role than a first responder at the operations level, in that the Hazardous Materials Technician will approach the point of release. The Hazardous Materials Technician is expected to use specialized Chemical Protective Clothing (CPC) and specialized control equipment.
- (b) All individuals holding a Hazardous Materials Technician Certification shall be required to comply with the continuing education requirements in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).

§453.3. Minimum Standards for Hazardous Materials Technician Certification.

- (a) In order to be certified as a Hazardous Materials Technician an individual must:
- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel and;
 - (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Hazardous Materials Technician; or
 - (3) complete a **commission**[Commission]-approved Hazardous Materials Technician program and successfully pass the **commission**[Commission] examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Technician program must consist of one of the following:
 - (A) completion of a **commission**[Commission]-approved Hazardous Materials Technician Curriculum as specified in Chapter 6 of the **commission**[Commission's] Certification Curriculum Manual.
 - (B) completion of an out-of-state and/or military training program that has been submitted to the Commission for evaluation and found to be equivalent to, or exceeds the **commission**[Commission]-approved Hazardous Materials Technician Curriculum.
- (b) Out-of-state or military training programs which are submitted to the **commission**[Commission] for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 6 (pertaining to Hazardous Materials Technician) of the **commission's**[Commission's] Certification Curriculum Manual are met.

§453.5. Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Technician Certification.
- (b) Individuals will be permitted to take the **commission**[Commission] examination for Hazardous Materials Technician by documenting completion of the NFPA 472 Awareness and Operations level training and completing a **commission** [Commission]-approved Hazardous Materials Technician curriculum.

§453.7. International Fire Service Accreditation Congress (IFSAC) Seal.

- (a) Individuals holding a current **commission**[Commission] Hazardous Materials Technician certification received prior to March 10, 2003, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Hazardous Materials Technician by making application to the **commission**[~~Commission~~] for the IFSAC seal and paying applicable fees.
- (b) Individuals completing a **commission**[Commission]-approved Hazardous Materials Technician program, documenting an IFSAC seal for Hazardous Materials Awareness Level Personnel and,
 - (1) Hazardous Materials Operations Level Responders, including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or
 - (2) NFPA 472 Hazardous Materials Operations prior to the 2008 edition, and
 - (3) upon passing the applicable state examination, may be granted an IFSAC seal as a Hazardous Materials Technician by making application to the **commission**[Commission] for the IFSAC seal and paying applicable fees.

Subchapter B

MINIMUM STANDARDS FOR HAZARDOUS MATERIALS INCIDENT COMMANDER

§453.201. Hazardous Materials Incident Commander Certification

The hazardous materials incident commander is defined as that person responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources.

§453.203. Minimum Standards for Hazardous Materials Incident Commander

(a) In order to be certified as Hazardous Materials Incident Commander an individual must:

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
- (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Hazardous Materials Incident Commander; or
- (3) complete a commission-approved Hazardous Materials Incident Commander program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Incident Commander program must consist of one of the following:

- (A) completion of a commission-approved Hazardous Materials Incident Commander curriculum as specified in Chapter 6 of the commission's Certification Curriculum Manual.
- (B) Completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to, or exceeds the commission-approved Hazardous Materials Incident Commander Curriculum.
- (C) Special temporary provision: Within one year following the effective date of this subchapter, an individual is eligible to take the commission examination for Hazardous Materials Incident Commander upon documentation to the commission that the individual has completed training that covers the requirements of NFPA 472, Chapter 8. The documentation must be a certificate of completion from a nationally recognized training provider. During the one-year period, the commission examination shall consist of a written exam. The examination requirements in §453.205(b) must still be met. This paragraph (C) expires one year from the effective date of this subchapter.
- (D) The application processing fee for the initial examination is waived for individuals in subsection (a) paragraph (3) of this section who have completed the training requirement and submit the application for the commission examination by August 31, 2013. After this date, the application processing fee for examinations will be required.

- (b) Out-of-state or military training programs which are submitted to the commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 6 (pertaining to Hazardous Materials Incident Commander) of the commission's Certification Curriculum Manual are met.

§453.205 Examination Requirements

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Incident Commander certification.

(b) Individuals will be permitted to take the commission examination for Hazardous Materials Incident Commander by documenting completion of NFPA 472 Awareness and Operations level training and completing a commission-approved Hazardous Materials Incident Commander program.

9. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - C. **Report from the Curriculum and Testing Committee with discussion and possible action on recommendations regarding changes to the Certification Curriculum Manual, including but not limited to:**
 - a. **Fire Officer III Curriculum, reference list and curriculum outline.**
 - b. **Fire Officer IV Curriculum, reference list and curriculum outline**
 - c. **Basic Wildland Fire Fighter Curriculum, reference list and curriculum outline**
 - d. **Head of a Fire Department Curriculum, reference list and skill sheets**

CERTIFICATION CURRICULUM MANUAL

CHAPTER NINE

FIRE OFFICER III

2013 Edition

EFFECTIVE JANUARY 1, 2013



Texas Commission on Fire Protection
P.O. Box 2286 Austin, Texas 78768-2286 (512) 936-3838

REFERENCE LIST FOR THE FIRE OFFICER III CURRICULUM

Certified Training Facilities approved to teach this curriculum must have the following reference materials:

Required References:

Chief Officer (2nd Ed) (2004). Stillwater, OK: International Fire Service Training Association

National Incident Management System: Principles and Practice (1st Ed) (2005). Sudbury, MA: Jones and Bartlett Publishers, Inc.

NFPA 1021: Standard for Fire Officer Professional Qualifications (2009 Ed.). Quincy, MA: National Fire Protection Association. NFPA Publications

Standards Manual for Fire Protection Personnel Austin, TX: Texas Commission on Fire Protection.

Recommended References:

Chief Officer (1st Ed)(2012). Burlington, MA: Jones and Bartlett Learning.

Officer Development Handbook (2nd Ed)(2010). Fairfax, VA: International Association of Fire Chiefs.

CHAPTER NINE
FIRE OFFICER III
CURRICULUM OUTLINE

SECTION	SUBJECT	RECOMMENDED HOURS
903-6.1	General	2
903-6.2	Human Resource Management	10
903-6.3	Community and Government Relations	4
903-6.4	Administration	10
903-6.5	Inspection and Investigation	4
903-6.6	Emergency Service Delivery	6
903-6.7	Health and Safety	4
903-6.8	Emergency Management	4
	Performance Skills*	12
	TOTAL RECOMMENDED HOURS	56

*The recommended hours for skills evaluation is based on 12 students. Actual hours needed will depend on the number of students, the number of examiners, availability of equipment, and the student skill level.

FIRE OFFICER III

A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions who has met all the job performance and certification requirements of Fire Officer II as defined in NFPA 1021, *Standard for Fire Officer Professional Qualifications*. An individual at the Fire Officer III level as part of his or her duties and responsibilities:

- Establishes procedures for hiring, assigning, promoting, and encouraging professional development of members
- Develops programs that improve and expand service and build partnerships with the public
- Prepares a divisional or departmental budget, develops a budget management system, solicits bids, plans for resource allocation and works with information management systems
- Evaluates inspection programs to determine effectiveness and develops public safety plans
- Manages multi-agency planning, deployment, and operations
- Develops, manages and evaluates a departmental safety program

903-6.1 General

For qualification at Fire Officer Level III, the Fire Officer II shall meet the requirements of Fire Instructor Level II as defined in NFPA 1041 and the job performance requirements defined in Sections 6.2 through 6.8 of NFPA 1021, 2009 Edition.

Fire Officer III certification prerequisites include:

- Fire Officer II
- Fire Instructor II

903-6.1.1 General Prerequisite Knowledge. Current national and international trends and developments related to fire service organization, management, and administrative principles; public and private organizations that support the fire and emergency services and the functions of each.

1. Functions of management
 - a. Planning
 - b. Organizing
 - c. Leading
 - d. Controlling

2. Basic problem solving model
 - a. Analyze
 - b. Plan
 - c. Implement
 - d. Evaluate

3. Planning process
 - a. Analyze opportunities
 - b. Identify goals and objectives
 - c. Identify possible solutions
 - d. Select best solution
 - e. Create plan
 - f. Implement plan
 - g. Monitor plan
 - h. Evaluate plan effectiveness
 - i. Provide feedback and revise

4. Organizing
 - a. Organizational culture
 - i. Beliefs
 - ii. Values
 - iii. Norms
 - b. Trends

- i. Traditional
 - a) Hierarchical/scalar
 - b) Bureaucratic
 - ii. New trends
 - a) Flat organizations
 - b) Regionalization
 - c) Flexibility
- 5. Leadership styles
 - a. Charismatic
 - b. Situational
 - c. Contingency
 - d. Citizen
 - e. Servant
 - f. Chameleon
 - g. Transformational/transactional leadership continuum
- 6. Fire Service Leadership Model
 - a. Lead from the front
 - b. Effectively communicate
 - c. Advise, mentor and counsel
 - d. Decide, act and evaluate
 - e. Envision the future
 - f. Remain flexible
 - g. Share your knowledge
 - h. Honesty is always right
 - i. Invest in your personnel
 - j. Prepare to fail, if you fail to prepare
- 7. Controlling
 - a. Organizational behavior
 - i. Performance reviews
 - ii. Policies, procedures, rules, regulations
 - b. Fiscal oversight
 - i. Budget process
 - ii. Purchasing process
 - iii. Audits
 - c. Other
 - i. Capital improvement plans
 - ii. Strategic plan
 - iii. Emergency management plans
 - iv. Information management
- 8. Fire Officer III Functions
 - a. Human resource management

- b. Community and government relations
- c. Administration
- d. Inspection and investigation
- e. Emergency service delivery
- f. Health and safety

903-6.1.2 General Prerequisite Skills. The ability to research, to use evaluative methods, to analyze data, to communicate orally and in writing, and to motivate members.

903-6.2 Human Resource Management

This duty involves establishing procedures for hiring, assigning, promoting, and encouraging professional development of members, according to the following job performance requirements.

1. Human resource management includes:
 - a. Hiring and promoting
 - b. Recruitment, induction and retention
 - c. Termination
 - d. Discipline
 - e. Assigning/work force planning
 - f. Time management
 - g. Professional development training/education
 - h. Health, safety, survival and wellness
 - i. Compensation and benefits

903-6.2.1 Establish personnel assignments to maximize efficiency, given knowledge, training, and experience of the members available in accordance with policies and procedures.

Requisite Knowledge. Minimum staffing requirements, available human resources, and policies and procedures.

1. Minimum staffing requirements
 - a. Authority having jurisdiction (AHJ)
 - b. National consensus standards
 - i. NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*
 - ii. NFPA 1720, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments*

- iii. NFPA 1500, *Standard for Fire Department Safety and Health Program*
 - iv. NFPA 1201, *Standard for Providing Emergency Services to the Public*
 - v. NFPA 1221, *Standard for the Installation, Maintenance and Use of Emergency Services Communication Systems*
 - vi. NFPA 1250, *Recommended Practice in Emergency Service Organization Risk Management*
 - vii. NFPA 1600, *Standard on Disaster/Emergency Management and Business Continuity Programs*
 - viii. NFPA 450, *Guide for Emergency Medical Services and Systems*
 - ix. NFPA 551, *Guide for the Evaluation of Fire Risk Assessments*
- c. Contractual agreements
 - i. Collective bargaining
 - ii. Meet and confer
 - iii. Private sector contracts
- 2. Available human resources
 - a. Availability of skilled workers
 - b. Applicant pool is determined by:
 - i. Education
 - ii. Experience
 - iii. Certification
 - iv. Ability to perform
- 3. Policies and procedures
 - a. Legal requirements
 - i. Federal
 - ii. State
 - iii. Local
 - iv. AHJ

Requisite Skills. The ability to relate interpersonally and to communicate orally and in writing.

- 903-6.2.2** Develop procedures for hiring members, given policies of the AHJ and legal requirements, so that the process is valid and reliable.
- Validity – effectiveness – measures what is supposed to be measured
 - Reliability – dependability – measures performance consistently

Requisite Knowledge. Applicable federal, state/provincial, and local laws; regulations and standards; and policies and procedures.

1. Applicable federal, state/provincial, and local laws
 - a. Federal
 - i. Civil Rights Act of 1964 (Title VII)
 - ii. Age Discrimination and Employment Act (ADEA)
 - iii. Americans With Disabilities Act (ADA)
 - b. State
 - i. Texas Commission on Fire Protection (TCFP) standards
 - ii. Local Government Code 143 (Civil Services)
 - iii. Health and Safety Code 775 (Emergency Services Districts)
 - iv. Texas Department of State Health Services (DSHS) – EMS requirements as applicable
 - v. Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) – Peace Officer requirements for Arson Investigators
 - c. Local
 - i. AHJ
 - a) Local Government Code 143 – Local Rules
 - b) Health and Safety Code 775 – Local Rules
 - c) Local ordinances
2. Regulations
 - a. Texas Commission on Fire Protection (TCFP) standards
 - b. Local Government Code 143 (Civil Service)
 - c. Health and Safety Code 775 (Emergency Services Districts)
 - d. Texas Department of State Health Services (DSHS) – EMS requirements as applicable
 - e. Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) – Peace Officer requirements for Arson Investigators
3. Standards – may be required by the AHJ
 - a. NFPA Professional Qualification Standards
 - b. NFPA Safety and Health Standards
4. Policies and procedures
 - a. Contractual agreements
 - b. Local policies, procedures, rules and regulations

Requisite Skills. The ability to communicate orally and in writing.

- 903-6.2.3** Develop procedures and programs for promoting members, given applicable policies and legal requirements, so that the process is valid and reliable, job-related, and nondiscriminatory.

Requisite Knowledge. Applicable federal, state/provincial, and local laws; regulations and standards; and policies and procedures.

1. Applicable federal, state/provincial, and local laws
 - a. Federal
 - i. Civil Rights Act of 1964 (Title VII)
 - ii. Age Discrimination and Employment Act (ADEA)
 - iii. Americans With Disabilities Act (ADA)
 - iv. Fair Labor Standards Act (FLSA)
 - v. Equal Pay Act of 1963
 - vi. Uniform Services Employment and Reemployment Rights Act (USERRA)
 - b. State
 - i. Texas Commission on Fire Protection (TCFP) standards - Head of Department designation only
 - ii. Local Government Code 143 (Civil Services)
 - c. Local
 - i. AHJ
 - a) Local Government Code 143 – Local Rules
 - b) Health and Safety Code 775 – Local Rules
 - c) Local ordinances
2. Regulations
 - a. Texas Commission on Fire Protection (TCFP) standards - Head of Department designation only
 - b. Local Government Code 143 (Civil Service)
3. Standards – may be required by the AHJ
 - a. NFPA Professional Qualification Standards
 - b. NFPA Safety and Health Standards
4. Policies and procedures
 - a. Contractual agreements
 - b. Local policies, procedures, rules and regulations

Requisite Skills. The ability to communicate orally and in writing, to encourage professional development, and to mentor members.

- 903-6.2.4** Describe methods to facilitate and encourage members to participate in professional development to achieve their full potential.

Requisite Knowledge. Interpersonal and motivational techniques.

1. Mentoring

2. Coaching
3. Role modeling
4. Succession planning
5. Encouraging participation
6. Job rotation
7. Special projects/assignments
8. Specialized training
9. Promotional opportunities
10. Pay incentives
11. Other compensation (e.g., department-issued vehicle)

Requisite Skills. The ability to evaluate potential, to communicate orally, and to counsel members.

903-6.2.5

Develop a proposal for improving an employee benefit, given a need in the organization, so that adequate information is included to justify the requested benefit improvement.

Required Knowledge. Agency's benefit program.

1. Insurance
2. Various accumulated leave (pay for time not worked)
3. Pay
4. Pension
5. Conditions of work
6. Incentive programs
7. Employee/member assistance programs

Required Skills. The ability to conduct research and to communicate orally and in writing.

- 903-6.2.6** Develop a plan for providing an employee accommodation, given an employee need, the requirements, and applicable law, so that adequate information is included to justify the requested change(s).

Required Knowledge. Agency's policies and procedures, and legal requirements or reasonable accommodations.

1. Agency's policies and procedures
2. Legal requirements or reasonable accommodations
 - a. Civil Rights Act of 1964 (Title VII)
 - b. Age Discrimination and Employment Act (ADEA)
 - c. Americans With Disabilities Act (ADA)
 - d. Texas Commission on Fire Protection (TCFP) standards
 - e. Texas Workers' Compensation laws
 - f. Local AHJ

Required Skills. The ability to conduct research and to communicate orally and in writing.

- 903-6.2.7** Develop an ongoing education training program, given organizational training requirements, so that members of the organization are given appropriate training to meet the mission of the organization.

Required Knowledge. Agency mission and goals, training program development, and needs assessment.

1. Agency mission and goals (AHJ)
2. Training program development
 - a. Training program design
 - b. Developing training policies, records, and standards
 - c. Determining organizational training needs
 - d. Recruiting and selecting instructors
 - e. Scheduling training programs
 - f. Evaluating training programs and instructors
 - g. Providing budget and resource management
3. Needs assessment
 - a. Community or service area needs
 - b. Hazard assessment
 - c. Risk analysis
 - d. Improved operational efficiency
 - e. Continuing education requirements

- f. New certification or training requirements
- g. Demographics (e.g., population, occupancy types, urban/suburban/rural/frontier, etc.)
- h. Fire department type

Required Skills. Ability to perform a needs assessment and to communicate orally and in writing.

903-6.3

Community and Government Relations

This duty involves developing programs that improve and expand service and build partnerships with the public, according to the following job performance requirements.

903-6.3.1

Prepare community awareness programs to enhance the quality of life by developing nontraditional services that provide for increased safety, injury prevention, and convenient public services.

Requisite Knowledge. Community demographics, resource availability, community needs, and customer service principles.

1. Community demographics
 - a. Age
 - b. Gender
 - c. Religion
 - d. Education
 - e. Cultural/ethnic/racial backgrounds
 - f. Income level
 - g. Population density
2. Resource availability
 - a. Staffing
 - b. Equipment, apparatus, and facilities
 - c. Funding
3. Community needs
 - a. Community hazard and risk analysis
 - b. Community threat profile
 - c. Urban/suburban/rural/frontier
4. Customer service principles
 - a. Caring attitude
 - b. Excellent technical service

Requisite Skills. The ability to relate interpersonally and to communicate orally and in writing.

903-6.4

Administration

This duty involves preparing a divisional or departmental budget, developing a budget management system, soliciting bids, planning for resource allocation, and working with records management systems, according to the following job performance requirements.

903-6.4.1

Develop a divisional or departmental budget, given schedules and guidelines concerning its preparation, so that capital, operating, and personnel costs are determined and justified.

Requisite Knowledge. The supplies and equipment necessary for existing and new programs; repairs to existing facilities; new equipment, apparatus maintenance, and personnel costs; and approved budgeting system.

