

CHAPTER Fire 700 FIRE FIGHTER MANDATORY STANDARDS

PART Fire 701 REQUIREMENTS OF MANDATORY STANDARDS

Fire 701.01 Fire Fighter Entrance Requirement.

(a) For the purposes of this rule, “mental disorder” means a condition defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association diagnosed by a psychologist or psychiatrist, based upon mental status examination or psychological testing.

(b) Fire departments, state agencies, or private corporations providing fire/rescue services to the general public and hiring career employees shall have entrance requirements as follows:

(1) The candidate shall have a high school diploma or GED, general educational development;

(2) The candidate shall not have been convicted of a felony under federal law, or the law of this or any other state, province, territory, country or military unless he or she has been pardoned or the conviction has been annulled; and

(3) The candidate shall be at least 18 years of age;

(c) The hiring authority shall conduct, or cause to be conducted, a background investigation before the candidate is employed.

(d) The candidate shall not be employed if the candidate:

(1) Has been discharged from the military service under other than honorable conditions, where the circumstances, in the opinion of a reasonable person, would cast doubt on his or her fitness to be a firefighter;

(2) Has been convicted of a misdemeanor by a civilian or military court and for which he or she has not received a pardon, which offense or the underlying circumstances surrounding the commission thereof was such that it would cause a reasonable person to doubt the applicant’s character, honesty or ability;

(3) Has been convicted in a civilian or military court of more than one misdemeanor or violations for which he or she has not received a pardon, and which would indicate to a reasonable person a pattern of disregard for the law;

(4) Has been convicted in a military or civilian court in the 10 years immediately before application for hire as a firefighter of a misdemeanor for which he or she has not received a pardon, and which resulted in a serious bodily injury to another person;

(5) Has a history of illegal drug use or has illegally manufactured, transported for sale or sold a controlled substance that would cast doubt of his or her ability to perform as a firefighter;

(6) Has had fire certifications revoked from jurisdictions other than the state of New Hampshire;

(7) Suffers from a mental disorder for which he or she has not undergone effective rehabilitation, which would affect his or her ability to perform fire fighting duties;

(8) Has been discharged or allowed to resign in lieu of termination with other employers for reasons of moral character or moral turpitude for acts or omissions of conduct that would cause a reasonable person to doubt the candidate's honesty or integrity; or

(9) Is found to have a general character and reputation in the community that a reasonable person would doubt that the applicant would conduct him or herself with honesty and integrity.

(e) After written authorization is received from a physician, the candidate shall pass the physical ability test described in Fire 702.

(f) The candidate shall pass a pre-placement medical evaluation as outlined in NFPA 1582. Category "A" conditions as outlined by NFPA 1582 shall be causes for rejection. Waivers for category "B" conditions shall be granted after consultation with the local fire department physician.

(g) The candidate shall pass a written entrance examination given by the jurisdictional agency to determine the candidate's ability to successfully complete the fire fighter training program, unless the candidate has previously completed the mandated training prescribed in Fire 701.02.

(h) The candidate shall be orally interviewed by the jurisdictional agency to determine the candidate's ability to communicate and how the person represents him or herself to others.

Source. #2013, eff 5-5-82, EXPIRED: 5-5-88

New. #5726, eff 10-21-93; and by #6165, eff 1-5-96; ss by #7332, eff 8-1-00; and by #7642, eff 1-31-02; ss by #9218, INTERIM, eff 8-1-08; ss by #9319-B, eff 11-12-08

Fire 701.02 Fire Fighter Level of Training Required.

(a) Full-time career fire fighters shall, within one year of original appointment, complete a program of study as adopted by the commission in Fire 401 and Fire 402 as a career fire fighter. Performance required of the person shall be in accordance with all applicable sections of Fire 400.

(b) The requirements of Fire 701.02(a) shall not apply when a full-time career fire personnel:

- (1) Has previously met the requirements of Fire 701.02(a);
- (2) Is placed in lay off status due to a reduction in force; and
- (3) Is hired by a New Hampshire fire department within one year of the date of the lay off.

Source. #5726, eff 10-21-93, EXPIRED: 10-21-99

New. #7145, INTERIM, eff 12-2-99, EXPIRED: 3-31-00

New. #7332, eff 8-1-00; ss by #7915, eff 7-2-03; ss by #9319-B,
eff 11-12-08

Fire 701.03 Mandatory Standards Time Extensions.

(a) The commission shall extend a time limit established in Fire 701.02, up to the statutorily allowed maximum under RSA 21-P:29, I, to a department or the person on presentation of evidence by the hiring authority or the person that the fire fighter is unable to complete the required courses within the prescribed time period because of:

- (1) Illness;
- (2) Injury;
- (3) Military service;
- (4) Special duty assignments; or
- (5) The unavailability of an instructor, a course, or a program.

