Adopted Rule 6-28-17

Readopt with amendment Fire 300 – Fire 900, effective 2-2-17 (Doc. #12099, Interim), to read as follows:

CHAPTER Fire 300  CONDUCT OF MEETINGS

PART Fire 301  MEETINGS OF THE COMMISSION

Fire 301.01  Chair of the Commission. The chair shall delegate his or her duties to the vice chair, or any other member of the commission, whenever he or she is unable to perform his or her duties.

Fire 301.02  Robert’s Rules of Order. Meetings shall be conducted in accordance with “Robert’s Rules of Order, 11th Edition (2011)”, available as provided in Appendix B.

Fire 301.03  Public Participation.

(a) Parties wishing to bring issues to the attention of the commission during a meeting shall first notify the division in writing at least 7 days prior to the date of the scheduled meeting and state the nature of the issue for inclusion on the commission’s agenda.

(b) The chair shall request additional information if it will enable the commission to accurately and completely address an issue.

(c) A person in attendance of a meeting of the commission who wishes to raise an issue but has not complied with the notice requirement in (a) shall request a waiver from the commission.

(d) All requests for waivers shall be made orally and include the following:

(1) Person’s name; and

(2) Nature of the issue to be considered.

(e) The chair shall waive the requirements of paragraph (a) if:

(1) The issue can be addressed given the time available to the commission; and

(2) The commission has the resources available necessary to respond to the issue.

CHAPTER Fire 400  MINIMUM STANDARDS FOR TRAINING AND CERTIFICATION

PART Fire 401  GENERAL INFORMATION

Fire 401.01  Eligibility of Certification. Any person shall be certified by the commission if:

(a) They successfully complete a commission approved course; and

(b) They satisfactorily complete the commission required certification testing.

Fire 401.02  Methods of Completing Certification Courses. Courses shall be provided either in their entirety or in modules. Students shall complete courses, but they may complete courses as a part of
one program, or may complete the required modules independently, except when prerequisite training is necessary to ensure safety or successful completion, as designated in the training curricula approved by the commission in accordance with Fire 402.

Fire 401.03 Distinction Between Course Completion and Certification.

(a) Students may complete modules or courses leading to certification by fulfilling all of the requirements specified in the training outline approved by the commission in accordance with Fire 402. After completing these courses, the student shall be eligible for certification testing.

(b) Students shall only be certified by the commission upon fulfilling all course requirements and satisfactory completion of practical and written certification tests as designated by the commission in accordance with these rules.

PART Fire 402 CURRICULA

Fire 402.01 Commission Approval.

(a) Pursuant to RSA 21-P:27, I, the commission shall make a determination as to whether to approve curricula for courses based on a review of a proposed training outline containing the information set forth in Fire 402.03, which shall be provided for the entire course or in modules.

(b) The commission shall provide a public review period as outlined in Fire 402.02 prior to final approval of all curricula.

(c) Approval of curricula shall be by majority vote of the commission.

(d) On approval or revision of curricula for a course or module, the date of approval shall be printed on the cover sheet of each training outline and signed by the chair, along with the words “approved by the New Hampshire Fire Standards and Training Commission” and shall include the commission’s seal.

Fire 402.02 Public Review. The commission, prior to any final vote regarding minimum standards, selection procedures, or certification, shall allow for public input in accordance with RSA 21-P:29, III.

Fire 402.03 Minimum Information Required for Curricula Approval.

(a) For approval, curricula shall include, as a minimum, the following information in the form of a written training outline:

(1) Subject area(s) covered;

(2) Required number of hours per subject area;

(3) General content of each subject area;

(4) Teaching methodology;

(5) Description of visual aids to be used, if any;
(6) Description of reference material or information to be used, if any;

(7) Required facilities;

(8) Terminal performance objectives, which means the required demonstration by the student of the competencies required;

(9) Description of written and practical certification tests;

(10) Statement that the proposed curriculum meets nationally accepted standards;

(11) Instructor/student ratio;

(12) Minimum and maximum number of students;

(13) Prerequisites, if any; and

(14) List of equipment required.

Fire 402.04 Curricula for Special Training Needs.

(a) The commission shall allow the use of curricula other than that approved under these rules if necessary to meet special training needs.

(b) All curricula submitted pursuant to this section shall include equivalent subject areas and terminal objectives as included in the approved curricula.

(c) All information specified in Fire 402.03 shall be submitted.

(d) All items shall be submitted for approval to the commission no less than 60 days prior to the scheduled commencement of training.

PART Fire 403 CERTIFICATION TESTING

Fire 403.01 Certification Testing Generally. At the completion of all courses leading to certification, regardless of whether completed at one time or completed module by module, a certification test shall be passed by the student prior to necessary commission certification.