1. The supplies and equipment necessary for existing and new programs
2. Repairs to existing facilities
 - a. Federal requirements may include:
 - i. Americans with Disabilities Act (ADA)
 - ii. National Historic Preservation Act
 - iii. Environmental and historic preservation review
 - b. State requirements may include:
 - i. Texas Historical Commission
 - ii. Texas Asbestos Health Protection rules
 - c. AHJ requirements may include:
 - i. Local codes and standards
 - ii. Zoning restrictions
 - iii. Ordinances
3. New equipment
 - a. Is there a local need?
 - b. Is there a statutory requirement?
 - c. Equipment specifications
 - d. Cost/benefit analysis
4. Apparatus maintenance
 - a. Manufacturer's recommendations
 - b. Statutory requirements
5. Personnel costs
 - a. Direct costs

- b. Indirect costs
- 6. Approved budgeting system
 - a. Types of budgets
 - i. Operating/expense budget
 - ii. Capital budget
 - b. Budgeting systems
 - i. Line-item budget
 - ii. Zero-based budget
 - iii. Program budget
 - iv. Matrix budget

Requisite Skills. The ability to allocate finances, to relate interpersonally, and to communicate orally and in writing.

- 903-6.4.2** Develop a budget management system, given fiscal and financial policies, so that the division or department stays within the budgetary authority.

Requisite Knowledge. Revenue to date, anticipated revenue, expenditures to date, encumbered amounts, and anticipated expenditures.

1. Revenue to date – current funding status from:
 - a. grants
 - b. fund raisers
 - c. private foundations
 - d. corporate/individual donations and gifts
 - e. taxes
 - f. enterprise funds
 - g. user fees
 - h. bonds
2. Anticipated revenue – projected funding from:
 - a. grants
 - b. fund raisers
 - c. private foundations
 - d. taxes
 - e. enterprise funds
 - f. user fees
 - g. bonds
3. Expenditures to date – documented costs:
 - a. Personnel
 - b. Operations
 - c. Capital

4. Encumbered amounts – committed costs:
 - a. Personnel
 - b. Operations
 - c. Capital
5. Anticipated expenditures – projected costs
 - a. Personnel
 - b. Operations
 - c. Capital

Requisite Skills. The ability to interpret financial data and to communicate orally and in writing.

903-6.4.3

Describe the agency's process for developing requests for proposal (RFPs) and soliciting and awarding bids, given established specifications and the agency's policies and procedures, so that competitive bidding is ensured.

Requisite Knowledge. Purchasing laws, policies, and procedures.

1. Purchasing laws
 - a. Federal – purchasing rules required by federal grant programs or agencies
 - i. DHS (Department of Homeland Security) grants
 - ii. FEMA (Federal Emergency Management Agency) grants
 - iii. Federal Highway Administration
 - iv. Federal Aviation Administration (FAA) grants
 - v. Department of Defense (DOD)
 - vi. Housing and Urban Development (HUD) Community Development block grants
 - b. State – Texas local government codes
 - i. Chapter 252 “Competitive Requirements for Certain Purchases
 - ii. Chapter 271 “Competitive Bidding Procedure Applicable to Contract”
 - iii. Chapter 2155 “Purchasing: General Rules and Procedures”
 - iv. Chapter 2156 “Purchasing Methods”
 - v. Chapter 2254 “Professional Consulting Services”
 - vi. Chapter 2161 “Historically Underutilized Businesses”
 - vii. Chapter 2157 “Purchasing: Purchase of Automated Information Systems”
 - viii. Chapter 2262 “Statewide Contract Management”
 - ix. Texas Health and Safety Code – Subchapter E “Finances and Bonds”
 - x. Texas Forest Service grant requirements

- xi. Department of State Health Services (DSHS)
 - c. Local AHJ ordinances and resolutions
2. Policies and procedures
 - a. Federal – agency or grant requirements
 - b. State – agency or grant requirements
 - c. Local AHJ rules, regulations, policies and procedures
 - d. Private – private grant or foundation policies

Requisite Skills. The ability to use evaluative methods and to communicate orally and in writing.

903-6.4.4 Direct the development, maintenance, and evaluation of a department record and management system, given policies and procedures, so that completeness and accuracy are achieved.

Requisite Knowledge. The principles involved in the acquisition, implementation, and retrieval of information by data processing as it applies to the record and budgetary processes and the capabilities and limitations of information management systems.

1. The principles involved in the acquisition, implementation and retrieval of information by data processing as it applies to the record and budgetary processes
 - a. Compliance with legal requirements
 - b. High-quality data to support decision making
 - c. Information needed
 - d. Information format
2. The capabilities and limitations of information management systems
 - a. Capabilities
 - i. Provide accurate data for analysis
 - ii. Assist in the decision-making process
 - iii. Software and hardware
 - b. Limitations
 - i. Analysis of records and data
 - ii. Data quality input
 - iii. Ability to retrieve data
 - iv. Validity of data
 - v. Interpretation problems
 - vi. Software and hardware restrictions
 - c. Considerations
 - i. Freedom of Information Act (FOIA)
 - ii. Texas Open Records Act
 - iii. Records retention requirements

iv. Historical records

Requisite Skills. The ability to use evaluative methods, to communicate orally and in writing, and to organize data.

903-6.4.5 Analyze and interpret records and data, given a fire department records system, so that validity is determined and improvements are recommended.

- **Validity** – *effectiveness* – measures what is supposed to be measured
- **Reliability** – *dependability* – measures performance consistently
- **Quantitative** – *measuring* – types of information that can be counted or expressed numerically
- **Qualitative** – *describing* – used to describe types of information

Requisite Knowledge. The principles involved in the acquisition, implementation, and retrieval of information and data.

1. The principles involved in the acquisition of information and data
 - a. Sources of data
 - i. Federal
 - a) US Fire Administration
 - b) Federal Aviation Administration (FAA)
 - c) Centers for Disease Control (CDC) and National Institute for Occupational Safety and Health (NIOSH)
 - d) Department of Transportation (DOT)
 - e) Department of Defense (DOD)
 - f) Occupational Safety and Health Administration (OSHA)
 - g) National Institute of Standards and Technology (NIST)
 - h) Census Bureau (Department of Commerce)
 - i) US Department of Agriculture (USDA)
 - j) Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF)
 - k) Federal Bureau of Investigation (FBI)
 - l) Department of Homeland Security (DHS)
 - m) Department of Justice (DOJ)
 - ii. State
 - a) Texas Commission on Fire Protection (TCFP)
 - b) Department of Insurance – State Fire Marshal's Office
 - c) Texas Forest Service (TFS)
 - d) Department of State Health Services (DSHS)
 - e) Texas Commission on Environmental Quality (TCEQ)
 - f) General Land Office (GLO)
 - g) Texas Department of Transportation (TxDOT)

- h) Department of Public Safety (DPS) and Texas Division of Emergency Management (TDEM)
 - i) Railroad Commission (RRC)
 - iii. Regional
 - a) Council of Governments (COGs)
 - b) Trauma Regional Advisory Councils (RACS)
 - c) Local Emergency Planning Council (LEPC)
 - iv. Local
 - a) AHJ reporting systems
 - 1. TXFIRS (Texas Fire Incident Reporting System)
 - 2. PCRs and PTRs (Patient Care Reports; Patient Transfer Reports)
 - 3. GIS (Geographic Information System)
 - 4. CAD system
 - b) Public works
 - c) Planning departments
 - d) Economic Development Commission (EDC)
 - v. Other
 - a) Insurance Service Office (ISO)
 - b) Factory Mutual (FM)
 - c) Underwriters Laboratory (UL)
 - d) Insurance agencies
 - e) State Firemen's and Fire Marshals' Association (SFFMA)
 - f) Universities and colleges
- 2. The principles involved in the implementation and retrieval of information and data
 - a. Qualitative/quantitative data analysis
 - i. Compare results to desired results or standards
 - ii. Compare results to the original goals
 - iii. Compare results to indications of accomplished outcomes
 - iv. Compare results to descriptions of the organization's/program's experiences, strengths, and weaknesses
 - v. Consider recommendations submitted by customers
 - b. Compliance with legal requirements
 - c. Performance evaluations
 - i. Goal-based
 - ii. Process-based
 - iii. Outcome-based
 - d. Benefits of evaluations
 - i. Understanding, verifying, or increasing the effect of services on external customers
 - ii. Making delivery mechanisms more efficient and less costly

- iii. Verifying that the organization is doing what it planned
- iv. Focusing management's attention on the mission of the organization
- v. Producing data or verifying results
- vi. Producing valid comparisons between various programs
- vii. Examining and describing effective programs

Requisite Skills. The ability to use evaluative methods, to communicate orally and in writing, and to organize and analyze data.

- 903-6.4.6** Develop a model plan for continuous organizational improvement, given resources for an area to be protected, so that resource utilization is maximized.

Requisite Knowledge. Policies and procedures, physical and geographic characteristics and hazards, demographics, community plan, staffing requirements, response time benchmarks, contractual agreements, recognized best practice assessment programs, and local, state/provincial, and federal regulations.

1. Model plan considerations include:
 - a. Policies and procedures
 - b. Physical and geographic characteristics and hazards
 - c. Demographics
 - d. Community plan
 - e. Staffing requirements
 - f. Response time benchmarks
 - g. Contractual agreements
 - h. Recognized best practice assessment programs
 - i. Local, state/provincial, and federal regulations
2. Local plan development must take the above into consideration.

Requisite Skills. The ability to research, to use evaluative methods, to analyze data, to communicate orally and in writing, and to organize.

903-6.5 **Inspection and Investigation**

This duty involves evaluating inspection programs of the AHJ to determine effectiveness and developing public safety plans, according to the following job performance requirements.

- 903-6.5.1** Evaluate the inspection program of the AHJ, given current program goals, objectives, performance data, and resources so that the results are evaluated to determine effectiveness.

Requisite Knowledge. Policies and procedures, accepted inspection practices, program evaluation, and applicable codes, standards, and laws.

1. Policies and procedures (AHJ)
2. Accepted inspection practices
 - a. NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiner
 - b. AHJ
3. Program evaluation
 - a. Describe the program context
 - b. Identify stakeholders and their needs
 - c. Determine the evaluation purpose
 - d. Identify intended uses
 - e. Create an evaluation plan
 - f. Gather data
 - g. Analyze data
 - h. Make conclusions and recommendations
 - i. Report results
4. Applicable codes, standards and laws
 - a. Local building and fire codes, etc.
 - b. Standards
 - i. National Fire Protection Association (NFPA)
 - a) NFPA 1, Fire Code
 - b) NFPA 101, Life Safety Code
 - c) NFPA 5000, Building Construction and Safety Code
 - ii. International Code Council (ICC)
 - a) International Building Code
 - b) International Fire Code
 - c. State laws
 - i. TCFP
 - ii. DSHS
 - iii. Texas Administrative Code (TAC)

Requisite Skills. The ability to use evaluative methods, to analyze data, and to communicate orally and in writing.

- 903-6.5.2** Develop a plan, given an identified fire safety problem, so that the approval for a new program, piece of legislation, form of public education, or fire safety code is facilitated.

Requisite Knowledge. Policies and procedures and applicable codes, ordinances, and standards and their development process.

1. Policies and procedures (AHJ)
2. Applicable codes, ordinances, and standards, and their development process
 - a. Local AHJ
 - i. Local building and fire codes, etc.
 - ii. Ordinances
 - b. Standards
 - i. National Fire Protection Association (NFPA)
 - a) NFPA 1, *Fire Code*
 - b) NFPA 101, *Life Safety Code*
 - c) NFPA 5000, *Building Construction and Safety Code*
 - ii. International Code Council (ICC)
 - a) International Building Code
 - b) International Fire Code
 - c. State laws
 - i. TCFP
 - ii. DSHS
 - iii. TAC
 - d. Code adoption process
 - i. Varies by AHJ
 - ii. Basic process
 - a) Model Code research
 - b) Staff review
 - c) Public meetings
 - d) Staff recommendation/proposed resolution
 - e) Adoption by AHJ
 - f) Implementation

Requisite Skills. The ability to use evaluative methods, to use consensus-building techniques, to communicate orally and in writing, and to organize plans.

903-6.6 **Emergency Service Delivery**

This duty involves managing multi-agency planning, deployment, and operations, according to the following job performance requirements.

- 903-6.6.1** Prepare an action plan, given an emergency incident requiring multiple agency operations, so that the required resources are determined and the resources are assigned and placed to mitigate the incident.

Requisite Knowledge. Policies, procedures, and standards, including the current edition of NFPA 1600 and resources, capabilities, roles, responsibilities, and authority of support agencies.

1. Policies, procedures and standards, including the current edition of NFPA 1600
 - a. AHJ policies, procedures, rules, regulations
 - b. NFPA 1600, Standard on Disaster/Emergency management and Business Continuity Programs
 - c. Local emergency management plan
 - d. Automatic aid agreements
 - e. Mutual aid agreements
 - i. State
 - ii. Regional
 - iii. Local
 - f. Texas Intrastate Fire Mutual Aid System (TIFMAS)
2. The following will be primarily dictated by the local emergency management plan:
 - a. Resources of support agencies
 - b. Capabilities of support agencies
 - c. Roles of support agencies
 - d. Responsibilities of support agencies
 - e. Authority of support agencies

Requisite Skills. The ability to use evaluative methods, to delegate authority, to communicate orally and in writing, and to organize plans.

903-6.6.2

Develop and conduct a post-incident analysis, given a multi-agency incident and post-incident analysis policies, procedures, and forms, so that all required critical elements are identified and communicated and the appropriate forms are completed and processed in accordance with policies and procedures.

Requisite Knowledge. Elements of a post-incident analysis, emergency management plan, critical issues, involved agencies' resources and responsibilities, procedures relating to dispatch response, strategy tactics and operations, and customer service.

1. Elements of a post-incident analysis
 - a. Reconstruct the incident to establish a clear picture of the events surrounding the incident
 - b. Non-punitive
 - c. Focus on improving emergency response
2. Emergency management plan (AHJ)
3. Critical issues

- a. Incident dependent
 - b. Interoperability
 - c. Communications
 - d. Command and control
4. Involved agencies' resources and responsibilities
 - a. Local emergency management plan
 - b. Automatic aid responders
 - c. Mutual aid responders
 - d. Command staff
 - e. General staff
 - f. Agency reps
 5. Procedures relating to dispatch response (AHJ)
 6. Strategy tactics and operations
 - a. Incident dependent
 - b. Local emergency management plan
 - c. Local policies, procedures, SOPs, UOGs
 7. Customer service (AHJ)

Requisite Skills. The ability to write reports, to communicate orally, and to evaluate skills.

903-6.6.3

Develop a plan for the agency, given an unmet need for resources that exceed what is available in the organization, so that the mission of the organization is capable of being performed in times of extraordinary need.

Requisite Knowledge. Needs assessment and planning.

1. Develop a needs assessment based on the community threat profile
 - a. Hazard analysis and risk assessment
 - i. The likelihood or frequency of occurring
 - ii. The potential impact or damage to the community
2. Develop a plan based on the following:
 - a. Local emergency management plan
 - b. Automatic aid agreements
 - c. Mutual aid agreements
 - i. State
 - ii. Regional
 - iii. Local
 - d. Texas Intrastate Fire Mutual Aid System (TIFMAS)
 - e. Federal (DHS, FEMA) guidelines

Requisite Skills. The ability to conduct a needs assessment, evaluate external resources, and develop a plan.

903-6.7 **Health and Safety**

This duty involves developing, managing, and evaluating a departmental health and safety program, according to the following job performance requirements.

903-6.7.1 Develop a measurable accident and injury prevention program, given relevant local and national data, so that the results are evaluated to determine effectiveness of the program.

Requisite Knowledge. Policies and procedures, accepted safety practices, and applicable codes, standards, and laws.

1. Policies and procedures (AHJ)
2. Accepted safety practices
 - a. 16 Life Safety Initiatives
 - b. Everyone Goes Home
 - c. Protective clothing
 - d. SCBA
 - e. PASS
 - f. Incident Management
 - g. Personnel Accountability System
 - h. Operating at Emergency Incidents
 - i. Interior Structural Fire Fighting
 - j. Wellness/fitness Initiative
 - k. Rules of engagement
 - l. Crew Resource Management
 - m. Wildland standard fire orders
 - n. Wildland watch out situations
3. Applicable codes, standards and laws
 - a. Local AHJ
 - b. Standards
 - i. National Fire Protection Association (NFPA) 1500 series
 - ii. NIOSH (National Institute for Occupational Safety and Health)
 - c. State laws
 - i. TCFP
 - ii. DSHS
 - iii. TAC – TX Administrative Code
 - iv. TWCC – TX Workers Compensation Commission
 - d. Federal laws

- i. OSHA (Occupational Safety and Health Administration)
- ii. EPA (Environmental Protection Agency)

Requisite Skills. The ability to use evaluative methods, to analyze data, and to communicate orally and in writing.

903-6.8 **Emergency Management**

This duty involves policies, procedures, and programs for the role of the fire service in the community's emergency management plan; roles of local, state/provincial, and national emergency management agencies.

- 903-6.8.1** Develop a plan for the integration of fire services resources in the community's emergency management plan, given the requirements of the community and the resources available in the fire department, so that the role of the fire service is in compliance with local, state/provincial, and national requirements.

Required Knowledge. Role of the fire service; integrated emergency management system; preparedness-emergency management planning; emergency operations centers; roles of local, state/provincial, and national emergency management agencies.

1. Role of the fire service (AHJ)
2. Integrated emergency management system
 - a. NIMS (National Incident Management System)
 - b. National Response Framework
3. Preparedness – emergency management planning
 - a. Planning "P"
 - b. Local emergency management plan
 - c. Policies and procedures of the AHJ
 - d. NFPA 1600
 - e. Continuity of Operations Plan (COOP)
4. Emergency operations centers
 - a. NFPA 1221
 - b. NFPA 1600
 - c. State operations center
 - d. ASTM International Standard E2668
5. Roles of local, state/provincial, and national emergency management agencies
 - a. Local roles
 - i. Mitigation

- ii. Preparedness
- iii. Response
- iv. Recovery
- b. State emergency management agencies
 - i. TDEM – Texas Division of Emergency Management
 - ii. Emergency Management Association of Texas
 - iii. Texas Forestry Service
- c. National emergency management agencies
 - i. FEMA
 - ii. NIMS Integration Center

Required Skills. The ability to communicate orally and in writing and to organize a plan; and familiarity with emergency management inter-agency planning and coordination.

CERTIFICATION CURRICULUM MANUAL

CHAPTER NINE

FIRE OFFICER IV

2013 Edition

EFFECTIVE JANUARY 1, 2013



Texas Commission on Fire Protection
P.O. Box 2286 Austin, Texas 78768-2286 (512) 936-3838

REFERENCE LIST FOR THE FIRE OFFICER IV CURRICULUM

Certified Training Facilities approved to teach this curriculum must have the following reference materials:

Required References:

Chief Officer (2nd Ed) (2004). Stillwater, OK: International Fire Service Training Association

National Incident Management System: Principles and Practice (1st Ed) (2005). Sudbury, MA: Jones and Bartlett Publishers, Inc.

NFPA 1021: Standard for Fire Officer Professional Qualifications (2009 Ed.). Quincy, MA: National Fire Protection Association. NFPA Publications

Standards Manual for Fire Protection Personnel Austin, TX: Texas Commission on Fire Protection.

Recommended References:

Chief Officer (1st Ed)(2012). Burlington, MA: Jones and Bartlett Learning.

Officer Development Handbook (2nd Ed)(2010). Fairfax, VA: International Association of Fire Chiefs.