Source. #5726, eff 10-21-93, EXPIRED: 10-21-99

New. #7145, INTERIM, eff 12-2-99, EXPIRED: 3-31-00

New. #7332, eff 8-1-00; ss by #9218, INTERIM, eff 8-1-08; ss
by #9319-B, eff 11-12-08

PART Fire 702 PHYSICAL ABILITY TESTS REQUIREMENTS

Fire 702.01 Physical Ability Test. The candidate shall pass a physical ability test, as set forth in the Fire Service Joint Labor Management Wellness/Fitness Initiative's "Candidate Physical Ability Test (CPAT)", 1999 edition in accordance with the current licensing agreement to conduct CPAT. The physical ability test shall be good for 26 months from the time the candidate successfully completes the CPAT.

Source. #2013, eff 5-5-82, EXPIRED: 5-5-88

New. #5726, eff 10-21-93, EXPIRED: 10-21-99

New. #7145, INTERIM, eff 12-2-99, EXPIRED: 3-31-00

New. #7332, eff 8-1-00; ss by #7642, eff 1-31-02; ss by #8164, eff 9-9-04; ss by #9319-B, eff 11-12-08

Fire 702.02 Acrophobia Test. Full-time fire fighters shall, within one year of original appointment, complete an acrophobia test. The firefighter, without stopping for more than 30 seconds, shall climb up and down an unsupported aerial ladder at an angle of at least 65 degrees but not more than 75 degrees for a distance of 100 feet as measured from the tip of the ladder to the ground.

Source. #5726, eff 10-21-93, EXPIRED: 10-21-99

New. #7145, INTERIM, eff 12-2-99, EXPIRED: 3-31-00

New. #7332, eff 8-1-00; ss and moved by #7642, eff 1-31-02 (formerly Fire 702.12); ss by #8164, eff 9-9-04; ss by #9319-B, eff 11-12-08

PART Fire 703 TRANSFERS

Fire 703.01 Transfers. Any full-time career fire personnel, as defined in Fire 101.17, and employed by a New Hampshire fire department, as defined in Fire 101.15, may transfer employment to another fire department. Said hiring shall meet Fire 701.01(a), Fire 701.01(b), Fire 701.01(d), Fire 701.01 (f) and Fire 701.02. The individual shall have previously completed the requirements of Fire 702.01 or the physical ability test in effect at the time of original appointment.

Source. #7915, eff 7-2-03; ss by #9319-B, eff 11-12-08

PART Fire 704 WAIVERS

Fire 704.01 Request for Waiver.

(a) An agency may make a written request to waive any of the minimum selection, educational, and training standards for fire service personnel. The request shall be made within 30 days of the employment date for an employment position.

(b) The request shall specify:

- (1) What rule or rules for which a waiver is requested;
- (2) The reason for waiver request;
- (3) The information and signature required on "Form A" in Fire 601.01;
- (4) The current position description; and
- (5) The description of responsibilities relating to emergency response and/or mitigation.

(c) Waiver requests that do not meet the requirements of this rule shall be returned to the agency with a written explanation. An agency may resubmit a waiver request but it shall not stay the tolling of the 30 days set forth in (a) above.

[Source.](#) #8647, eff 6-2-06; ss by #9319-B, eff 11-12-08

Fire 704.02 Determination of Waiver.

(a) The commission shall grant a request for a waiver if it determines that the fire service position specified in Fire 704.01 does not include emergency response and mitigation as its predominant responsibilities.

(b) The commission shall deny a request for a waiver if:

- (1) The request is untimely; or
- (2) The commission determines that the fire service position specified in Fire 704.01 includes emergency response and mitigation as its predominant responsibilities.

(c) Anyone aggrieved by a determination by the commission may request a hearing pursuant to Fire 200.

[Source.](#) #8647, eff 6-2-06; ss by #9319-B, eff 11-12-08

Fire 704.03 Duration of Waiver. When a waiver is granted, it shall only be valid while the employee granted a waiver in Fire 704.01 is employed in that said position.

[Source.](#) #8647, eff 6-2-06; ss by #9319-B, eff 11-12-08

PART Fire 705 RENEWAL

Fire 705.01 Lapse in Service. The following shall apply to lapses in service:

(a) The employment eligibility for a full-time career fire service personnel shall lapse if the employee terminates employment and is not employed as a fire service personnel within a period of 30 days after such termination.

(b) If the person who has lapsed is re-employed as a full-time career fire service personnel after his or her employment eligibility has lapsed, the hiring authority may request eligibility without additional training, which the commission shall grant unless the commission determines that the basic training curriculum has materially changed since the person was originally certified and the commission determines from the record that the person's ongoing training would not adequately familiarize the individual with the substantive changes. Compliance with Fire 701 and Fire 702 shall be met prior to re-employment.

[Source.](#) #9319-B, eff 11-12-08