

Approved January 2, 2020

November 25, 2019 Minutes FST Rules Sub-Committee Meeting at Fire Standards and Training

The FST Rules Sub-Committee met on November 25, 2019, at 3 pm. Present were Nancy Smith, Robert Buxton, Mike Joyal, Justin Cutting, Jeremy Thibeault and Jeffery Phillips. Keith Rodenhiser from the State Fire Marshal's office and JD Lavallee from the Attorney General's office also attended.

The motion to approve the minutes of the October 7, 2019 meeting was adopted by unanimous vote, with one abstention by Justin Cutting.

Discussion started with feedback from fire service interest groups and the Safety Commissioner's office that expanded suspension and revocation rules need to address not only career, full-time Fire service, but part-time, call and volunteer in order to be supported.

There was a motion by Rob Buxton, 2d by Jeremy, to ask the client counselor at the DOJ for Fire Standard and Training (FST) to address the legal issue of whether there is statutory authority for FST to adopt rules that would address hiring and appointment standards for part-time, call and volunteer fire service personnel, as well as career fire service personnel.

Discussion on the motion followed, including whether there is statutory authority that career fire service must maintain certification, as opposed to obtaining it to be employed; whether this request is within the authority of the rules sub-committee or needed to come from the full commission; the perception that rules that only applied to career would be unfair and generate opposition; and that the Commission has an obligation to the public to send a message about minimum standards and to police its own. It was agreed that addressing this issue did not have to precede further drafting of proposed rules.

The motion was approved to ask the DOJ for legal advice on a vote of 3 in favor, one opposed and one abstention. Jeff Phillips will communicate the question to Matt Broadhead at the DOJ.

The committee then continued reviewing and revising a draft of revisions prepared by Nancy from the current rule suspension and revocation rule, based on the categories that the survey results supported. Nancy incorporated the suggested revisions discussed into the draft during the discussion and will re-circulate to the rules sub-committee. It was agreed that circulation to the full commission should be deferred until revision to the hearing and procedure rules were also completed.

Discussion began of the Fire 200 rules. No proposed revisions had been done to these at this time. It was noted that these rules date back to 1988 and may be outdated. It was requested that FST seek input from the Safety legal counsel regarding what the process for prosecuting disciplinary actions under expanded rules would be, what FST's support

would be for such prosecutions, and ask them for proposed revisions to the process rules to reflect current best practices regarding due process.

No further meeting date was scheduled at this time.

At approximately 6 pm a motion to adjourn was made by Mike Joyal, 2d by Rob, and unanimously approved.

Respectfully, Nancy Smith, FST Rules sub-committee chair