CHAPTER NINE
FIRE OFFICER IV
CURRICULUM OUTLINE

SECTION	SUBJECT	RECOMMENDED HOURS
904-7.1	General	2
904-7.2	Human Resource Management	12
904-7.3	Community and Government Relations	6
904-7.4	Administration	12
904-7.5	Inspection and Investigation	No performance requirements at this level
904-7.6	Emergency Services Delivery	12
904-7.7	Health and Safety	6
	Performance Skills*	6
	TOTAL RECOMMENDED HOURS	56

*The recommended hours for skills evaluation is based on 12 students. Actual hours needed will depend on the number of students, the number of examiners, availability of equipment, and the student skill level.

FIRE OFFICER IV

A Fire Officer IV is an upper level supervisor who performs both supervisory and first-line managerial functions who has met all the job performance and certification requirements of Fire Officer III as defined in NFPA 1021, *Standard for Fire Officer Professional Qualifications*. An individual at the Fire Officer IV level as part of his or her duties and responsibilities:

- Administers job performance requirements, and evaluates and improves the department
- Projects a positive image of the fire department to the community
- Develops long-range plans and fiscal projections
- Develops plans for major disasters
- Administers a comprehensive risk management program

904-7.1 **General**

For qualification at Fire Officer Level IV, the Fire Officer III shall meet the job performance requirements defined in Sections 7.2 through 7.7 of NFPA 1021, 2009 Edition.

Fire Officer IV certification prerequisites include:

- Fire Officer III

904-7.2 **Human Resource Management**

This duty involves administering job performance requirements and evaluating and improving the department, according to the following job performance requirements.

- 904-7.2.1** Appraise the department's human resource demographics, given appropriate community demographic data, to determine if the recruitment, selection, and placement of human resources is effective and consistent with law and current best practices.

Requisite Knowledge Policies and procedures; local, state/provincial, and federal regulations; community demographics; community issues; and formal and informal community leaders.

- 1) Policies and procedures (AHJ)
- 2) Local, state/provincial, and federal regulations
 - a. Federal
 - i. Civil Rights Act of 1964 (Title VII)
 - ii. Age Discrimination and Employment Act (ADEA)
 - iii. Americans With Disabilities Act (ADA)
 - b. State
 - i. Texas Commission on Fire Protection (TCFP) standards
 - ii. Local Government Code 143 (Civil Services)
 - iii. Health and Safety Code 775 (Emergency Services Districts)
 - iv. Texas Department of State Health Services (DSHS) – EMS requirements as applicable
 - v. Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) – Peace Officer requirements for Arson Investigators
 - c. Local (AHJ)
 - i. Local Government Code 143 – Local Rules
 - ii. Health and Safety Code 775 – Local Rules
 - iii. Local ordinances
 - iv. Labor contract or agreement

- 3) Community demographics
 - a. City Planning Department
 - b. US Census Bureau
- 4) Community issues
 - a. Economic Development Corporation
 - b. Local Chamber of Commerce
- 5) Formal and informal community leaders
 - a. Civic groups
 - b. Neighborhood associations
 - c. Boards and commissions
 - d. Special interest groups

Requisite Skills The ability to communicate orally and in writing, to relate interpersonally, to delegate authority, to analyze issues, and to solve problems.

904-7.2.2 Evaluate current employee/management relations and initiate the development of a process that supports a positive and participative employee/management program.

Requisite Knowledge Policies and procedures, contractual agreements, and local, state/provincial, and federal regulations.

- 1) Policies and procedures (AHJ)
- 2) Contractual agreements
 - a. Collective bargaining
 - b. Meet and confer
 - c. Private sector contracts
- 3) IAFC/IAFF Labor-Management Initiative
 - a. Improve interpersonal communications between labor and management
 - b. Increase the involvement and cooperation between labor and management
 - c. Gain an increased focus on the goals that will benefit your organization and its members
 - d. Learn how to minimize the number of grievances and other adverse actions that affect labor-management relationships
 - e. Discover new ways to work through and past labor-management obstacles to accomplish more for the fire department and the community

- f. Roles and Responsibilities: Union, Fire Department, Local Government.
 - g. Labor-Management Best Practices
- 4) Local, state/provincial, and federal regulations
- a. Federal
 - i. Civil Rights Act of 1964 (Title VII)
 - ii. Age Discrimination and Employment Act (ADEA)
 - iii. Americans With Disabilities Act (ADA)
 - b. State
 - i. Local Government Code 143 (Civil Services)
 - ii. Health and Safety Code 775 (Emergency Services Districts)
 - c. Local (AHJ)
 - i. Local Government Code 143 – Local Rules
 - ii. Health and Safety Code 775 – Local Rules
 - iii. Local ordinances
 - iv. Labor contract or agreement

Requisite Skills The ability to communicate orally and in writing, to negotiate, to analyze current status of employee relations, to relate interpersonally, to analyze the current employee/management relations, and to conduct program implementation.

- 904-7.2.3** Establish and evaluate a list of education and in-service training goals, given a summary of the job requirements for all positions within the department, so that all members can achieve and maintain required proficiencies.

Requisite Knowledge Training resources, community needs, internal and external customers, policies and procedures, contractual agreements, and local, state/provincial, and federal regulations.

- 1) Training resources
 - a. NFPA professional qualification standards
 - b. TCFP Curriculum Manual
 - c. DSHS
 - d. TCLEOSE
 - e. Textbooks
 - f. Professional journals
 - g. External training and educational institutions
 - h. NFA (National Fire Academy)
- 2) Community needs

- a. Demographics (e.g. population, occupancy types, urban/suburban/rural/frontier, etc.)
 - b. Fire department type
 - c. Community or service area needs
 - d. Hazard assessment
 - e. Risk analysis
 - f. Improved operational efficiency
 - g. Continuing education requirements
 - h. New certification or training requirements
- 3) Internal and external customers
 - 4) Policies and procedures (AHJ)
 - 5) Contractual agreements
 - a. Collective bargaining
 - b. Meet and confer
 - c. Private sector contracts
 - 6) Local, state/provincial, and federal regulations
 - a. Federal
 - i. OSHA (Occupational Safety and Health Administration)
 - ii. EPA (Environmental Protection Agency)
 - iii. DHS (Department of Homeland Security)
 - b. State
 - i. TCFP
 - ii. DSHS
 - iii. TCLEOSE
 - iv. ISO-PPC (Insurance Service Office – Public Protection Class)
 - c. Local (AHJ)

Requisite Skills The ability to communicate orally and in writing and to organize data and resources.

- 904-7.2.4** Appraise a member-assistance program, given data, to determine if the program, when used, produces the desired results and benefits.

Requisite Knowledge Policies and procedures, available assistance programs, contractual agreements, and local, state/provincial, and federal regulations.

- 1) Policies and procedures (AHJ)
- 2) Available assistance programs

- a. Smoking cessation
 - b. Financial counseling
 - c. Relationship counseling
 - d. Mental health counseling
 - e. Health and wellness
 - f. Substance abuse
 - g. Legal counseling
 - h. Critical incident stress management
 - i. Suicide prevention
- 3) Contractual agreements
- a. Collective bargaining
 - b. Meet and confer
 - c. Private sector contracts
- 4) Local, state/provincial, and federal regulations
- a. Local
 - i. Private contracts
 - ii. Public departments
 - b. State
 - i. DSHS
 - ii. TCFP
 - c. Federal
 - i. HHS (US Department of Health and Human Services)
- 5) Resources
- a. NFPA 1500
 - b. National Fallen Fire Fighters Foundation
 - c. IAFF (International Association of Fire Fighters)
 - d. IAFC (International Association of Fire Chiefs)

Requisite Skills The ability to communicate orally and in writing, to relate interpersonally to members, and to analyze needs and results.

904-7.2.5 Evaluate an incentive program, given data, so that a determination is made regarding achievement of the desired results.

Requisite Knowledge Policies and procedures, available incentive programs, contractual agreements, and local, state/provincial, and federal regulations.

- 1) Policies and procedures (AHJ)
- 2) Available incentive programs
 - a. Awards and recognition

- b. Educational incentive
 - c. Certification pay
 - d. Longevity pay
 - e. Tuition reimbursement
- 3) Contractual agreements
- a. Collective bargaining
 - b. Meet and confer
 - c. Private sector contracts
- 4) Local, state/provincial, and federal regulations

Requisite Skills The ability to communicate orally and in writing, to relate interpersonally, and to analyze programs.

904-7.3 **Community and Government Relations**

This duty involves projecting a positive image of the fire department to the community, according to the following job performance requirements.

- 904-7.3.1** Attend, participate in, and assume a leadership role in given community events in order to understand and respond to community needs and enhance the image of the fire department.

Requisite Knowledge Community demographics, community and civic issues, effective customer service methods, and formal and informal community leaders.

- 1) Community demographics
- a. City Planning Department
 - b. US Census Bureau
 - c. Occupancy types
 - d. Urban/suburban/rural/frontier
- 2) Community and civic issues
- a. Perception vs. reality
 - b. Taxes
 - c. Response times
 - d. Services provided
- 3) Effective customer service methods
- a. Phoenix Fire Department model
 - i. Deliver best service possible
 - ii. Always be nice
 - iii. Execute standard problem solving outcome
 - iv. Regard everyone as a customer

- v. Consider how/what you are doing looks
 - vi. Don't disqualify customer with your qualifications
 - vii. Customer-centered organizational behavior
 - viii. Continually improve customer service
 - b. NYPD model
 - i. Courtesy
 - ii. Professionalism
 - iii. Respect
 - c. RESPECT model for customer service
 - i. Responsive
 - ii. Educate
 - iii. Solution focused
 - iv. Professional
 - v. Empathize
 - vi. Courtesy
 - vii. Teamwork
 - d. Other
- 4) Formal and informal community leaders
- a. Civic groups
 - b. Neighborhood associations
 - c. Boards and commissions
 - d. Special interest groups

Requisite Skills The ability to communicate orally and familiarity with public relations.

904-7.4 Administration

This duty involves long-range planning and fiscal projections, according to the following job performance requirements.

- 904-7.4.1** Develop a comprehensive long-range plan, given community requirements, current department status, and resources, so that the projected needs of the community are met.

Requisite Knowledge Policies and procedures, physical and geographic characteristics, demographics, community plan, staffing requirements, response time benchmarks, contractual agreements, and local, state/provincial, and federal regulations.

- 1) Policies and procedures (AHJ)
- 2) Physical and geographic characteristics
 - a. Urban/suburban/rural/frontier
 - b. Community or service area needs

- c. Hazard assessment
 - d. Risk analysis
- 3) Demographics
 - a. City Planning Department
 - b. US Census Bureau
 - c. Occupancy types
 - d. Urban/suburban/rural/frontier
 - 4) Community plan
 - a. Community's financial plan
 - b. Community's master plan
 - c. Continuity of operation plan
 - 5) Staffing requirements
 - a. ISO
 - b. NFPA
 - c. CFAI (Commission on Fire Accreditation International)
 - d. Labor contracts or agreements
 - 6) Response time benchmarks
 - a. NFPA 1710
 - b. NFPA 1720
 - c. CFAI
 - d. ISO
 - e. NIST (National Institute of Standards and Technology) Report on Residential Fireground Field Experiments
 - 7) Contractual agreements
 - a. Collective bargaining
 - b. Meet and confer
 - c. Private sector contracts
 - 8) Local, state/provincial, and federal regulations

Requisite Skills The ability to communicate orally and in writing and familiarity with fiscal analysis, public policy processes, forecasting resources, and analyzing current department status requirements.

904-7.4.2 Evaluate and project training requirements, facilities, and buildings needs, given data that reflect community needs and resources, to meet departmental training goals.

Requisite Knowledge Policies and procedures, physical and geographic characteristics, building and fire codes, departmental plan, staffing

requirements, training standards, needs assessment, contractual agreements, and local, state/provincial, and federal regulations.

- 1) Policies and procedures (AHJ)
- 2) Physical and geographic characteristics
 - a. Urban/suburban/rural/frontier
 - b. Community or service area needs
 - c. Hazard assessment
 - d. Risk analysis
- 3) Building and fire codes
 - a. National Fire Protection Association (NFPA)
 - i. NFPA 1, Fire Code
 - ii. NFPA 101, Life Safety Code
 - iii. NFPA 5000, Building Construction and Safety Code
 - b. International Code Council (ICC)
 - i. International Building Code
 - ii. International Fire Code
- 4) Departmental plan
 - a. Strategic plan
 - b. Master plan
 - c. Financial plan
 - d. Staffing plan
- 5) Staffing requirements
 - a. ISO
 - b. NFPA
 - c. CFAI
 - d. Contracts
- 6) Training standards
 - a. TCFP Curriculum Manual
 - b. NFPA 1402, 1403, 1404
 - c. NFPA 1500
 - d. NFPA Professional Qualification Standards
 - e. AHJ
 - f. ISO
 - g. DSHS
 - h. Local medical standards
 - i. NFPA 472, 473
- 7) Needs assessment

- a. Demographics (e.g. population, occupancy types, urban/suburban/rural/frontier, etc.)
 - b. Fire department type
 - c. Community or service area needs
 - d. Hazard assessment
 - e. Risk analysis
 - f. Improved operational efficiency
 - g. Continuing education requirements
 - h. New certification or training requirements
- 8) Contractual agreements
- a. Collective bargaining
 - b. Meet and confer
 - c. Private sector contracts
- 9) Local, state/provincial, and federal regulations
- a. Local (AHJ)
 - i. Building and fire codes
 - ii. Ordinances
 - b. State
 - i. TCFP
 - ii. DSHS
 - iii. TAC (Texas Administrative Code)
 - iv. Texas Historical Commission
 - v. Texas Asbestos Health Protection rules
 - c. Federal
 - i. ADA
 - ii. National Historic Preservation Act
 - iii. Environmental and historic preservation review
 - iv. OSHA
 - v. EPA
 - vi. NIMS (National Incident Management System)

Requisite Skills The ability to communicate orally and in writing and familiarity with fiscal analysis, forecasting needs, and analyzing data.

- 904-7.4.3** Complete a written comprehensive risk, hazard, and value analysis of the community, given the appropriate features of the service area of the organization, so that an accurate evaluation is made for service delivery decision-making.

Requisite Knowledge Risk, hazard, and value analysis methods and process, as well as community development features, community demographics, and assessed valuation of properties in the community.

- 1) Risk, hazard, and value analysis methods and process
 - a. Mitigation action plan
 - i. Establish hazard mitigation goals and objectives
 - ii. Identify and prioritize hazard mitigation actions
 - iii. Prepare the implementation strategy
 - iv. Document the planning process
 - b. RHAVE – Risk Hazard and Value Evaluation
 - c. NFPA Risk Management model
 - i. Risk identification
 - ii. Risk evaluation
 - iii. Risk control techniques
 - iv. Risk management monitoring
 - d. CWPP (Community Wildfire Protection Program)
- 2) Community development features
 - a. Urban/suburban/rural/frontier
 - b. Fire department type
 - c. Community or service area needs
 - d. Improved operational efficiency
- 3) Community demographics
 - a. Population
 - b. Occupancy types
- 4) Assessed valuation of properties in the community
 - a. County appraisal district
 - b. Tax rate
 - c. Tax role

Requisite Skills The ability to conduct a needs assessment plan, to effectively communicate in writing, problem solving.

- 904-7.4.4** Develop a plan for a capital improvement project or program, given an unmet need in the community, so that there is adequate information to educate citizens about the needs of the department.

Requisite Knowledge Strategic planning, capital improvement planning and budgeting, and facility planning.

- 1) Strategic planning
 - a. Define the organization's mission
 - b. Establish goals/objectives
 - c. Identify strategic alternatives
 - d. Formulate a strategy

- 2) Capital improvement planning and budgeting
 - a. Establish a capital planning committee with bylaws
 - b. Take inventory of existing capital assets
 - c. Evaluate previously approved, unimplemented or incomplete projects
 - d. Assess financial capacity
 - e. Solicit, compile and evaluate new project requests
 - f. Prioritize projects
 - g. Develop a financing plan
 - h. Adopt a capital improvements program
 - i. Monitor and manage approved projects within the CIP
 - j. Update existing/ongoing capital programs

- 3) Facility planning
 - a. Design
 - b. Location
 - c. Finance

Requisite Skills The ability to conduct a needs assessment plan, to effectively communicate in writing, and problem solving.

904-7.5 **Inspection and Investigation**

904-7.5.1 **Definition of Duty** No additional job performance requirements at this level.

904-7.6 **Emergency Services Delivery**

This duty involves developing plans for major disasters, according to the following job performance requirements.

904-7.6.1 Develop a comprehensive disaster plan that integrates other agencies' resources, given data, in order to rapidly and effectively mitigate the impact on a community.

Requisite Knowledge Major incident policies and procedures, physical and geographic characteristics, demographics, target hazards, incident management systems, communications systems, contractual and mutual-aid agreements, and local, state/provincial, and federal regulations and resources.

- 1) Major incident policies and procedures (AHJ)

- 2) Physical and geographic characteristics
 - a. Urban/suburban/rural/frontier
 - b. Community or service area needs

- c. Hazard assessment
 - d. Risk analysis
- 3) Demographics
- a. City Planning Department
 - b. US Census Bureau
 - c. Occupancy types
 - d. Urban/suburban/rural/frontier
- 4) Target hazards (AHJ)
- a. Critical infrastructure
 - b. High occupancy
 - c. High hazard industry
- 5) Incident management systems
- a. NIMS
 - b. ICS (Incident Command System - FIREScope)
 - c. IMS (Incident Management System - NFPA 1561)
 - d. Fireground Command System (Blue card)
- 6) Communications systems
- a. NFPA 1221
 - b. AHJ
 - c. Interoperability
 - d. Texas SCIP (Statewide Communications Interoperability Plan)
- 7) Contractual and mutual-aid agreements
- a. Mutual aid
 - b. Auto aid
 - c. Private contracts
 - d. State contracts
- 8) Local, state/provincial, and federal regulations and resources
- a. Local Resources
 - i. Community Emergency Management Plan
 - ii. Community Wildfire Protection Plan
 - iii. Local SOPs/SOGs
 - b. State Resources
 - i. TDEM (Texas Division of Emergency Management)
 - a) TFS (Texas Forest Service)
 - b) DSHS
 - c) Texas Adjutant General (National Guard)
 - d) Texas Task Force One
 - ii. TXDOT (Texas Department of Transportation)
 - iii. GLO (General Land Office)

- iv. TCEQ (Texas Commission on Environmental Quality)
- v. Texas Parks and Wildlife
- vi. DPS (Department of Public Safety)
- c. Federal Resources
 - i. USDA (US Department of Agriculture)
 - a) US Forest Service
 - ii. DHS
 - a) FEMA (Federal Emergency Management Agency)
 - b) US Coast Guard
 - c) Secret Service
 - iii. DOJ (Department of Justice)
 - a) FBI (Federal Bureau of Investigation)
 - iv. Department of the Treasury
 - a) BATF(Bureau of Alcohol, Tobacco and Firearms)
- d. Other Resources
 - i. NFPA 1710
 - ii. NFPA 1720
 - iii. NFPA 1500
 - iv. NFPA 1561
- e. Local Regulations (AHJ)
- f. State Regulations
 - i. TCFP
 - ii. DSHS
 - iii. TCLEOSE
 - iv. TDEM
- g. Federal Regulations
 - i. OSHA
 - ii. EPA
 - iii. FEMA
 - iv. DHS
 - a) NIMS
 - b) National Response Framework

Requisite Skills The ability to communicate orally and in writing and to organize a disaster plan; familiarity with inter-agency planning and coordination.