Fire 403.02 Scope of Testing. Certification testing shall consist of any combination of practical, oral, or written portions. A student shall expect to be tested on any aspect of any course related performance objective.

Fire 403.03 Minimum Scores Required.

(a) A student shall correctly answer at least 70 percent of the questions on all sections of written and oral tests in order to be eligible for certification.

(b) A student shall demonstrate the minimum proficiency established in each terminal performance objective in a safe and efficient manner in order to be eligible for certification.
Fire 403.04 Commission Approval of Tests.

(a) All written and practical tests shall be approved as determined in Fire 402.01(a).

(b) Tests offered prior to final commission approval shall be deemed valid for all purposes under these rules, with the exception of any particular questions or objectives subsequently rejected by the commission. In that event, the percentage answered correctly shall be recalculated following removal of rejected questions or standards.

Fire 403.05 Administration of Testing. Testing for certification shall be administered by the division staff.

Fire 403.06 Invalidation. Violation of commission procedures or rules that affect the score given to a test shall result in the invalidation of the test.

Fire 403.07 Retesting.

(a) Tests for certification may be taken and failed 2 times after which the student shall complete the retraining recommended by the director and approved by the commission.

(b) After completion of the retraining recommended by the director and approved by the commission the student may retake the test 2 more times.

PART Fire 404 INSTRUCTORS

Fire 404.01 General Requirements for Instructors.

(a) Approval for all curricula for the instructor certification program shall be determined in accordance with Fire 402.

(b) All instructors teaching courses approved by the commission shall be state instructors.

Fire 404.02 Initial Minimum Standards for State Instructors.

(a) All state instructors shall:

(1) Be certified in the course, level, or module to be taught;

(2) Have completed an approved educational methodology course, pursuant to Fire 402.03, which includes a module on instructing students with adult learning disabilities;

(3) Student teach under the supervision of an assigned mentor who shall document the student teaching hours and determine teaching proficiency; and

(4) Have at least one mentor recommend the student to the commission for designation as a state instructor.

Fire 404.03 Performance Evaluations.
(a) Upon receipt of a complaint, state instructors shall be evaluated by an assigned mentor who shall document the instructor teaching and determine teaching proficiency.

(b) As a result of a negative performance evaluation, the commission shall require the state instructor to successfully complete any of the following or combination of the following in order to maintain the minimum standards required in Fire 404.02:

1. Attendance at additional training;
2. Student teaching under an assigned supervising instructor; or
3. Performance of other activities as deemed necessary by the commission.

Fire 404.04 State Instructors: Maintenance of Status.

(a) In order to maintain status as a state instructor, a state instructor shall:

1. Have taught or assisted in a minimum of 3 courses in a 12-month period or have participated in a commission-approved continuing education program;
2. Have not been sanctioned or suspended for disciplinary action under Fire 500;
3. Be current with all paperwork and have completed such paperwork in a complete and timely fashion to the extent necessary for effective administration of training programs; and
4. Be in compliance with all applicable commission rules.

(b) A state instructor whose status has lapsed less than 1 year may become current by successfully completing the requirements of Fire 404.04(a).

(c) A state instructor fire service instructor whose status has lapsed greater than 1 year may become current by meeting the requirements outlined in the 404.02 initial minimum standards for state instructors.

(d) A state instructor shall provide the commission documentation of compliance with section (a)(1) and (a)(2) every two years.

Fire 404.05 Subject Matter Experts.

(a) Subject matter experts shall be approved only in the areas of their specialization and shall not teach in any other Commission approved programs.

(b) Subject matter experts shall be approved based on the resume, reputation, and performance evaluation, and shall be required to demonstrate proficiency.

(c) Candidates shall submit to a performance evaluation which shall include the following:

1. An interview;
2. Student teach under the supervision of an assigned mentor who shall document the student teaching hours and determine teaching proficiency; and
(3) Have at least one mentor recommend the student to the commission for designation as a subject matter expert.

(d) Subject matter experts shall meet the requirements of Fire 404.04(a), as applicable.

PART Fire 405 TRANSFER OF CREDIT AND CERTIFICATION

Fire 405.01 Reciprocity.

(a) Any person who has been certified in any out-of-state jurisdiction may apply to the commission for certification following 405.02.

(b) The commission shall recognize out-of-state certifications that are accredited through a national or international accreditation organization as having the certification in question.

Fire 405.02 Reciprocity and Challenges.

(a) A person may submit a petition for declaratory ruling to the commission per Fire 204 to request for credit for training received elsewhere.

(b) The commission shall review the following factors in order to determine whether to grant the person credit:

(1) Subject areas covered;

(2) Actual hours of instruction;

(3) Content of subject areas;

(4) Terminal performance objectives, which means the required demonstration by the student of the competencies required; and

(5) Date of completion.