- 904-7.6.2** Develop a comprehensive plan, given data (including agency data), so that the agency operates at a civil disturbance, integrates with other agencies' actions, and provides for the safety and protection of members.

Requisite Knowledge Major incident policies and procedures, physical and geographic characteristics, demographics, incident management systems, communications systems, contractual and mutual-aid

agreements, and local, state/provincial, and federal regulations and resources.

- 1) Major incident policies and procedures (AHJ)
- 2) Physical and geographic characteristics
 - a. Urban/suburban/rural/frontier
 - b. Community or service area needs
 - c. Hazard assessment
 - d. Risk analysis
- 3) Demographics
 - a. City Planning Department
 - b. US Census Bureau
 - c. Occupancy types
 - d. Urban/suburban/rural/frontier
- 4) Incident management systems
 - a. NIMS
- 5) Communications systems
 - a. AHJ
 - b. Interoperability
- 6) Contractual and mutual-aid agreements
 - a. Mutual aid
 - b. Auto aid
 - c. Private contracts
 - d. State contracts
- 7) Local, state/provincial, and federal regulations and resources
 - a. Local Resources
 - i. Community Emergency Management Plan
 - ii. Local SOPs/SOGs
 - b. State Resources
 - i. TDEM
 - a) TFS
 - b) DSHS
 - c) Texas Adjutant General (National Guard)
 - d) Texas Task Force One
 - ii. TXDOT
 - iii. DPS
 - c. Federal Resources
 - i. DHS
 - a) FEMA

- b) US Coast Guard
 - c) Secret Service
 - ii. DOJ
 - a) FBI
 - iii. Department of the Treasury
 - a) BATF
- d. Local Regulations (AHJ)
- e. State Regulations
 - i. TCFP
 - ii. DSHS
 - iii. TCLEOSE
 - iv. TDEM
- f. Federal Regulations
 - i. OSHA
 - ii. EPA
 - iii. FEMA
 - iv. DHS
 - a) NIMS
 - b) National Response Framework

Requisite Skills The ability to communicate orally and in writing and to organize a plan; familiarity with inter-agency planning and coordination.

904-7.7 **Health and Safety**

This duty involves administering a comprehensive risk management program, according to the following job performance requirements.

- 904-7.7.1** Maintain, develop, and provide leadership for a risk management program, given specific data, so that injuries and property damage accidents are reduced.

Requisite Knowledge Risk management concepts, retirement qualifications, occupational hazards analysis, and disability procedures, regulations, and laws.

- 1) Risk management concepts
 - a. NFPA Risk Management model
 - i. Risk identification
 - ii. Risk evaluation
 - iii. Risk control techniques
 - iv. Risk management monitoring
- 2) Retirement qualifications
 - a. Age
 - b. Years of service

- c. Disability
- d. AHJ

3) Occupational hazards analysis

- a. Select the job
- b. Break the job into successive steps
- c. Identify the hazards in each step of the process
- d. Eliminate or reduce the hazard

4) Disability procedures, regulations and laws

- a. TWCC (Texas Workers Compensation Commission)
- b. ADA
- c. AHJ
- d. Civil Service Rules and Laws

Requisite Skills The ability to communicate orally and in writing, to analyze data, and to use evaluative methods.

CERTIFICATION CURRICULUM MANUAL

CHAPTER ELEVEN

WILDLAND FIRE FIGHTER

2013 Edition

EFFECTIVE JANUARY 1, 2013



Texas Commission on Fire Protection
P.O. Box 2286 Austin, Texas 78768-2286 (512) 936-3838

RECOMMENDED REFERENCE LIST FOR THE BASIC WILDLAND FIRE FIGHTER CURRICULUM

Certified Training Facilities approved to teach this curriculum must have the following reference materials:

Firefighter Training S-130, Instructor Guide (2003). Boise, ID: National Wildfire Coordinating Group. National Interagency Fire Center.

Firefighter Training S-130, Student Work Book (2003). Boise, ID: National Wildfire Coordinating Group. National Interagency Fire Center.

Fireline Handbook (March, 2004). Boise, ID: National Wildfire Coordinating Group. National Interagency Fire Center.

Incident Response Pocket Guide (IRPG) (2010). Boise, ID: National Wildfire Coordinating Group. National Interagency Fire Center.

Introduction to Wildland Fire Behavior S-190, Instructor Guide (March, 2006). Boise, ID: National Wildfire Coordinating Group. National Interagency Fire Center.

Introduction to Wildland Fire Behavior S-190, Student Work Book (March, 2006). Boise, ID: National Wildfire Coordinating Group. National Interagency Fire Center.

New Generation Fire Shelter (2003). [DVD] Boise, ID: National Wildfire Coordinating Group. National Interagency Fire Center.

NFPA 1051: Standard for Wildland Fire Fighter Professional Qualifications (2012 Ed.). Quincy, MA: National Fire Protection Association. NFPA Publications

Standards Manual for Fire Protection Personnel. Austin, TX: Texas Commission on Fire Protection.

CHAPTER ELEVEN
BASIC WILDLAND FIRE FIGHTER
CURRICULUM OUTLINE

SECTION	SUBJECT	RECOMMENDED HOURS
Basic Wildland Fire Fighter		
1101-5.1	General	5
1101-5.2	Human Resource Management	0
1101-5.3	Preparedness	5
1101-5.4	Mobilization	0
1101-5.5	Suppression	30
TOTAL RECOMMENDED HOURS		40

*The recommend hours total is based on a class of 12 students. Actual hours required will depend on the number of students, the number of examiners, availability of equipment, and the student skill level.

SECTION 1101
BASIC WILDLAND FIRE FIGHTER

1101-5.1 **General**

1101-5.1.1 The Basic Wildland Fire Fighter shall meet the JPRs defined in Sections 1101-5.1 through 1101-5.5.

Requisite Knowledge. Fireline safety, use, and limitations of personal protective equipment, agency policy on fire shelter use, basic wildland fire behavior, fire suppression techniques, basic wildland fire tactics, the fire fighter's role within the local incident management system, and first aid.

1. Fireline safety
 - a. Fire behavior (see S-190, *Introduction to Wildland Fire Behavior*)
 - b. Ten standard fire orders (see NFES 0065, *Fireline Handbook*)
 - c. Eighteen "Watch out" situations (see NFES 0065, *Fireline Handbook*)
 - d. Downhill indirect line construction checklist (see NFES 1077, *Incident Response Pocket Guide [IRPG]*)
 - e. LCES (lookouts, communications, escape routes, and safety zones)
 - f. NFES 2712, *New Generation Fire Shelter DVD*
 - g. Look up, down and around (see NFES 1077, *Incident Response Pocket Guide [IRPG]*)
 - h. Briefing checklist (see NFES 1077, *Incident Response Pocket Guide [IRPG]*)
 - i. Wildland engine safety
2. Use of personal protective equipment (PPE)
3. Limitations of personal protective equipment (PPE)
4. Agency policy on fire shelter use (AHJ)
5. Basic wildland fire behavior
6. Fire suppression techniques
7. Basic wildland fire tactics

8. The fire fighter's role within the local incident management system (AHJ)
9. First aid
 - a. *Fireline Handbook*, Chapter 1, Firefighter Health
 - b. *IRPG*, Section 7

Requisite Skills. Basic verbal communications and the use of required personal protective equipment.

1101-5.2 **Human Resource Management.** No JPRs at this level

1101-5.3 **Preparedness**

1101-5.3.1 **Definition of Duty.** Activities in advance of fire occurrence to ensure safe and effective suppression action.

1101-5.3.2 Maintain assigned personal protective equipment, given the standard equipment issue, so that the equipment is serviceable and available for use on the fireline and defects are recognized and reported to the supervisor.

Requisite Knowledge. Maintenance of personal protective equipment, including inspection, the recognition of unserviceable items, and proper cleaning procedures.

Maintenance of personal protective equipment (PPE) to include:

1. Inspection
 - a. Fire shelter
 - b. Pants
 - c. Shirt
 - d. Gloves
 - e. Helmet
 - f. Eye protection
 - g. Wildland boots
2. Recognition of unserviceable items
 - a. Conditions that make an item unserviceable
 - b. Procedures for replacement
3. Proper cleaning procedures – per manufacturers' recommendations

Requisite Skills. No requisite skills required at this level.

- 1101-5.3.3** Maintain assigned suppression hand tools and equipment, given tools and equipment and agency maintenance specifications, so that assigned equipment is safely maintained and serviceable and defects are recognized and reported to the supervisor.

Requisite Knowledge. Inspection of tools and assigned suppression equipment, the recognition of unserviceable items, and required maintenance techniques.

1. Inspection of tools (hand tools)
 - a. Shovel
 - b. Pulaski
 - c. Council rake
 - d. McLeod
 - e. Flapper
 - f. Other AHJ tools
2. Inspection of assigned suppression equipment
 - a. Backpack pumps
 - b. Hose
 - c. Nozzles
 - d. Hose clamps
 - e. Fittings
 - f. Other AHJ suppression equipment
3. Recognition of unserviceable items
 - a. Conditions that make an item unserviceable
 - b. Procedures for replacement
4. Required maintenance techniques – per manufacturers' recommendations

Requisite Skills. Sharpening and other maintenance techniques for assigned suppression equipment, and use of required maintenance equipment.

1101-5.4 **Mobilization.** No JPRs at this level.

1101-5.5 **Suppression**

1101-5.5.1 **Definition of Duty.** All activities to confine and extinguish a wildland fire, beginning with dispatch.

- 1101-5.5.2** Assemble and prepare for response, given an assembly location, an assignment, incident location, mode of transportation, and the time requirements, so that arrival at the incident with the required personnel and equipment meets agency guidelines.

Requisite Knowledge. Equipment requirements, agency time standards and special transportation considerations (weight limitations), agency safety, and operational procedures for various transportation modes.

1. Equipment requirements
2. Agency time standards
3. Special transportation considerations (weight limitations)
4. Agency safety
5. Operational procedures for various transportation modes
 - a. Vehicle
 - b. Boat
 - c. Helicopter
 - d. Fixed wing aircraft
 - e. Foot travel

Requisite Skills. None specified.

- 1101-5.5.3** Recognize hazards and unsafe situations given a wildland or wildland/urban interface fire and the standard safety policies and procedures of the agency, so that the hazard(s) and unsafe condition(s) are promptly communicated to the supervisor and appropriate action is taken.

Requisite Knowledge. Basic wildland fire safety, fire behavior, and suppression methods.

1. Basic wildland fire safety
 - a. Fire behavior (see S-190, *Introduction to Wildland Fire Behavior*)
 - b. Ten standard fire orders (see NFES 0065, *Fireline Handbook*)
 - c. Eighteen "Watch out" situations (see NFES 0065, *Fireline Handbook*)
 - d. Downhill indirect line construction checklist (see NFES 1077, *Incident Response Pocket Guide [IRPG]*)

- e. LCES (lookouts, communications, escape routes, and safety zones)
 - f. NFES 2712, *New Generation Fire Shelter DVD*
2. Fire behavior
 - a. Fire triangle
 - b. Methods of heat transfer
 - c. Basic terminology
 - d. Factors that affect fire behavior
 - 1) Topography
 - 2) Weather
 - 3) Fuels
 3. Suppression methods
 - a. Direct
 - b. Indirect
 - c. Parallel

Requisite Skills. None specified.

- 1101-5.5.4** Construct a fireline, given a wildland fire, agency line construction standards, suppression tools, water or other suppression agents, and equipment, so that the fireline conforms to the construction standard.

Requisite Knowledge. Principles of fireline construction, techniques, and standards.

1. Principles of fireline construction
2. Fireline construction techniques
3. Fireline construction standards (AHJ)

Requisite Skills. Correct use of hand tools, fire stream practices, and agent application.

- 1101-5.5.5** Secure the fireline, given a wildland fire and suppression tools, water or other suppression agents, and equipment, so that burning materials and unburned fuels that threaten the integrity of the fireline are located and abated.

Requisite Knowledge. Line improvement techniques and safety considerations when burning out.

1. Line improvement techniques

2. Safety considerations when burning out

Requisite Skills. Use of basic ignition devices.

- 1101-5.5.6** Describe the methods to reduce the threat of fire exposure to improved properties given a wildland or urban/interface fire, suppression tools, and equipment so that improvements are protected.

Requisite Knowledge. Wildland fire behavior, wildland fuel removal, structure protection methods, and equipment and personnel capabilities.

1. Wildland fire behavior
 - a. Wildland-Urban Watch-Outs
 - b. Factors that affect fire behavior
 - 1) Topography
 - 2) Weather
 - 3) Fuels
2. Wildland fuel removal
 - a. Create a defensible space
3. Structure protection methods
 - a. Structural triage
 - b. Modes of operation
 - 1) Offensive
 - 2) Defensive
 - 3) Combined
4. Equipment capabilities
 - a. Type and kind
5. Personnel capabilities
 - a. Training
 - b. Qualifications
 - c. Experience

Requisite Skills. The application of requisite knowledge to protect structures.

- 1101-5.5.7** Mop up fire area, given a wildland fire, suppression tools, and water or other suppression agents and equipment, so that burning fuels that threaten escape are located and extinguished.

Requisite Knowledge. Mop-up principles, techniques, and standards.

1. Mop-up principles
2. Mop-up techniques
 - a. Wet
 - b. Dry
 - c. Cold trailing
3. Mop-up standards (AHJ)

Requisite Skills. Use of basic tools and techniques to perform mop-up operations.

1101-5.5.8 Patrol the fire area, given a wildland fire, suppression tools, and equipment, so that control of the fire area is maintained.

Requisite Knowledge. Patrol principles, techniques, and standards.

1. Patrol principles
2. Patrol techniques
3. Patrol standards (AHJ)

Requisite Skills. The application of requisite knowledge.

CERTIFICATION CURRICULUM MANUAL

CHAPTER ELEVEN

HEAD OF A FIRE DEPARTMENT

2013 Edition

EFFECTIVE JANUARY 1, 2013



Texas Commission on Fire Protection
P.O. Box 2286 Austin, Texas 78768-2286 (512) 936-3838

REFERENCE LIST FOR THE HEAD OF A FIRE DEPARTMENT CURRICULUM

Certified Training Facilities approved to teach this curriculum, must have the following reference materials:

Standards Manual for Fire Protection Personnel Austin, TX: Texas Commission on Fire Protection.

Web access to the Texas Commission on Fire Protection web site www.tcfp.texas.gov

SECTION 1201 HEAD OF A FIRE DEPARTMENT

THE INFORMATION IN THIS CHAPTER IS PRESENTED AS A GUIDE FOR SELF-STUDY.

The Head of a Fire Department is a member of the fire service responsible for the overall operations of a fire protection agency who has demonstrated the knowledge and ability to:

- **lead members of a fire department in times of emergency;**
- **develop and maintain procedures for safe and effective operations at emergency and non-emergency incidents;**
- **meet the record-keeping requirements of the authority having jurisdiction.**

1201-1.0 General

For certification at the Head of Department level, the candidate shall meet the requirements defined in Sections 1201-1.0 through 1201-10.2 and meet any other certification requirements.

1201-1.1 Texas Commission on Fire Protection Mission and Goals

1201-1.1.1 The commission's authority is defined by [Chapter 419 of the Texas Government Code](#)  The commission's statutory authority and role within this community is to serve Texas fire departments.

1201-1.1.2 The commission's strategic plan includes two major goals:

- To provide education and assistance to the fire service
 - Fire protection resource library
- To enforce statewide fire service standards
 - Four program areas
 - Certification
 - Training approval and testing
 - Standards compliance
 - Curriculum development

1201-1.2 Compact with Texans

1201-1.2.1 The commission's statutory authority and role within this community is to serve Texas fire departments by:

- Providing resources to Texas fire departments with critical equipment and training needs, and
- Establishing and enforcing standards for fire protection personnel training, protective clothing, and self-contained breathing apparatus.

1201-1.3 Agency services and customer service standards

1201-1.3.1 Providing fire protection resources

- Fire protection Resource Library
 - The Ernest A. Emerson Fire Protection Resource Library provides fire protection research and educational materials to Texas fire departments, schools and the general public.

1201-1.3.2 Establishing and enforcing fire protection standards

- Fire protection personnel certification
 - The commission's [certification section](#) certifies approximately 30,000 fire protection personnel in Texas.
 - Paid fire protection personnel are required by state law to be certified by this commission; volunteers and individuals not affiliated with a paid or volunteer department can choose to be certified by the commission on a voluntary basis.
- Examination and training standards
 - The commission's [testing and training approval program](#) administers the written and performance examinations for certification.
 - The testing and training approval program staff evaluates prior training completed by individuals to determine whether individuals are eligible to sit for the commission examination.
 - The testing and training approval program staff also evaluates and approves training academy certification classes.
- Standards Compliance
 - The goal of the commission's [compliance program](#) is to ensure the safety of the state's fire protection personnel by inspecting fire departments and other regulated entities to confirm that they are in compliance with state laws and rules.

- The compliance inspectors also inspect training records to ensure that fire protection personnel are in compliance with the appropriate certification rules for their disciplines.
- The commission's compliance officers travel to every regulated entity at least once every two years to inspect fire protection personnel certifications, training records, breathing air test records, protective clothing and self-contained breathing apparatus.
- If a department is found to be in violation of a state law or commission rule, the compliance section works with the entity to develop a plan that will lead to compliance.

1201-1.4 Contacting the Commission

1201-1.4.1 Contacting agency staff

- The commission's main phone number is (512) 936-3838
- E-mail links and phone numbers for all agency staff members are on this web site's [contacts](#) page.
- The commission's mailing address is Texas Commission on Fire Protection, PO Box 2286, Austin, TX 78768-2286. The commission's main e-mail address is info@tcfp.texas.gov



1201-1.4.2 Contacting commissioners and advisory board members

- The names and brief biographical information about the commissioners are also listed on this web site's [contacts](#) page.
- Advisory committee members are also listed on this web site's [contacts](#) page.
- Staff will forward letters to commissioners and advisory committee members.

1201-1.4.3 Requests for items to be placed on future meeting agendas

- Items for future commission or advisory committee meetings should be submitted in writing to the agency at least 30 days before the meeting.
- In no event should items be submitted later than 15 days prior to the meeting.
- If the item requested is a petition for new rules, the agency recommends that the submitter review [§401.19](#)

1201-1.4.4 Open records requests

- Requests for records under the Texas Open Records Act should be submitted in writing.

- 1201-1.4.5 Complaints about entities regulated by the commission**
- Complaints about a violation of a rule within the agency's jurisdiction should be made in writing to the agency's standards compliance section at the Texas Commission on Fire Protection, Compliance Section, PO Box 2286, Austin, TX 78768-2286.
- 1201-1.4.6 Appeals of agency decisions or actions**
- Appeals of agency decisions or actions should be submitted to the agency in accordance with [§401.51](#)
- 1201-1.4.7 Complaints about the agency**
- Persons with complaints about a staff member or about the agency's service should contact the agency's customer relations representative at (512) 936-3838, or by writing in care of the Texas Commission on Fire Protection, Customer Relations Representative, PO Box 2286, Austin, TX 78768-2286.
- 1201-1.5 FAQ's**
- 1201-1.5.1 Tuition Assistance for Fire Protection Education**
- The State of Texas offers tuition exemptions or financial aid for fire protection training.
 - The Texas Education Code, [Title 3 - Higher Education, Chapter 54 - Tuition and Fees, Section 54.208 - Firemen Enrolled in Fire Science Courses](#), states that personnel employed as fire fighters who attend a state-supported school and take courses in a fire science or fire technology program do not have to pay tuition fees.
- 1201-1.5.2 Volunteer Fire Fighter Certification**
- Volunteer fire fighters and individual fire fighters who are not affiliated with a department can participate voluntarily in the commission's certification programs.
 - Volunteers who have achieved advanced certification with the State Firemen's and Fire Marshals' Association of Texas (SFFMA) may qualify to complete the commission-designated skill evaluation process and take the certification exam (please see [Chapter 423](#) of the Standards Manual).
- 1201-1.5.3 Establishing a Volunteer Fire Department**
- The [Texas Department of Agriculture](#) has more information about rural volunteer fire departments and emergency service districts (ESDs).

- The [State Firemen's and Fire Marshals' Association of Texas](#) (SFFMA), a nonprofit association, also offers a great deal of assistance to volunteer fire departments.

1201-1.5.4 Funding and Other Resources for Texas Fire Departments

- The Texas Forest Service offers several types of assistance to Texas fire departments. [TFS assistance programs](#)
- The United States Fire Academy publishes a reference titled [Funding Alternatives for Fire and Emergency Services](#)
- For non-firefighting equipment, the Texas Facilities Commission publishes a monthly [state surplus property](#) listing.
- [The Idea Bank](#) maintains an extensive [online library of grant resources](#), including a wide variety of funding sources and grant writing tips and techniques.

1201-1.5.5 Death and Disability Benefits

- The Texas Forest Service maintains an extensive [list of resources](#) that are available to the fire fighter or the fire fighter's family.
- The [National Fallen Firefighters Foundation](#) offers resources including the [Chaplain's Manual](#) and [other resources](#)
- The [Texas Line of Duty Death \(LODD\) task force](#) also assists departments with line of duty deaths.

1201-1.5.6 TEXFIRS, Fire Extinguishers, Fire Sprinklers, Fire Alarm Systems, and Firefighter Fatalities

- The [State Fire Marshal's Office \(SFMO\)](#) regulates the fire extinguisher, fire protection sprinkler, and fire alarm system industries in Texas.
- The SFMO also administers the Texas Fire Incident Reporting System (TEXFIRS). The SFMO is a division of the Texas Department of Insurance (TDI).
- The SFMO is responsible for investigating all firefighter fatalities in Texas.
- The SFMO's e-mail address is fire.marshall@tdi.state.tx.us

1201-1.5.7 Building and Fire Codes

- The commission does not have any jurisdiction with regard to building or fire codes.
- If your building is in an area that does not have local codes, the requirements of the [National Fire Protection Association's](#) Life Safety Code 101 (2009 edition) have been adopted by the [State Fire Marshal's Office](#) for fire safety inspections.

1201-2.0 **Fire Protection Personnel Certification**

1201-2.1.1 **Certification Program Overview**

- The commission annually renews the certificates of approximately 30,000 fire protection personnel in basic, intermediate, advanced and master levels.
- General Certification Requirements:
 - Certification for paid fire protection personnel in Texas is mandatory.
 - Volunteer fire protection personnel participating in a certification program is strictly voluntary.
 - Volunteers who have achieved advanced certification with the State Firemen's and Fire Marshals' Association of Texas (SFFMA) may qualify for commission certification by completing the commission's designated skill evaluation and certification examination processes.
 - Individuals not affiliated with fire departments can maintain their own certifications, provided continuing education requirements (see [Chapter 441](#)) continue to be met.
 - The certification program also certifies [fire protection training facilities](#). Rules governing the certification of these facilities are in [Chapter 427](#).

1201-2.1.2 **Fire Suppression, including Structure, Aircraft Rescue, and Marine Fire Protection.**

- The minimum standards for basic and higher levels of fire suppression certification are in [Chapter 423](#) of the *Standards Manual for Fire Protection Personnel*.
- Standards for structure fire protection certification are in [Chapter 423, Subchapter A](#). The basic fire suppression curriculum is in [Chapter 1](#) of the curriculum manual.
- Standards for aircraft rescue fire protection certification are in [Chapter 423, Subchapter B](#). The basic aircraft rescue fire protection curriculum is in [Chapter 2](#) of the curriculum manual.
- Standards for marine fire protection certification are in [Chapter 423, Subchapter C](#). The basic marine fire protection curriculum is in [Chapter 3](#) of the curriculum manual.

1201-2.1.3 **Fire Investigation, including Fire Investigator and Arson Investigator.**

- The minimum standards for basic and higher levels of fire investigation are in [Chapter 431](#).

- Standards for arson investigator certification are in [Chapter 431, Subchapter A](#) .
- Standards for fire investigator certification are in [Chapter 431, Subchapter B](#) . The basic fire investigator curriculum is in [Chapter 5](#)  of the curriculum manual.

1201-2.1.4 Fire Instructor

- Standards for fire service instructor certification are in [Chapter 425](#) .

1201-2.1.5 Fire Inspector

- The minimum standards for basic and higher levels of fire inspector certification are in [Chapter 429, Subchapter B](#) . The basic fire inspector curriculum is in [Chapter 4](#)  of the curriculum manual.

1201-2.1.6 Head of a Fire Department

- The head of a fire department self-study curriculum is in [Chapter 12](#)  of the curriculum manual.

1201-2.1.7 Hazardous Materials Certification

- A certification is available for hazardous materials Awareness, Operations, Technician, and Incident Commander levels. The standards for these certifications are in [Chapter 453](#) . The hazardous materials certification curriculums are in [Chapter 6](#)  of the curriculum manual.

1201-2.1.8 Driver/Operator – Pumper

- A certification is available for driver/operator-pumper. The standards for this certification are in [Chapter 433](#) . The driver/operator-pumper curriculum is in [Chapter 7](#)  of the curriculum manual.

1201-2.1.9 Fire Officer I, II, III and IV

- Certifications are offered for Fire Officer I, II, III, and IV. The standards for these certifications are in [Chapter 451](#) . The fire officer curriculums are in [Chapter 9](#)  of the curriculum manual.

1201-2.1.10 Wildland Firefighter

- A certification is available for Wildland Firefighter. The standards for these certifications are in [Chapter 455](#). The wildland firefighter curriculum is in Chapter 11 of the curriculum manual.

1201-2.1.11 **Safety Officer**

- A certification is available for Safety Officer. The standards for this certification are in Chapter 457. The Safety Officer curriculum is in Chapter 10 of the curriculum manual.

1201-2.2 **Individual Renewals**

If you are currently employed by a regulated entity (e.g., a fire department or fire marshal's office) in Texas, your department is responsible for your renewal.

1201-2.3 **Basic Fire Suppression Certification**

To work in Texas as a paid fire fighter, personnel have to earn a Texas "basic structure fire suppression" certificate. To earn the certificate, you must:

1201-2.3.1 **Finish a basic fire fighter training program.**

Texas requires a lot of training for its paid fire fighters. The Texas basic curriculum includes 468 hours of training. The curriculum covers all of the [National Fire Protection Association's \(NFPA\) qualifications](#) for:

- Fire Fighter I
- Fire Fighter II
- Hazardous Materials-Awareness
- Hazardous Materials-Operations

1201-2.3.2 **Show that you can perform basic fire fighting skills.**

Personnel must attend a commission-certified training program, the program will include an official, formal evaluation of performance of these randomly selected skills. A commission-approved field examiner will conduct the evaluation.

1201-2.3.3 **Pass the state certification test.**

The basic fire suppression certification test is the written part of the state examination process. A score 70 percent or higher is required to pass the written exam.

1201-2.3.4 **Finish your emergency medical responder training.**

When personnel have passed the skills evaluation and written test, the next step toward getting a certification is to show that you have had emergency medical response training. The training must be equal to one of the following:

- Texas Department of State Health Service's (DSHS) emergency care attendant (ECA).

- American Red Cross Emergency Responder (with optional lessons and enrichment sections).
This is the minimum requirement for the state certification. Many departments require more medical training, such as an Emergency Medical Technician (EMT) or paramedic certification. That's up to each department. For the state certification, personnel just need to show that they have finished the training.
- Other options can be found in Rule [423.1](#).

1201-2.3.5 [Appling for your certification.](#)

To apply, complete the [Application for Certification Form, TCFP-002](#) . The application fee is \$85.

1201-2.3.6 [Get fingerprints and pass a criminal history background check.](#)

When personnel submit an application, they must also submit their fingerprints so the commission can do a criminal history background check. This must be done **even if they have already done this for another agency.**

1201-2.4 **Transferring to Texas**

- If personnel are coming to Texas from an IFSAC jurisdiction, please refer to the first part of this page, [Transferring to Texas from an IFSAC jurisdiction](#).
- If your current jurisdiction does not participate in IFSAC, please refer to [Transferring to Texas from a non-IFSAC jurisdiction](#).

1201-2.5 **A-List and B-List Courses**

- To earn intermediate, advanced and master certifications in fire protection, certificate holders must meet specific time and training requirements. Certain combinations of the A-List and B-List courses listed below can help fire protection personnel meet the training requirements. For information on specific requirements for higher levels of certification in each discipline, please refer to the appropriate sections of the [Standards Manual for Fire Protection Personnel](#).
- [A-List Courses](#)  [updated July 12, 2012].
- [B-List Courses](#)  [updated July 12, 2012].

1201-2.6 **Certification Verification**

To verify an individual's certification status, simply enter the individual's last name or the name of his or her department in the appropriate box on the commission web site.

1201-2.7 **Courage to be Safe Resources**

On Oct. 20, 2010 the Texas Commission on Fire Protection adopted the [National Fallen Firefighters Foundation 16 Firefighter Life Safety Initiatives – Everyone Goes Home program](#). This initiative is required for all certified fire protection personnel to complete this program by Dec. 1, 2015 (See [§435.25](#)).

1201-3.0 Training Approval and Testing Program

- The fire service standards and certification division's training approval and testing program approves certification courses and administers examinations for fire service personnel certification.
- The International Fire Service Accreditation Congress (IFSAC) has accredited the commission's fire fighter testing process as meeting the national standards for Fire Fighter I and Fire Fighter II as specified in the National Fire Protection Association's NFPA 1001, Standard for Fire Fighter Professional Qualifications, and hazardous materials awareness and operations levels as specified in NFPA 472. The commission's aircraft rescue fire fighter, fire inspector, fire investigator, hazardous materials technician, driver/operator-pumper, fire instructor and fire officer certification programs are also accredited by IFSAC.

1201-3.1 Regional Testing

- Written examinations are administered at various regional testing sites. The following examinations can be administered at the regional testing sites:
 - Basic Fire Inspector
 - Basic Fire/Arson Investigator
 - Basic Aircraft Rescue Fire Fighter
 - Basic Marine Fire Fighter
 - Hazardous Materials Technician
 - Driver/Operator-Pumper
 - Fire Officer I, II, III, and IV
 - Fire Instructor I, II, and III
 - Fire Fighter I and II
 - Hazardous Materials Awareness
 - Hazardous Materials Operations
 - Fire Inspector I and II
 - Plan Examiner I
 - Head of Department
 - Wildland Firefighter
 - Safety Officer

- The Basic Structure Fire Fighter examination can only be administered at academy testing sites, not at regional testing sites

1201-3.2 **Field Examiner Course**

Many certification exams include a skills evaluation conducted by a certified Field Examiner. Certified instructors may complete the on-line Field Examiner course found on the commission web site.

1201-3.3 **IFSAC**

IFSAC is the acronym for the International Fire Service Accreditation Congress, an organization that accredits international, national, or regional fire service certification programs, with emphasis on the certification testing process. IFSAC is a peer-driven organization that not only ensures compliance with IFSAC policy and procedures, but improves the quality of an entity's program. Specific information about the organization is available on the [IFSAC website](#).

1201-4.0 **Compliance Program Overview**

- The goal of the commission's compliance program is to ensure the safety of the state's fire protection personnel by inspecting fire departments and other regulated entities to see that they are in compliance with state laws and rules. The compliance inspectors also inspect training records to ensure that fire protection personnel are in compliance with the appropriate certification rules for their disciplines.
- Rules governing fire fighter safety, including protective clothing and self-contained breathing apparatus, are in [Chapter 435](#) of the Standards Manual. Rules governing the commission's compliance inspections are in [Chapter 445](#).
- The agency has compliance inspectors in Allen, Austin, San Antonio, Fort Worth, Houston, Lubbock and Lufkin. These inspectors travel to every regulated entity at least once every two years to check fire protection personnel certification status, training records, breathing air test records, protective clothing and self-contained breathing apparatus.

1201-4.1 **Complying with NFPA Standards**

- The commission has adopted the following National Fire Protection Association (NFPA) Standards listed below; regulated departments must comply with these standards.
 - [NFPA 1971, 2007 Edition](#). *Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting*.

- [NFPA 1851, 2008 Edition](#). *Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting.*
- [NFPA 1981, 2007 Edition](#). *Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services.*
- [NFPA 1852, 2008 Edition](#). *Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA).*
- [NFPA 1982, 2007 Edition](#). *Personal Alert Safety Systems (PASS).*
- [NFPA 1989, 2008 Edition](#). *Breathing Air Quality for Emergency Services Respiratory Protection.*
- [NFPA 1561, 2008 Edition](#). *Emergency Services Incident Management System.*

1201-4.2 **Compliance Guides**

The Texas Commission on Fire Protection makes available on-line guides to assist agencies in preparation for an inspection by commission compliance officers.

1201-4.2.1 **Compliance Inspection**

The Compliance Inspection Guide lists information that is to be readily available during a compliance inspection.

<http://www.tcfp.texas.gov/compliance/TCFP-066.pdf>

1201-4.2.2 **Certified Training facility Inspection Guide**

The Certified Training Facility Inspection Guide lists information that to be readily available for review during a training facility inspection.

<http://www.tcfp.texas.gov/compliance/TCFP-062.pdf>

1201-4.2.3 **Wellness-Fitness Rule**

- Compliance officers will ask to see a document that describes the procedure the department used for assessing the wellness and fitness needs of the personnel in the department.
- Compliance officer will ask to see a written Standard Operating Procedure to address wellness and fitness needs of the department based on local resources.

1201-5.0 **Injury Reporting**

Texas Government Code, [§419.048](#), which took effect Sept. 1, 2009, requires all fire protection entities in Texas to report injuries to the commission.

1201-5.1 **Kinds of Injuries to Report**

- A fire department should report all injuries.

- Fire departments must report minor injuries within 30 business days of the injury event. Minor injuries are injuries that do not result in the fire fighter missing more than one full duty period.
- Fire departments must report major injuries (serious/critical/fatal) within five (5) business days of the injury event. Major injuries (i.e., serious/critical/fatal) are those that require the fire fighter to miss more than one full duty period.

1201-5.2 Inquiries and Investigations

- An inquiry is a non-punitive gathering of additional information on the reported incident for statistical purposes.
- An investigation is a non-punitive compliance inspection directed primarily at determining the circumstances of the injury. In general, the commission's compliance officer will inspect the injured individual's PPE and other items related to fire fighter safety mandates.
- Investigable injuries are injuries that result from:
 - Failure or malfunction of self-contained breathing apparatus (SCBA).
 - Failure of personal protective equipment (PPE).
 - Failure to comply with commission-mandated department standard operating procedures (SOPs).

1201-5.3 Return to Work

For injury reporting purposes, the commission defines missed work as "lost time" when an individual misses more than one full duty period as a direct result of an injury. Lost time includes time during which the individual does not return to the duties to which the department assigned the individual prior to the injury.

1201-6.0 Library

The Texas Commission on Fire Protection administers the Ernest A. Emerson Fire Protection Resource Library to provide resources and assistance for fire protection research and to provide educational materials to fire departments and other entities.

1201-6.1 Library Mission

The Texas Commission on Fire Protection established the Ernest A. Emerson Fire Protection Resource Library as the preeminent statewide resource library for fire protection, fire prevention and education, research and educational materials for all fire service organization and professionals as well as private citizens and entities interested in improving the safety and life quality of all Texans from the hazards associated with fire, man-made and natural disasters.

1201-6.2 Resource Library-Services

- Audio Visual Training Library
- Research Services
- Print Collection

1201-7.0 Manuals**1201-7.1 Standards Manual for Fire Protection Personnel**

The Texas Commission on Fire Protection's *Standards Manual for Fire Protection Personnel* is a compilation of the state laws codified in Title 37, Part 13 of the Texas Administrative Code (TAC). When the commission proposes or adopts "rule changes," these are the laws that the commission is changing.

1201-7.1.1 [Chapter 401](#) Practice and Procedure**1201-7.1.2 [Chapter 403](#) Criminal Convictions and Eligibility for Certification****1201-7.1.3 [Chapter 405](#) Charges for Public Records****1201-7.1.4 [Chapter 407](#) Administration****1201-7.1.5 [Chapter 421](#) Standards for Certification****1201-7.1.6 [Chapter 423](#) Fire Suppression****1201-7.1.7 [Chapter 425](#) Fire Service Instructors****1201-7.1.8 [Chapter 427](#) Training Facility Certification****1201-7.1.9 [Chapter 429](#) Minimum Standards for Fire Inspectors****1201-7.1.10 [Chapter 431](#) Fire Investigation****1201-7.1.11 [Chapter 433](#) Minimum Standards for Driver/Operator-Pumper****1201-7.1.12 [Chapter 435](#) Fire Fighter Safety****1201-7.1.13 [Chapter 437](#) Fees****1201-7.1.14 [Chapter 439](#) Examinations for Certification**

- 1201-7.1.15 [Chapter 441](#) Continuing Education
- 1201-7.1.16 [Chapter 443](#) Certification Curriculum Manual
- 1201-7.1.17 [Chapter 445](#) Administrative Inspections and Penalties
- 1201-7.1.18 [Chapter 447](#) Part-Time Fire Protection Employee
- 1201-7.1.19 [Chapter 449](#) Head of a Fire Department
- 1201-7.1.20 [Chapter 451](#) Fire Officer
- 1201-7.1.21 [Chapter 453](#) Minimum Standards for Hazardous Materials Technician
- 1201-7.1.22 [Chapter 455](#) Minimum Standards for Wildland Fire Protection Certification
- 1201-7.1.23 [Chapter 457](#) Minimum Standards for Incident Safety Officer Certification
- 1201-7.1.24 [Chapter 491](#) Voluntary Regulation of State Agencies and State Agency Employees
- 1201-7.1.25 [Chapter 495](#) Regulation of Nongovernmental Departments
- 1201-8.0 **Certification Curriculum Manual**
 The Texas Commission on Fire Protection's curriculum program staff works with the [curriculum and testing committee](#) to update and distribute the *Certification Curriculum Manual*, which provides the curriculum for the training of structural fire suppression personnel, aircraft rescue fire protection personnel, and marine fire protection personnel, as well as fire inspectors, fire investigators, hazardous materials technicians, driver/operators-pumper, fire instructors and fire officers.
- 1201-8.1 Chapter 1, Basic Fire Suppression
- 1201-8.2 Chapter 2, Basic Aircraft Rescue Fire Suppression
- 1201-8.3 Chapter 3, Basic Marine Fire Suppression
- 1201-8.4 Chapter 4, Fire Inspector

- 1201-8.5** Chapter 5, Fire Investigator
- 1201-8.6** Chapter 6, Hazardous Materials
- 1201-8.7** Chapter 7, Driver/Operator-Pumper
- 1201-8.8** Chapter 8, Fire Instructor
- 1201-8.9** Chapter 9, Fire Officer
- 1201-8.10** Chapter 10, Fire Department Safety Officer
- 1201-8.11** Chapter 11, Wildland Fire Fighter
- 1201-9.0** **Texas Government Code Chapter 419**
GOVERNMENT CODE TITLE 4. EXECUTIVE BRANCH SUBTITLE
B. LAW ENFORCEMENT AND PUBLIC PROTECTION CHAPTER
419. TEXAS COMMISSION ON FIRE PROTECTION
- 1201-10.0** **FIDO**
FIDO is a tool which allows commission-regulated entities to create user accounts for their employees. Departments can create "departmental accounts" to allow their personnel to manage commission-required data. Departments can also create "individual accounts" for their employees to manage their own personal data.
- 1201-10.1** **FIDO for registered entities**
- File reports with TCFP.
 - Manage department data.
 - Manage department employee data.
 - Generate reports in real time.
- 1201-10.2** **FIDO for Individuals**
- Manage personal data.
 - Generate reports in real time, such as certification cards and test results.