(c) After reviewing (b)(1)-(5) above, the commission shall grant the person credit if the other training meets or exceeds the commission’s established curricula objectives, subject to section (d) below, or, if the commission determines that training does not meet or exceed the commission’s own established curricula objectives, the applicant may receive credit for that training if he or she submits to additional training sufficient to meet the curricula objectives, as determined by the commission.

(d) The person shall complete the following:

(1) A written examination or oral examination in the subject matter; or

(2) Skills performance examination.

(e) The person shall be required to provide documentation as is necessary to accurately assess the proficiency of the person. Such documentation shall include certificates, diplomas, and performance in courses taken.
(f) The person may request in writing that the commission reconsider any decisions rendered under this part within 30 days of the original determination.

CHAPTER Fire 500 OWNERSHIP AND REVOCATION OF CERTIFICATES

PART Fire 501 OWNERSHIP AND REVOCATION

Fire 501.01 Ownership of Certificates. All certificates and documents issued by the commission shall remain the property of the commission and shall be returned to the commission upon revocation or suspension.

Fire 501.02 Suspension.

(a) After notice and opportunity for a hearing, the commission shall, unless it has just cause to do otherwise as provided in (c) below, order the suspension of certification if a person commits a violation, after prior notice, of commission rules relative to himself or herself or the fire personnel working or training under his or her control and his or her direction.

(b) The provisions of Fire 200 shall apply to hearings held under this subdivision.

(c) The commission shall not order suspension of a certification if it finds just cause not to do so which includes:

(1) The charges against the fire personnel were not proven by a preponderance of the evidence; or

(2) The violation is so minor that a suspension would not have a deterrent or rehabilitative value.

(d) The suspension period shall be set for 90 days unless mitigating circumstances warrant a reduced suspension period.

(e) For the purposes of (d) above, mitigating circumstances include:

(1) The lack of a prior disciplinary record;

(2) The seriousness of the violation;

(3) The certificate holder’s acknowledgment of his or her wrongdoing;

(4) The purpose of the rule or statute violated;

(5) The potential harm to public health and safety; and

(6) The deterrent effect upon other firefighters.

Fire 501.03 Revocation.

(a) After notice and opportunity for a hearing, the commission shall, unless it has just cause to do otherwise as provided in (c) below, order the revocation of certification for any of the following reasons:

(1) The certification was obtained by fraudulent means;

(2) The certificate was issued through administrative error; or
(3) The person holding certification is convicted of a felony.

(b) The provisions of Fire 200 shall apply to hearings held under this subdivision.

(c) The commission shall not order revocation of a certification if it finds just cause not to do so which includes the charges against the fire personnel were not proven by a preponderance of the evidence.

CHAPTER Fire 600 MANDATORY STANDARDS AND NOTIFICATION REQUIREMENTS FOR FIRE SERVICE PERSONNEL

PART Fire 601 NOTIFICATION REQUIREMENTS OF ALL APPOINTED FULL-TIME CAREER FIRE SERVICE PERSONNEL

Fire 601.01 Fire Department Notification of Employment.

(a) The hiring authority shall notify the commission of newly appointed full-time career fire service personnel within 15 days of the appointment.

(b) The notice required in (a) above shall be provided using the “Employee Status Notification – Form A”, updated 2-2017.

(a) The hiring authority shall certify the notice under penalty of unsworn falsification under RSA 641:3, as follows: “The above named firefighter satisfactorily meets the FST Commission’s minimum standards for employment as a full-time firefighter, and the hiring authority certifies all items in section 9 have been complied with. This form is signed subject to the provisions of RSA 641:3 (Unsworn Falsification).”

Fire 601.02 Fire Department Notification of Termination.

(a) The hiring authority shall notify the commission within 15 days of any retirement, termination, or resignation.

(b) The notice required in (a) above shall be provided using the “Employee Status Change Notification – Form B”, updated 2-2017.

PART Fire 602 NOTIFICATION REQUIREMENTS OF ALL FIRE SERVICE PERSONNEL

Fire 602.01 Annual Submittal of Fire Department Roster of Fire Service Personnel.

(a) Fire departments shall supply the commission with a current roster of all fire service personnel by December 31st of each calendar year.

(b) The roster shall contain the following information for each person comprising the fire department’s fire service personnel:

(1) Full legal name;

(2) Mailing address;
(3) Telephone number;

(4) Date of birth; and

(5) Fire service status, indicating career full-time, on-call, part-time, paid, or volunteer status.

CHAPTER Fire 700 MANDATORY STANDARDS FOR APPOINTMENT OF FULL-TIME CAREER FIRE SERVICE PERSONNEL

PART Fire 701 MANDATORY HIRING STANDARDS

Fire 701.01 Full-time Career Fire Service Personnel Entrance Requirement.