Injury Report Form-Skill Number 1
Complete and Injury Report Form using the FIDO criteria

PERFORMANCE STANDARD**Section 1201-5.0****OBJECTIVE**

Complete an Injury Report using the FIDO criteria based on the scenario provided.

INSTRUCTIONS - procedures for achieving the objective

Using the information provided in the scenario, complete the injury report by writing in the responses on the skill sheet. Refer to FIDO screen shots on the attached pages when answering questions with drop down menu choices. Include the completed Injury Report Form in your Standards Review Assignment.

SCENARIO: Single family Dwelling Fire

At 15:27 on July 8, 2012, Engine 1, Engine 2, truck 1, Med 3 and Battalion 1 responded to a reported structure fire at 3331 Bluestem, Flat Rock, TX. Upon arrival firefighters found a two story wood frame, brick veneer structure with flames coming from the second story front window. With fire attack and search assignments underway, truck 1 was assigned vertical ventilation.

Full-time employee Truck 1 crew members FF Don Hall (Mage 34), FF Brenda Potts (F 27), and Capt. Earl Schneider (M52) successfully completed the ventilation assignment. While exiting the roof at approximately 25 minutes into the incident, Capt. Schneider slipped on a loose shingle. He immediately lost his balance and fell directly to the roof. The pitch of the roof was such that Capt. Schneider began sliding toward the edge. Capt. Schneider was not using the roof ladder in place according to department SOPs' at the time of the fall. When Capt. Schneider fell to the roof deck, his helmet became dislodged, but remained on his head as a result of a loose fitting chin strap fastened underneath his chin. Capt. Schneider was "on air" at the time. He slid off the edge of the roof and fell to the ground from the second story roof level – approximately 20'. He landed on his left shoulder and was in severe pain. Paramedics from Med 3 rushed to his aid, removed him from immediate danger of continued firefighting efforts, and began to remove his protective clothing to better examine his injury. Medics treated Capt. Schneider for his shoulder injury and transported him to the hospital where he was diagnosed and treated for a fractured clavicle. The doctor did not allow Capt. Schneider to return to work for at least 3 weeks after the incident. At time, he was assigned to light duty for 6 weeks teaching in-service classes on the importance of utilizing a roof ladder when working on a roof.

PREPARATION & EQUIPMENT

Policies and procedures document(s)

Selected scenario

FIDO drop down menu screen shots

Employment Status of Injured Firefighter Drop Down Menu

Individual Department Management - Internet Explorer, optimized for Bing and MSN

https://fido.tcfp.texas.gov/FIDO/DeptMgmt/Injuries/injury_add.asp

File Edit View Favorites Tools Help

Individual Department Management

Record and is subject to release to the general public.

Required field

Date of Injury - MM/DD/YYYY type the numbers, form will automatically format

Time of Injury Use military time (24 hour clock) Hour: Min: Select nearest time

Gender of Injured FireFighter Please Select

Age of Injured FireFighter Please Select

Employment Status of Injured FireFighter Please Select

Give a BRIEF general description of the incident.

Do not cut & paste or use HTML. Write in normal sentences. Just tell what happened in a short sentences). Just tell what happened in a short

Editing note: If you need to edit the text you entered, click into your arrow keys to position your cursor. You can delete

Full Time
Part Time
Volunteer
Student
Trainee

Done Internet 100%

start Individual Departmen...

10:32 AM

Type of Injury Drop Down Menu 1 of 5

The screenshot shows a web browser window with the following elements:

- Browser Title:** Individual Department Management - Internet Explorer, optimized for Bing
- Address Bar:** https://fido.tcfp.texas.gov/FIDO/DeptMgmt/Injuries/injury_add.asp
- Form Fields:**
 - Address where injury occurred:
 - City where injury occurred:
 - State where injury occurred:
 - Was the injured firefighter treated at the scene?:
 - Was the injured firefighter transported to the hospital?:
 - Type of injury?: (Selected dropdown)
 - Activity at time of injury?:
 - Was the firefighter wearing PPE?:
 - Was suspected failure/malfunction of PPE (not SCBA) a contributing factor to the injury?:
 - Was suspected failure/malfunction of SCBA a contributing factor to the injury?:
- Dropdown Menu (Type of injury?):**
 - Please Select
 - Bites-Stings-Minor -Arm-Wrist-Shoulder
 - Bites-Stings-Minor -Body
 - Bites-Stings-Minor -Head
 - Bites-Stings-Minor -Legs-Knee-Ankle
 - Bites-Stings-Serious -Arm-Wrist-Shoulder
 - Bites-Stings-Serious -Body
 - Bites-Stings-Serious -Head
 - Bites-Stings-Serious -Legs-Knee-Ankle
 - Bites-Stings-Critical -Arm-Wrist-Shoulder
 - Bites-Stings-Critical -Body
 - Bites-Stings-Critical -Head
 - Bites-Stings-Critical -Legs-Knee-Ankle
 - Bites-Stings-Fatal -Arm-Wrist-Shoulder
 - Bites-Stings-Fatal -Body
 - Bites-Stings-Fatal -Head
 - Bites-Stings-Fatal -Legs-Knee-Ankle
 - Broken Bones-Minor -Non-spinal
 - Broken Bones-Serious -Non-spinal
 - Broken Bones-Critical -Non-spinal
 - Broken Bones-Fatal -Non-spinal
 - Broken Spine-Neck-Critical -Spinal
 - Broken Spine-Neck-Fatal -Spinal
 - Burns-Minor -Epidural
 - Burns-Serious -Epidural
 - Burns-Critical -Epidural
 - Burns-Fatal -Epidural
 - Chest Pains-Cardiac-Minor -Chest
 - Chest Pains-Cardiac-Serious -Chest
 - Chest Pains-Cardiac-Critical -Chest
- Form Text:**
 - (Maximum) You have 150 characters.
 - Editing note: If you need to edit the text you entered, click into the text box and delete.
 - NOTE: If you cannot determine the type of injury in the drop-down list above, please contact us before entering this injury report. Contact us at 512-936-3831, 512-936-3832 OR Compliance_Supervisors@tcfp.state.tx.us

Type of Injury Drop Down Menu 2 of 5

Individual Department Management - Internet Explorer, optimized for Bing an

https://fido.tcfp.texas.gov/FIDO/DeptMgmt/Injuries/Injury_add.asp

File Edit View Favorites Tools Help

Individual Department Management

(Maximum) You have 150 characters left.
 Editing note: If you need to edit the text you entered, click into the text box and delete.

Type of injury?:
 MINOR Injuries are those where the injured did not miss more than 1 full duty period (Missed Work).
 NOTE: If you cannot determine the type of injury in the drop-down list above, please contact us before entering this injury report. Contact us at 512-936-3831, 512-936-3832 OR Compliance_Supervisors@tcfp.state.tx.us

Address where injury occurred:

City where injury occurred:

State where injury occurred:

Was the injured firefighter treated at the scene?:

Was the injured firefighter transported to the hospital?:

Activity at time of injury?:

Was the firefighter wearing PPE?:

Was suspected failure/malfunction of PPE (not SCBA) a contributing factor to the injury?:

Was suspected failure/malfunction of SCBA a contributing factor to the injury?:

Internet 100%

start 2 Internet Explorer Search Results Novell GroupWise - M... Head of Department ... 11:29 AM

Type of Injury Drop Down Menu 3 of 5

Individual Department Management - Internet Explorer, optimized for Bing an

https://fido.tcfp.texas.gov/FIDO/DeptMgmt/Injuries/injury_add.asp

File Edit View Favorites Tools Help

Individual Department Management

(Maximum
You have 150

Editing note: If you need to edit the text you entered, click into
delete.

Address where injury occurred:

City where injury occurred:

State where injury occurred:

Was the injured firefighter treated at the scene?:

Was the injured firefighter transported to the hospital?:

Type of injury?:

MINOR Injuries are those where the injured did not miss more than 1 full duty period (Missed Work).

Activity at time of injury?: Please Select

Was the firefighter wearing PPE?: Please Select

Was suspected failure/malfunction of PPE (not SCBA) a contributing factor to the injury?: Please Select

Was suspected failure/malfunction of SCBA a contributing factor to the injury?: Please Select

Exposure-Chemical-Minor -Eyes
Exposure-Chemical-Minor -Head
Exposure-Chemical-Minor -Legs-Knee-Ankle
Exposure-Chemical-Minor -Multiple/Other
Exposure-Chemical-Serious -Abdominal
Exposure-Chemical-Serious -Arm-Wrist-Shoulder
Exposure-Chemical-Serious -Body
Exposure-Chemical-Serious -Chest
Exposure-Chemical-Serious -Eyes
Exposure-Chemical-Serious -Head
Exposure-Chemical-Serious -Legs-Knee-Ankle
Exposure-Chemical-Serious -Multiple/Other
Exposure-Chemical-Critical -Abdominal
Exposure-Chemical-Critical -Arm-Wrist-Shoulder
Exposure-Chemical-Critical -Body
Exposure-Chemical-Critical -Chest
Exposure-Chemical-Critical -Eyes
Exposure-Chemical-Critical -Head
Exposure-Chemical-Critical -Legs-Knee-Ankle
Exposure-Chemical-Critical -Multiple/Other
Exposure-Chemical-Fatal -Abdominal
Exposure-Chemical-Fatal -Arm-Wrist-Shoulder
Exposure-Chemical-Fatal -Body
Exposure-Chemical-Fatal -Chest
Exposure-Chemical-Fatal -Eyes
Exposure-Chemical-Fatal -Head
Exposure-Chemical-Fatal -Legs-Knee-Ankle
Exposure-Chemical-Fatal -Multiple/Other
Exposure-Chemical-CO-Minor -Multiple/Other
Exposure-Chemical-CO-Serious -Multiple/Other

NOTE: If you cannot determine the type of injury in the drop-down list above, please contact us before entering this injury report. Contact us at 512-936-3831, 512-936-3832 OR Compliance_Supervisors@tcfp.state.tx.us

Internet 100%

start Internet Explorer Search Results Novell GroupWise - M... Head of Department ... 11:29 AM

Type of Injury Drop Down Menu 4 of 5

Individual Department Management - Internet Explorer, optimized for Bing an

https://fido.tcfp.texas.gov/FIDO/DeptMgmt/Injuries/Injury_add.asp

File Edit View Favorites Tools Help

Individual Department Management

(Maximum You have 150

Editing note: If you need to edit the text you entered, click into delete.

Address where injury occurred:

City where injury occurred:

State where injury occurred:

Was the injured firefighter treated at the scene?:

Was the injured firefighter transported to the hospital?:

Type of injury?: Please Select

MINOR injuries are those where the injured did not miss more than 1 full duty period (Missed Work).

Activity at time of injury?: Please Select

Was the firefighter wearing PPE?: Please Select

Was suspected failure/malfunction of PPE (not SCBA) a contributing factor to the injury?: Please Select

Was suspected failure/malfunction of SCBA a contributing factor to the injury?: Please Select

Drop Down Menu List:

- Exposure-Chemical-CO-Serious -Multiple/Other
- Exposure-Chemical-CO-Critical -Multiple/Other
- Exposure-Chemical-CO-Fatal -Multiple/Other
- Exposure-Undetermined-Minor -Multiple/Other
- Exposure-Undetermined-Serious -Multiple/Other
- Exposure-Undetermined-Critical -Multiple/Other
- Exposure-Undetermined-Fatal -Multiple/Other
- Hearing Loss - Acute-Minor -Head
- Hearing Loss - Chronic-Minor -Head
- Heart Attack-Critical -Heart
- Heart Attack-Fatal -Heart
- Pain Medical Unspecified-Minor -Body
- Pain Medical Unspecified-Serious -Body
- Pain Medical Unspecified-Critical -Body
- Smoke Inhalation-Critical -Chest
- Smoke Inhalation-Fatal -Chest
- Smoke-Gas Inhalation-Minor -Lungs
- Smoke-Gas Inhalation-Serious -Lungs
- Smoke-Gas Inhalation-Critical -Lungs
- Smoke-Gas Inhalation-Fatal -Lungs
- Strain-Sprain-Minor -Abdominal
- Strain-Sprain-Minor -Arm-Wrist-Shoulder
- Strain-Sprain-Minor -Back-Neck
- Strain-Sprain-Minor -Legs-Knee-Ankle
- Strain-Sprain-Minor -Multiple/Other
- Strain-Sprain-Serious -Abdominal
- Strain-Sprain-Serious -Arm-Wrist-Shoulder
- Strain-Sprain-Serious -Back-Neck
- Strain-Sprain-Serious -Legs-Knee-Ankle
- Strain-Sprain-Serious -Multiple/Other

NOTE: If you cannot determine the type of injury in the drop-down list above, please contact us before entering this injury report. Contact us at 512-936-3831, 512-936-3832 OR Compliance_Supervisors@tcfp.state.tx.us

Internet 100%

start 2 Internet Explorer Search Results Novell GroupWise - M... Head of Department ... 11:30 AM

Type of Injury Drop Down Menu 5 of 5

The screenshot displays a web application for reporting injuries. The main form contains the following fields:

- Address where injury occurred:** (Text input)
- City where injury occurred:** (Text input)
- State where injury occurred:** (Text input)
- Was the injured firefighter treated at the scene?:** (Yes/No selection)
- Was the injured firefighter transported to the hospital?:** (Yes/No selection)
- Type of injury?:** (Dropdown menu with a list of injury types)
 - Strain-Sprain-Serious -Abdominal
 - Strain-Sprain-Serious -Arm-Wrist-Shoulder
 - Strain-Sprain-Serious -Back-Neck
 - Strain-Sprain-Serious -Legs-Knee-Ankle
 - Strain-Sprain-Serious -Multiple/Other
 - Strain-Sprain-Critical -Abdominal
 - Strain-Sprain-Critical -Back-Neck
 - Strain-Sprain-Fatal -Abdominal
 - Stroke-Critical -Cardio-vascular
 - Stroke-Fatal -Cardio-vascular
 - Wound-Minor -Abdominal
 - Wound-Minor -Body
 - Wound-Minor -Chest
 - Wound-Minor -Extremities
 - Wound-Minor -Head
 - Wound-Serious -Abdominal
 - Wound-Serious -Body
 - Wound-Serious -Chest
 - Wound-Serious -Extremities
 - Wound-Serious -Head
 - Wound-Critical -Abdominal
 - Wound-Critical -Body
 - Wound-Critical -Chest
 - Wound-Critical -Extremities
 - Wound-Critical -Head
 - Wound-Fatal -Abdominal
 - Wound-Fatal -Body
 - Wound-Fatal -Chest
 - Wound-Fatal -Extremities
 - Wound-Fatal -Head
 - Strain-Sprain-Critical -Abdominal
- Activity at time of injury?:** (Please Select dropdown)
- Was the firefighter wearing PPE?:** (Please Select dropdown)
- Was suspected failure/malfunction of PPE (not SCBA) a contributing factor to the injury?:** (Please Select dropdown)
- Was suspected failure/malfunction of SCBA a contributing factor to the injury?:** (Please Select dropdown)

Editing note: If you need to edit the text you entered, click into the text box and delete.

NOTE: If you cannot determine the type of injury in the drop-down list above, please contact us before entering this injury report. Contact us at 512-936-3831, 512-936-3832 OR Compliance_Supervisors@tcfp.state.tx.us

Head of a Fire Department-Skill Number 2
Commission Members and Staff

PERFORMANCE STANDARD

Section 1201-1.4

OBJECTIVE

Identify each of the members of the Texas Commission on Fire Protection and agency administrative staff members.

INSTRUCTIONS - procedures for achieving the objective

Using the form provided, identify each of the 13 members of the Texas Commission on Fire Protection as listed on the TCFP "Contact Us" web site link <http://www.tcfp.texas.gov/home/contacts.asp> . Additionally, identify the staff members in the following positions: Executive Director, Fire Service Standards Director, Compliance Manager, Educational and Professional Development Manager, and the Compliance Officer for the regional office located nearest your department.

PREPARATION & EQUIPMENT

Computer with Web Access to TCFP web site

Candidate: _____

Notes: _____

Examiner: _____

		<u>TEST</u>		<u>RETEST</u>	
		PASS	FAIL	PASS	FAIL
Identifying Commission Members and Staff					
Identify each of the members of the Texas Commission on Fire Protection and agency administrative staff members.					
The candidate identified the following:	<i>Enter Candidate Response in this Column</i>	S	U	S	U
a) Presiding Officer for TCFP					
b) Commissioner					
c) Commissioner					
d) Commissioner					
e) Commissioner					
f) Commissioner					
g) Commissioner					
h) Commissioner					
i) Commissioner					
j) Commissioner					
k) Commissioner					
l) Commissioner					
m) Commissioner					
n) TCFP Executive Director					
o) Fire Service Standards Director					

p) Compliance Manager					
q) Educational and Professional Development Manager					
r) Compliance Officer at nearest regional office					

Examiner/Candidate Comments:

All steps of the skill objective are mandatory and must be scored as “Satisfactory” to pass the skill.

Certifying Examiner

Date

Re-Test Certifying Examiner

Date

Overall Skill Sheet Score
Pass <input type="checkbox"/> Fail <input type="checkbox"/>
Overall Skill Sheet Re-Test Score
Pass <input type="checkbox"/> Fail <input type="checkbox"/>

Head of a Fire Department -Skill Number 4
Arson Investigator Level Certification Requirements

PERFORMANCE STANDARD

Section 1201-2.1.3

OBJECTIVE

Identify requirements for Arson Investigation Personnel as outlined in Chapter TAC 431.

INSTRUCTIONS - procedures for achieving the objective

Using the TCFP web site as a reference, complete the information in the space provided below by identifying the requirements for Arson Investigation Personnel.

PREPARATION & EQUIPMENT

Computer and web access to the TCFP web site

Candidate: _____

Notes: _____

Examiner: _____

		<u>TEST</u>		<u>RETEST</u>	
Arson Investigation Personnel Requirements		PASS	FAIL	PASS	FAIL
Identify requirements for Arson Investigation Personnel as outlined in Chapter TAC 435.					
The candidate identified:	<i>Enter Candidate Response in this Column</i>	S	U	S	U
a) Certification time frame from the date of initial appointment as Arson Investigation personnel					
b) Training program requirement					

c) Additional state license requirement for certification					
---	--	--	--	--	--

Examiner/Candidate Comments:

All steps of the skill objective are mandatory and must be scored as “Satisfactory” to pass the skill.

_____ Certifying Examiner	_____ Date	<table border="1"> <tr> <td colspan="2">Overall Skill Sheet Score</td> </tr> <tr> <td>Pass <input type="checkbox"/></td> <td>Fail <input type="checkbox"/></td> </tr> <tr> <td colspan="2">Overall Skill Sheet Re-Test Score</td> </tr> <tr> <td>Pass <input type="checkbox"/></td> <td>Fail <input type="checkbox"/></td> </tr> </table>	Overall Skill Sheet Score		Pass <input type="checkbox"/>	Fail <input type="checkbox"/>	Overall Skill Sheet Re-Test Score		Pass <input type="checkbox"/>	Fail <input type="checkbox"/>
Overall Skill Sheet Score										
Pass <input type="checkbox"/>	Fail <input type="checkbox"/>									
Overall Skill Sheet Re-Test Score										
Pass <input type="checkbox"/>	Fail <input type="checkbox"/>									
_____ Re-Test Certifying Examiner	_____ Date									

Head of a Fire Department -Skill Number 3
Master Level Certification Requirements

PERFORMANCE STANDARD

Section 1201-____

OBJECTIVE

Identify requirements for Master Structure Fire Protection Personnel as outlined in Chapter TAC 435.

INSTRUCTIONS - procedures for achieving the objective

Using the TCFP web site as a reference, complete the information in the space provided below by identifying the requirements for Master Structural Fire Protection Personnel.

PREPARATION & EQUIPMENT

Computer and web access to the TCFP web site

Candidate: _____

Notes: _____

Examiner: _____

		<u>TEST</u>		<u>RETEST</u>	
Master Structural Fire Protection Personnel Requirements		PASS	FAIL	PASS	FAIL
Identify requirements for Master Structure Fire Protection Personnel as outlined in Chapter TAC 435.					
The candidate identified:	<i>Enter Candidate Response in this Column</i>	S	U	S	U
a) Prerequisite level of certification					

b) Number of years of fire protection experience					
c) Number of college semester hours					
d) Number of college semester hours in fire science subjects					
e) Acceptable degree in lieu of college semester hours					

Examiner/Candidate Comments:

All steps of the skill objective are mandatory and must be scored as “Satisfactory” to pass the skill.

Certifying Examiner

Date

Re-Test Certifying Examiner

Date

Overall Skill Sheet Score

Pass Fail

Overall Skill Sheet Re-Test Score

Pass Fail

10. Discussion and possible action pursuant to Section 2001.039, Texas Government Code with respect to the final adoption of rule review and consideration of re-adoption or repeal of the rules contained in the following Chapters of Title 37 Texas Administrative Code:
- A. 37 TAC, Chapter 401-Practice and Procedure
 - B. 37 TAC, Chapter 403-Criminal Convictions and Eligibility for Certification
 - C. 37 TAC, Chapter 405-Charges for Public Records
 - D. 37 TAC, Chapter 407-Administration
 - E. 37 TAC, Chapter 431-Fire Investigation
 - F. 37 TAC, Chapter 433-Minimum Standards for Driver/Operator-Pumper
 - G. 37 TAC, Chapter 435-Fire Fighter Safety
 - H. 37 TAC, Chapter 437-Fees
 - I. 37 TAC, Chapter 443-Certification Curriculum Manual
 - J. 37 TAC, Chapter 445-Administrative Inspections and Penalties
 - K. 37 TAC, Chapter 447-Part-Time Fire Protection Employee
 - L. 37 TAC, Chapter 449-Head of a Fire Department

<p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 401, concerning Practice and Procedure.

<p>The review and re-adoption have been conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6097). The Texas Commission on Fire Protection subsequently proposed changes to Chapter 401 in the proposed rules section of the August 17, 2012 issue of the <eti>Texas Register<et> (37 TexReg 6245) for an additional 30-day public comment period. The commission received no comments on the proposed amendments. The commission has determined that the reasons for adopting these rules continue to exist.

<p>This concludes and completes the review of Chapter 401.

- <p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 403, concerning Criminal Convictions and Eligibility for Certification.
- <p>The review and re-adoption have been conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6098). The Texas Commission on Fire Protection subsequently proposed changes to Chapter 403 in the proposed rules section of the August 17, 2012 issue of the <eti>Texas Register<et> (37 TexReg 6251) for an additional 30-day public comment period. The commission received no comments on the proposed amendments. The commission has determined that the reasons for adopting these rules continue to exist.
- <p>This concludes and completes the review of Chapter 403.

<p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 405, concerning Charges for Public Records.

<p>The review was conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6098). The Texas Commission on Fire Protection subsequently proposed the repeal of Chapter 405 in the proposed rules section of the August 17, 2012 issue of the <eti>Texas Register<et> (37 TexReg 6254) for an additional 30-day public comment period. The commission received no comments on the proposed repeal of Chapter 405.

<p>This concludes and completes the review of Chapter 405.

<p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 407, concerning Administration.

<p>The review was conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6098). The Texas Commission on Fire Protection subsequently proposed the repeal of Chapter 407 in the proposed rules section of the August 17, 2012 issue of the <eti>Texas Register<et> (37 TexReg 6254) for an additional 30-day public comment period. The commission received no comments on the proposed repeal of Chapter 407.

<p>This concludes and completes the review of Chapter 407.

<p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 431, concerning Fire Investigation.

<p>The review was conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6098). The Texas Commission on Fire Protection has determined that the reasons for adopting these rules continue to exist.

<p>This concludes and completes the review of Chapter 431.

- <p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 433, concerning Minimum Standards For Driver/Operator – Pumper.
- <p>The review was conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6099). The Texas Commission on Fire Protection has determined that the reasons for adopting these rules continue to exist.
- <p>This concludes and completes the review of Chapter 433.

<p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 435, concerning Fire Fighter Safety.

<p>The review was conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6099). The Texas Commission on Fire Protection has determined that the reasons for adopting these rules continue to exist.

<p>This concludes and completes the review of Chapter 435.

<p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 437, concerning Fees.

<p>The review was conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6099). The Texas Commission on Fire Protection has determined that the reasons for adopting these rules continue to exist.

<p>This concludes and completes the review of Chapter 437.

<p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 443, concerning Certification Curriculum Manual.

<p>The review was conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6100). The Texas Commission on Fire Protection has determined that the reasons for adopting these rules continue to exist.

<p>This concludes and completes the review of Chapter 443.

- <p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 445, concerning Administrative Inspections and Penalties.
- <p>The review was conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6100). The Texas Commission on Fire Protection has determined that the reasons for adopting these rules continue to exist.
- <p>This concludes and completes the review of Chapter 445.

<p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 447, concerning Part-Time Fire Protection Employee.

<p>The review was conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6100). The Texas Commission on Fire Protection has determined that the reasons for adopting these rules continue to exist.

<p>This concludes and completes the review of Chapter 447.

- <p>The Texas Commission on Fire Protection (commission) files notice of the completion of review of Texas Administrative Code, Title 37, Part 13, Chapter 449, concerning Head of a Fire Department.
- <p>The review was conducted in accordance with Texas Government Code, <*>2001.039. The commission reviewed and received no comments on the proposed review, which was published in the August 10, 2012, issue of the <eti>Texas Register<et> (37 TexReg 6100). The Texas Commission on Fire Protection has determined that the reasons for adopting these rules continue to exist.
- <p>This concludes and completes the review of Chapter 449.

11. Discussion and possible action pursuant to Section 2001.039, Texas Government Code with respect to the proposed rule review and consideration of re-adoption or repeal of the rules contained in the following Chapters of Title 37 Texas Administrative Code:

- A. 37 TAC, Chapter 421, Standards for Certification**
- B. 37 TAC, Chapter 423, Fire Suppression**
- C. 37 TAC, Chapter 425, Fire Service Instructors**
- D. 37 TAC, Chapter 427, Training Facility Certification**
- E. 37 TAC, Chapter 429, Minimum Standards For Fire Inspectors**
- F. 37 TAC, Chapter 439, Examinations For Certification**
- G. 37 TAC, Chapter 441, Continuing Education**
- H. 37 TAC, Chapter 451, Fire Officer**
- I. 37 TAC, Chapter 453, Minimum Standards For Hazardous Materials Technician**
- J. 37 TAC, Chapter 491, Voluntary Regulation of State Agencies and State Agency Employees**
- K. 37 TAC, Chapter 493, Voluntary Regulation of Federal Agencies and Federal Fire Fighters**
- L. 37 TAC, Chapter 495, Regulation of Nongovernmental Departments**

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 421, concerning Standards For Certification. Chapter 421 consists of <*>421.1, Procedures for Meetings, <*>421.3, Minimum Standards Set by the Commission, <*>421.5, Definitions, <*>421.9, Designation of Fire Protection Duties, <*>421.11, Requirement To Be Certified Within One Year, <*>421.13, Individual Certificate Holders, <*>421.15, Extension of Training Period, and <*>421.17, Requirement to Maintain Certification.

<p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 423, concerning Fire Suppression. Chapter 423 consists of Subchapter A, Minimum Standards For Structure Fire Protection Personnel Certification, <*>423.1, Minimum Standards for Structure Fire Protection Personnel, <*>423.3, Minimum Standards for Basic Structure Fire Protection Personnel Certification, <*>423.5, Minimum Standards for Intermediate Structure Fire Protection Personnel Certification, <*>423.7, Minimum Standards for Advanced Structure Fire Protection Personnel Certification, <*>423.9, Minimum Standards for Master Structure Fire Protection Personnel Certification, <*>423.11, Higher Levels of Certification, <*>423.13, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, Minimum Standards For Aircraft Rescue Fire Fighting Personnel, <*>423.201, Minimum Standards for Aircraft Rescue Fire Fighting Personnel, <*>423.203, Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel Certification, <*>423.205, Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel Certification, <*>423.207, Minimum Standards for Advanced Aircraft Rescue Fire Fighting Personnel Certification, <*>423.209, Minimum Standards for Master Aircraft Rescue Fire Fighting Personnel Certification, <*>423.211, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter C, Minimum Standards For Marine Fire Protection Personnel, <*>423.301, Minimum Standards for Marine Fire Protection Personnel, <*>423.303, Minimum Standards for Basic Marine Fire Protection Personnel Certification, <*>423.305, Minimum Standards for Intermediate Marine Fire Protection Personnel Certification, <*>423.307, Minimum Standards for Advanced Marine Fire Protection Personnel Certification, and <*>423.309, Minimum Standards for Master Marine Fire Protection Personnel Certification.

<p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

- <p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 425, concerning Fire Service Instructors. Chapter 425 consists of <*>425.1, Minimum Standards for Fire Service Instructor Certification, <*>425.3, Minimum Standards for Fire Service Instructor I Certification, <*>425.5, Minimum Standards for Fire Service Instructor II Certification, <*>425.7, Minimum Standards for Fire Service Instructor III Certification, <*>425.9, Minimum Standards for Master Fire Service Instructor III Certification, and <*>425.11, International Fire Service Accreditation Congress Seal.
- <p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.
- <p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 427, concerning Training Facility Certification. Chapter 427 consists of Subchapter A, On-Site Certified Training Provider, <*>427.1, Minimum Standards For Certified Training Facilities for Fire Protection Personnel, <*>427.3, Facilities, <*>427.5, Apparatus, <*>427.7, Protective Clothing, <*>427.9, Equipment, <*>427.11, Reference Material, <*>427.13, Records, <*>427.18, Live Fire Training Evolutions, <*>427.19, General Information, Subchapter B, Distance Training Provider, <*>427.201, Minimum Standards for Distance Training Provider, <*>427.203, Records, <*>427.209, General Information, Subchapter C, Training Programs For On-Site And Distance Training Providers, <*>427.301, General Provisions for Training Programs--and-Site and Distance Training Providers, <*>427.303, Training Approval Process for On-Site and Distance Training Providers, <*>427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers, <*>427.307, On-Site and Distance Training Provider Staff Requirements, Subchapter D, Certified Training Facilities, <*>427.401, General Provisions for Training Facilities Not Owned by the State of Texas or Operated by a Political Subdivision of the State of Texas, <*>427.403, Financial Standards, <*>427.405, Policy Regarding Complaints, <*>427.407, School Responsibilities Regarding Instructors, <*>427.409, Advertising, <*>427.411, Cancellations or Suspensions, and <*>427.413, Liabilities.

<p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 429, concerning Minimum Standards For Fire Inspectors. Chapter 429, consists of Subchapter B, Minimum Standards For Fire Inspector Certification, <*>429.201, Minimum Standards for Fire Inspector Personnel, <*>429.203, Minimum Standards for Basic Fire Inspector Certification, <*>429.205, Minimum Standards for Intermediate Fire Inspector Certification, <*>429.207, Minimum Standards for Advanced Fire Inspector Certification, <*>429.209, Minimum Standards for Master Fire Inspector Certification, and <*>429.211, International Fire Service Accreditation Congress (IFSAC) Seal.

<p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 439, concerning Examinations For Certification. Chapter 439 consists of Subchapter A, Examinations For On-Site Delivery Training, <*>439.1, Requirements--General, <*>439.3, Definitions, <*>439.5, Procedures, <*>439.7, Eligibility, <*>439.9, Grading, <*>439.11, Commission-Designated Performance Skill Evaluations, <*>439.13, Special Accommodations for Testing, <*>439.19, Number of Test Questions, Subchapter B, Examinations For Distance Training, <*>439.201, Requirements--General, <*>439.203, Procedures, and <*>439.205, Performance Skill Evaluations.

<p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

- <p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 441, concerning Continuing Education. Chapter 441 consists of <*>441.1, Objective, <*>441.3, Definitions, <*>441.5, Requirements, <*>441.7, Continuing Education for Structure Fire Protection Personnel, <*>441.9, Continuing Education for Aircraft Rescue Fire Fighting Personnel, <*>441.11, Continuing Education for Marine Fire Protection Personnel, <*>441.13, Continuing Education for Fire Inspection Personnel, <*>441.15, Continuing Education for Arson Investigator or Fire Investigator, <*>441.17, Continuing Education for Hazardous Materials Technician, <*>441.19, Continuing Education for Head of a Fire Department, and <*>441.21, Continuing Education for Fire Service Instructor.
- <p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.
- <p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 451, concerning Fire Officer. Chapter 451 consists of Subchapter A, Minimum Standards For Fire Officer I, <*>451.1, Fire Officer I Certification, <*>451.3, Minimum Standards for Fire Officer I Certification, <*>451.5, Examination Requirements, <*>451.7, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, Minimum Standards For Fire Officer II, <*>451.201, Fire Officer II Certification, <*>451.203, Minimum Standards for Fire Officer II Certification, <*>451.205, Examination Requirements, and <*>451.207, International Fire Service Accreditation Congress (IFSAC) Seal.

<p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 453, concerning Minimum Standards For Hazardous Materials Technician. Chapter 453 consists of <*>453.1, Hazardous Materials Technician Certification, <*>453.3, Minimum Standards for Hazardous Materials Technician Certification, <*>453.5, Examination Requirements, and <*>453.7, International Fire Service Accreditation Congress (IFSAC) Seal.

<p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 491, concerning Voluntary Regulation of State Agencies and State Agency Employees. Chapter 491 consists of <*>491.1, Election of Components for Voluntary Regulation, <*>491.3, Documentation, and <*>491.5, Notification.

<p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 493, concerning Voluntary Regulation of Federal Agencies and Federal Fire Fighters. Chapter 493 consists of <*>493.1, Election of Components for Voluntary Regulation, <*>493.3, Documentation, and <*>493.5, Notification.

<p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 495, concerning Regulation of Nongovernmental Departments. Chapter 495 consists of Subchapter A, Voluntary Regulation of Nongovernmental Departments, <*>495.1, Application Procedures, <*>495.3, Notification, and <*>495.5, Nongovernmental Fire Protection Employees, Subchapter B, Regulation of Nongovernmental Organizations and Personnel, <*>495.201, Nongovernmental Organizations, <*>495.203, Nongovernmental Organization Employees, <*>495.205, Nongovernmental Personnel, and <*>495.207, Regulation and Certification.

<p>This review will be conducted pursuant to Texas Government Code <*>2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers this rule, believes that the reason for adopting the rules contained in this Chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at info@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

12. Discussion and possible approval of the addition of classes or courses to the A List and B List for higher levels of certification.

13. Discussion and possible action on offering International Fire Service Accreditation Congress certification training for IFSAC seals outside agency jurisdiction.

14. Discussion and possible action on appointment of new member to the Fire Fighter Advisory Committee.

15. Discussion and possible action on matters from the Executive Director.

- A. Report on decisions of the Executive Director in contested cases and consent orders.**

**Texas Commission on Fire Protection
Results of Informal Conferences
2012**

RESULTS	NAME	DATE	ADMINISTRATIVE VIOLATION	SUMMARY
TCFP-ACO-12-001	Emergency Management Training & Services	1/9/2012	Respondent was cited for the following violations: failure to provide indicated amount of training hours; failure to provide qualified instructors; and failure to provide notification of course deviation to TCFP. <i>[Violation of Texas Government Code, 419.028 and Commission Rules §427.1(g), §427.307(b) and §427.303(d)].</i>	\$900 administrative penalty probated for two years. Respondent has agreed to develop a program for evaluating instructors and provide a plan for ensuring any course deviations are reported to TCFP as required.
TCFP-ACO-12-002	City of Whitney	8/21/2012	Respondent was cited for the following violations: failure to certify paid firefighter; appointment of an ineligible fire chief; failure to retain a certified paid fire chief; failure to certify fire inspectors; failure to file a correction plan for standard operating procedures (SOPs).	\$703,000.00 administrative penalty reduced to \$1,500.00 for only one type of each violation and probated for two years. Respondent has agreed to remain a regulated entity for the term of agreed consent order. Respondent agrees all pending violations will be brought into full compliance or will file an acceptable corrective action plan within 30 days of the execution of agreed consent order. Respondent also agrees it will not violate any provision of Chapter 419 or the Texas Administrative Code, Title 37, Part 13 which the agreed consent order is based during terms of agreement.

15. Discussion and possible action on matters from the Executive Director.

B. Status of division functions.

Update Report: July 2012 to October 2012

Executive Offices

The following is a summary of activities for the Executive Offices of the Texas Commission on Fire Protection. The Executive Offices summary includes the activities involving Executive Director Don Wilson and Standards Division Director Mike Baker. Staff for these offices also includes Ms. Deborah Cowan, Ms. Mary Hunt (Finance), Mr. Mark Roughton (PIO and IT Supervisor) and Ms. Alma Craig (Human Resources).

For the reporting period of July 2012 to October 2012, the following activities occurred:

- ❖ The Executive Offices in conjunction with the staff from the Education and Professional Development Section conducted educational and information programs to various organizations throughout the State. These organizations included:
 - The Texas Fire Chiefs – regional meeting held in Pflugerville (Center Texas) and in Midland (West Texas). An update on the new FIDO as well as other TCFP news was provided. Executive Director also presented an update to the Tri-County Fire Chiefs in Coppell. This meeting consisted of chief officers from the counties of Dallas, Denton, and Tarrant counties with approximately 85 in attendance.
 - The Texas Fire Chiefs' Academy – a presentation of the overall function and duties of TCFP was provided to the students attending the Texas Fire Chiefs' Academy in Garland.
 - Executive Staff along with other members of the agency attended the SAFE-D workshop in Arlington. The commission had a booth during the vendor's programs (staffed by Tim Rutland and Mike Baker) as well as participated in a workshop session where the staff discussed the overall mission of the agency and how this relates to volunteer and combination departments. Discussion also included the injury reporting system and the valuable resources available to all fire service personnel from the Ernest Emerson Library. A question and answer period was also provided.
 - TEEEX / Texas Forest Service and SFFMA – Rural Fire Advisory Committee meeting was attended by the Executive Director and discussion centered on the issues facing rural fire service providers. An update on TCFP was provided including the new Wildland certifications, access to the Ernest A. Emerson Fire Protection Resource Library, and other news from TCFP covered on the website.
 - Executive staff visited the TEEEX annual summer fire school to discuss and see changes in the annual school.
 - Executive staff attended a security update seminar covering criminal history checks conducted by Texas DPS. This meeting was held at the DPS headquarters in Austin.
 - Executive staff attended the Senate Committee on State Affairs hearing in Austin. Executive Director testified on what is the definition of volunteer fire protection personnel.
 - Executive staff attended the hearing held by the Senate Finance Committee to gain insight into the upcoming legislative process and focus points.
 - Meeting with TEEEX to discuss ProBoard and joint participation in this program. Presented agreement for consideration and comment to TEEEX staff.
 - Executive staff attended the Legislative Communication Conference in Austin at the University of Texas J.J. Pickle Center. Updates and information about the upcoming legislative session were discussed.
 - Executive staff presented an update and informational program to the State Fire Marshal's conference here in Austin including a question and answer session.

- Executive staff has conducted several meetings with stakeholders and their governing bodies to discuss certification and compliance issues as well as to educate them on TCFP's role in the adoption and enforcement of adopted NFPA standards.
 - Executive staff has worked with the Texas Guarantee Student Loan Program to see that those in default of their student loans come into compliance with state rules. The lack of action by those in default and uncorrected prior to October 31, 2012 will result in revoking of their certifications according to state law. This has been a time consuming process for TCFP staff.
- ❖ TCFP has had several follow-up meetings / conference calls with Texas.gov and Comptroller's Office to discuss on-line payments and where this needs to go in order to improve the system as well as make it more flexible for entities to access. Meetings will continue throughout the year.
 - ❖ TCFP has had several meetings and discussions with our on-line testing provider including both technical and operational topics. Training for staff on the proctor process was conducted.

The original deadline of December 1, 2012 to begin on-line testing has been delayed due to technical issues (vendor's IT contractor) not being able to 100% satisfy TCFP requirements for all current test – the vendor could do basic firefighter but not all test. This delay will cause on-line testing to begin in January 2013.

The Executive Offices has continued to have several meetings with our LBB and Governor's Office Representatives concerning performance measures and proposed budget. TCFP had its initial budget hearing with the budget request being presented to our LBB analyst and Governor's Office representative. Several questions were asked and answers provided which mainly centered on Rider 4, perceptual items, and what TCFP is doing and has done to meet the requirements of Rider 4. Also in attendance was the Presiding Officer, Mr. Steve Tull. Ongoing discussions with these groups will continue as the year progresses.
 - ❖ The Executive Offices has been heavily involved in the development of new certifications. The Executive Offices participated in the Firefighters' Advisory Committee meeting as well as the Curriculum and Testing Committee's meeting to discuss possible new certifications as well as the continuation of those in development that have companion certifications, i.e. Fire Officer III and IV, Hazardous Materials – Incident Command, and potential revisions to Head of Department.
 - ❖ As for the Firefighters' Advisory Committee meeting, discussion also included the tracking and requirements for continuing education. Proposed language and rule changes were discussed – including 2 in / 2 out and modification of Chapter 435 with portions being moved to create a new Chapter 411 which mainly would focus on Injury Reporting and other related safety issues versus the operational (NFPA adopted standards) in the current Chapter 435.
 - ❖ Of major importance, staff has worked on closing out the fiscal year – ending August 31. The reconciliation of the budget, closing balances for all accounts, and reports to LBB, has made this a very busy time for Finance Manager, Ms. Mary Hunt and her staff. Also, there are requirements placed on the inventory of equipment and reports due from Human Resources and Risk Management.
 - ❖ The Executive Staff has continued in its attempt to reach out to the various stakeholder groups in an attempt to discuss the various topics of concern. Staff has met independently with the SFFMA, Texas Fire Chiefs Association, the Texas State Association of Firefighters, TEEX, SAFE-D, and the Texas Forest Service.

Executive staff has also had meetings to discuss hot topics and other fire service issues with the staff of legislators. These discussions have centered on educating legislative staff about the agency, what services the agency provides, and why these services are provided. Discussion on the budget, and in particular Rider 4, is always discussed. These meetings included meeting with the Chief of Staff for the Speaker of the House.

In addition to the meetings with the various legislators, staff met with representatives from the offices of Senator Carona and Senator Watson as well as Representative Naishtat to discuss issues with the Inspector certification being required under HB 3866. In attendance at this meeting was also members from the City of Garland, Texas Fire Chiefs', State Fire Marshal's Office, and State Firemen's and Fire Marshals' Association. This meeting was generated by Senator Carona's office in response to several conference calls with the City of Garland. The suggestion from this meeting is that TCFP form an ad hoc committee to review and discuss the issues associated with inspectors and inspections required by HB 33866.

Executive staff attended the House Committee on County Affairs meetings in Austin and Houston. Discussion at this meeting of interest was funding for ESDs and the impact on funding limits to deliver fire protection services.

The executive director testified before TCFP's oversight committee, the House Committee on Urban Affairs. This testimony centered around the common issues discussed with all legislators – Rider 4, language and issues in Chapter 419 that conflict with each other or are creating issues for TCFP (i.e. the "for profit" statement in Chapter 419.087), and the need to update definitions. Questions from the members included:

- What involvement has TCFP played in the recent Wildland fires?
- What are issues with ESDs and how does TCFP address these?
- What is the issue with Rider 4, what is being done to address the issue and what are the potential remedies?

In addition to these meetings concerning legislation and TCFP's rules, regulations, and authority, staff was invited to attend a meeting of the Channel Industries Mutual Aid (CIMA) group due to one of the topics on the agenda titled "Texas Fire Commission – Hostile takeover update." This discussion was lead by Mr. Peter Greco, Chairman of CIMA, Mr. Rick Deel, member of the leadership team for CIMA, and Mr. David Wade, liaison for CIMA from Harris County, the Deer Park Fire Department and current president of the SFFMA. TCFP was not contacted about this topic to verify the content nor was feedback presented. Request through members of CIMA to attend the meeting has been made as well as a letter is being drafted to address the misinformation presented.

Commission Quarterly Report Training Approval and Testing Program

- **International Fire Service Accreditation Congress (IFSAC) Update**
 - The IFSAC Committee and Board meetings were held in Louisville, Kentucky, September 21-22, 2012. The Council of Governors (COG) has directed the Business Continuity Committee, in conjunction with the Finance Committee, to develop a Needs Analysis to address fiscal concerns. In the future, the commission may see price increases either with the yearly membership fee and/or the cost of additional IFSAC seal requests depending on the findings of these committees. A \$50 registration fee increase was approved for the April 2013 conference.
 - The National Fire Protection Association (NFPA) will be addressing the agreement previous given to IFSAC for the use of their language in the correlation sheets IFSAC provides to accredited entities. Members are expecting, in the future, that correlations sheets will have to be obtained directly through NFPA.
 - Currently there are 68 entities that are members of the IFSAC Certificate Assembly, 51 accredited entities, and 944,461 records in the certification registry.
 - The next IFSAC conference is in Oklahoma City, Oklahoma, April 17-20, 2013.
 - Texas' IFSAC reaccreditation visit is still scheduled to occur in June 2013.
 - Mollie has been asked to participate in the Arizona Center for Fire Service Excellence's IFSAC self-study process that will take place December 12-15, 2012.

- **New Hire** – Amanda (Mandy) Ramos, Customer Service Representative II, started with the agency on September 7, 2012, and will be assisting in various areas within the program, specifically in entering applications to test, preparing tests for shipment, answering customer questions, and grading state examinations.

- **Test Administrations, Training Approvals Applications Processed, and Audits conducted Fourth Quarter, FY 2012**
 - 1757 exams were administrated during this quarter.
 - The average grade on the state examination was 83.5%.
 - Training Approvals - 385 Training Prior Approval applications were processed and finalized within 10.71 days of receipt.
 - Training and Skill Testing Audits – 6 audits were conducted during this quarter. On five audits no deficiencies were found and one audit remains open waiting on receipt of records requested.

- **Status of Online Training Approval Process and Testing**
 - The online system that is being developed is broken into three primary modules: a training module, a skill testing module, and a state examination module. Training providers will input their own course information and skill testing schedule and manage their own deviations and cancellations. In addition, they will enter their own students in the student and skill testing rosters. This will allow commission staff to monitor data electronically and conduct, on a more frequent basis, training and testing audits.

- Commission staff is currently Beta testing the online training approval and skill testing modules that will go live December 1, 2012 for courses starting on or after January 1, 2013. This system is in preparation for the testing module, which includes the online payment process and computer-based testing, that is scheduled to start January 2, 2013. Beta testing for the testing module will begin mid December 2012.
- **Activities for the Next Quarter and early 2013**
 - Continue to work on the online processes, guidelines, and Beta testing regarding training approval and testing programs with IT and other members of the agency.
 - In order to meet the June 2013 IFSAC reaccreditation visit, staff will continue to work toward conducting Texas' self-study process in January or February 2013. This is the final preparation stage before the agency submits our application to IFSAC Administration 90-days prior to the visit.

Compliance Quarterly Report for Commissioner's Meeting Fourth Quarter FY 2012

- The agency continues to look for ways to reduce costs and improve efficiencies. We have discontinued phone-fax services to all of the compliance field offices and are now utilizing scanning and email services for sending and receiving all compliance documents. We have discontinued hard line phones services to three of six field offices. The three offices that remain with hard line phones is Lufkin in partnership with the Texas A&M Forest Service, Houston because the concrete walls are so thick that wireless phone is non functional in this building, and Allen where our total costs for phone and rent is \$10 per month. We have discontinued LAN-hard wire Internet services to three of six field offices (see above). Internet access for compliance work (ex: e-mailing, data entry, scheduling, etc) now via WIFI cell phone hot spot.
- The Region 2 (Lubbock) Compliance office is relocating due to lease termination. Termination was due to the building owner defaulting on the lease by failing to correct by October 4 all fire and life safety hazards identified by the State Fire Marshal (SFMO). Given that the leased building remained non-compliant with the SFMO fire inspection requirements the lease will terminate effective October 31. On November 1 the Region 2 Compliance officer's designated office headquarters will be his place of residence saving the agency over \$2300 annually in office lease expense.
- On September 16th the State Fire Marshal (SFMO) requested TCFP assistance with the LODD investigation of Atascocita Volunteer Firefighter. On September 20th Region 6 (Houston) and Region 7 (San Antonio) Compliance Officers inspected the PPE, SCBA, and collected records on the LODD. The TCFP investigation report has been handed over to the SFMO LODD investigator for use in the final LODD investigation report.
- Separate from the LODD investigation, the TCFP received a complaint and learned of injuries received by Fire fighters who attended a Smoke Diver School. The Smoke Diver Training School occurred at the Beaumont Emergency Services Training (BEST) facility. The BEST facility was leased to a non-profit group for the non-TCFP regulated training. The Smoke Diver Training is described as advanced SCBA training and survival course. Multiple Fire Departments had multiple fire fighters who received injuries at this training. As a result TCFP opened an investigation pursuant to TGC 419.048. The TCFP firefighter injury investigation is on-going. The compliance division is also working with the injury reporting program specialist as there were firefighter injuries reported at this same training incident.
- Compliance field officers continue to provide outreach and educational services to the fire service by attending and participating in regional fire chief meetings and other meetings when invited and as assigned by management.

QUARTERLY REPORT
Educational and Professional Development Section
Fourth Quarter, FY 2012

Curriculum Development

- Ad hoc committees
 - Fire Officer III & IV: Exam question banks under review for validation.
 - Wildland FF: Basic WFF curriculum finalized and forwarded to C&T Committee. Intermediate WFF curriculum under development.
 - Structural Fire Protection – Review and updating of Firefighter I and II skills continuing, with a projected effective date of 1/1/2013.
- Curriculum and Testing Committee
 - Wildland Firefighter: Basic Wildland Fire Protection curriculum reviewed/approved by committee and scheduled for presentation to Advisory Committee.
 - Fire Officer III & IV: Curricula reviewed/approved by committee and scheduled for presentation to Advisory Committee.
 - Head of Department: Proposed rule changes and curriculum developed and scheduled for presentation to Advisory Committee.
- **Review of all test questions are underway for IFSAC's upcoming summer 2013 site visit** – their compliance inspection of our testing program.
- We are currently advertising for persons interested in participating in the Investigator ad hoc committee. The committee will convene after the first of the year to update the curriculum to the new NFPA 921 standard.

Certification and Renewal

- 2,261 new certificates issued – 8,182 year to date
- 90 certificate holders renewed – 28,023 year to date
- 1,711 IFSAC seals issued – 6,171 year to date
- 248 training facilities holding 1,242 active certifications
- 17 training facility certificates issued to 10 entities

Other activities during quarter:

- Made final preparations to launch new certifications (Incident Safety Officer and Wildland Fire Protection).
- Finalized electronic payment program for departments to use during annual renewal period.
- The Texas Dept of Public Safety conducted an audit of the agency's criminal history records management program. TCFP's system was deemed to be very well run, with only one minor correction needed.
- Staff members met with two separate training providers to explore the possibility of approving and regulating training entities that would deliver programs outside of Texas. These entities are seeking to deliver training that would result in IFSAC credentialing of trained personnel.

- Ongoing review of TCFP rules as they pertain to certification.
- Manned booth at SFFMA conference in Houston and delivered presentation during the conference, June 9th – 12th.
- Manned booth and participated in SAFE-D conference in Arlington, Sept 27th – 29th.

Information Resources

Existing data management system (FIDO/FARM)

- Re-coded applications to address agency reorganization, and permissions of employees based upon their areas of responsibility
- Created interim FY 2013 renewal sub-application. This system will be replaced by the permanent system to be launched next year
- ***FIDO: Created new user interface to make it easier for customers to use and navigate***
- ***Completed redesign of all TCFP-issued certificates.***
- ***Established new Master gold-seal certificate. This certificate is issued by TCFP staff with the initial issue of a Master certification, or by request from the customer for an existing Master certification.***

Online payments

- Final preparations completed to prepare for “online” payment system for this year’s entity renewal. All entities were notified in mid June via letters from the Executive Director and the State Comptroller’s Office regarding the system. Following the initial notification, email reminders were sent to all FIDO account administrators bi-weekly through August 1st, then weekly through September 1st.

Online testing

- Business analysis complete.
- Systems analysis ongoing.
- Actual programming ongoing (95% complete). Projected launch is January 2013.

Data Management System Redesign (Version B of FIDO/FARM, projected launch 2013)

- Approximately 25 percent complete.
- Business and systems analysis is ongoing, including reviews of statutes and rules.
- Core data tables have been migrated. Secondary data tables approximately 10 percent migrated

Network and e-mail

- Redesign of Citrix so as to enhance connectivity
- Replaced user work stations and upgraded all users to Windows 7
- Migrated all production servers to new hardware
- Replaced main switches on the network
- Testing and adjusting of new system continues
- Established scanning capability for agency users at headquarters via network printers

Public Information and Outreach Activities

FY 2012 Injury Reporting Program

	1Q	2Q	3Q	4Q	Total
Reported Injuries	1079	827	918	1167	3991
Burns	39	32	28	32	131
SOP-related*	3	4	0	9	16
Environmental-related*				43	43

*Injuries involving SOP violations

<i>Publications/postings</i>					
Avoid Injury! blog posts	11	8	10	9	38

Injury program outreach activities (4Q)

Programs/meetings attended.

- Attended/presented at SFFMA Conference in Houston, 6/11-12.
- Vendor booth at TEEEX in College Station, 7/22.
- Safety Committee meetings via conference calls.

Avoid Injury! Blog posts

- [2011 injury report now available](#), 8/20.
- [Heat Related Injuries](#), 7/26.
- [NSC Safety Month – Use Down Time to Practice General Safety](#), 7/19.
- [Be Safe During Training](#), 7/16.
- [Injuries Occurring During Training](#), 7/5.
- [Learn the Value of Accountability Through Near Misses](#), 6/25.
- [Accountability – Guest Post by Eric Thompson, Chief, Red Oak Fire Department](#), 6/18.
- PASS Devices, 6/11.
- Why Accountability is important, 6/4.

Other activities/accomplishments

- Injury reporting rule re-write begun.
- User group brought in to discuss and update injury reporting program, 6/7.

Public Information and Outreach Activities

FY 2012 Library Program

	1Q	2Q	3Q	4Q	Totals
<i>Items loaned</i>					
AV items	169	174	134	105	582
Print items	153	164	9	12	338
<i>Research and reference requests</i>					
Internal	7	7	11	5	30
External	29	84	60	46	219
New library borrowers	23	16	5	6	50
Responses to borrower follow-up surveys	14	14	6	0	34
<i>Items cataloged</i>					
AV items	31	3	8	0	42
Print items	56	5	35	6	102
Desk copy items ordered and processed	0	26	0	0	26
<i>Publications/postings</i>					
Facebook posts	32	28	40	0	100
Library newsletter	4	3	1	0	8

Library program outreach activities (4Q)

Activities/accomplishments

- We have hired Sylvia Miller as our new library program specialist; we anticipate that Ms. Miller will make the transition after Nov. 1, 2012.

FY 2012 Other Public Information and Outreach Activities

	1Q	2Q	3Q	4Q	Total
Fire department job postings	-	-	66	60	126*
Number of departments requesting postings	-	-	58	78	99**
Website home page articles	7	2	8	8	25
Open records requests	2	3	3	8	16

*Second and third quarters only.

**Second and third quarters only; unique entities.

Public Information program outreach activities (3Q)

Website - home page articles.

- Changes in the works for fiscal year 2013, 8/23.
- 2011 injury report now available, 8/20.
- TDEM offers hazardous material emergency preparedness training, 8/1.
- Highlights from the July 2012 commission meeting, 7/18.
- New online payment program for departmental renewals, 6/22.
- Fire Officer I skills update published, 6/22.
- New website page: 'Director's corner', 6/8.
- New 'no injuries' reporting feature in FIDO, 6/4.

Other activities/accomplishments

- Edited/contributed to:
 - Legislative Appropriations Request
 - LAR – Information Technology Detail
 - Texas.gov Customer Agreement.

16. Executive session:

A. Pursuant to Section 551.074, Texas Government Code for the discussion of personnel matters: the appoint, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an Interim basis in this position; and

B. Pursuant to Section 551.071, Texas Government Code to meet with attorneys with respect to the scope of Section 419.087, Texas Government Code and its applicability to certain entities and organizations.

17. Open session for further discussion and possible action regarding preceding agenda item.

18. Adjourn meeting.