(a) Fire departments, state agencies, or private corporations providing fire/rescue services to the general public and hiring full-time career fire service personnel employees shall have minimum entrance requirements as follows:

(1) The candidate shall have a high school diploma or high school equivalency certificate, 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.

(b) Before the candidate is employed the hiring authority shall conduct or cause to be conducted a background check to include at a minimum the existence of a criminal history record and motor vehicle violation history record in New Hampshire.

(c) 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 as a fire service personnel;

(2) Has been convicted of a felony under federal law, or the law of this or any other state, province, territory or country, unless he or she has been pardoned or the conviction annulled;

(3) Is applying for a position as a full-time, career fire service personnel and is not a citizen of the United States;

(4) Has been convicted of a misdemeanor by a civilian or military court and for which he or she has not received a pardon or annulment, 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;
(5) 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 or annulment, and which would indicate to a reasonable person a pattern of disregard for the law;

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

(7) Has a history of illegal drug use, illegal drug manufacture, transport for sale, or sale of a controlled substance that would cast doubt of his or her ability to perform as a firefighter;

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

(9) 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;

(10) 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

(11) 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.

(d) After written authorization is received from a physician, the candidate shall pass the physical ability test described in Fire 702, unless the candidate has been placed in layoff status due to a reduction in force and the current appointment is by the same hiring authority.

(e) The candidate shall complete a pre-employment medical evaluation as outlined NFPA 1582 2013 Edition, available as provided in Appendix B. Based on the medical evaluation, the hiring authority shall determine the candidate’s ability to successfully and safely perform essential job tasks, as listed in NFPA 1582 2013 Edition, available as provided in Appendix B, without posing a significant safety or health risk to themselves, members or civilians.

(f) The candidate shall be orally interviewed by the hiring authority to determine the candidate’s ability to communicate and how the person represents him or herself to others.

Fire 701.02 Full-time Career Fire Service Personnel Level of Training Required.

(a) Full-time career fire service personnel shall, prior to completion of their first year of appointment, complete the minimum program of study as adopted by the commission in accordance with Fire 401 and Fire 402. 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 service 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.

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)”, 2nd edition, available as provided in Appendix B, 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.

Fire 702.02 Acrophobia Test. Full-time career fire service personnel 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.

PART Fire 703 TRANSFERS/LAPSE IN SERVICE

Fire 703.01 Transfers.

(a) Any full-time career fire service 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(c), 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.

(b) Any full-time career fire service personnel that is placed in lay off status due to a reduction in force shall have up to 12 months from the date of lay off to transfer to another fire department.

Fire 703.02 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 shall follow the hiring requirements outlined in Fire 701.01 and 701.02.

PART Fire 704 WAIVERS

Fire 704.01 Request for Waiver.

(a) A hiring authority may make a written request to waive any of the minimum selection, educational, and training standards for full-time career fire service personnel, except the provisions contained within Fire 701.01(c). 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 mitigation.

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

Fire 704.02 Determination of Waiver.

(a) The commission shall grant a request for a waiver if it determines that the full-time fire service personnel 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 that the commission reconsider any decisions rendered under this part within 30 days of the original determination.

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.

CHAPTER Fire 800 ALLEGED CHEATING INCIDENTS, ALL TESTS

PART Fire 801 ALLEGATIONS OF CHEATING

Fire 801.01 Students Caught Cheating. Any student caught cheating on any examination shall have his or her test and training leading to certification eligibility invalidated and shall forfeit the right to achieve certification. The student shall be dismissed and not allowed to complete any other phase of the procedure. The student’s fire department shall be notified of the incident. This provision is in addition to any other discipline available under Fire 500.

Fire 801.02 Settlement of Cheating Complaints. Complaints regarding allegations of cheating shall be handled as set forth in Fire 200 if the complaint could result in suspension or revocation of a student’s existing certification(s).
CHAPTER Fire 900  COMMISSION APPROVED ENROLLMENT REQUIREMENTS

PART Fire 901  STUDENT BACKGROUND REQUIREMENTS

Fire 901.01  Training Program Admittance Requirements. The commission shall require persons who are not members of New Hampshire fire departments, state agencies; or units of government to have a background check to include at a minimum the existence of a criminal history record in New Hampshire. Any person whose background would disqualify him or her from attaining certification under Fire 501.03 shall be denied admittance to commission sponsored programs.
## APPENDIX A

<table>
<thead>
<tr>
<th>RULE</th>
<th>STATUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire 301</td>
<td>RSA 541-A:16, I(a)</td>
</tr>
<tr>
<td>Fire 401.01—402.01</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a)</td>
</tr>
<tr>
<td>Fire 402.02</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 21-P:29, III</td>
</tr>
<tr>
<td>Fire 402.03—404.05</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a)</td>
</tr>
<tr>
<td>Fire 405</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 21-P:29, II</td>
</tr>
<tr>
<td>Fire 501</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 21-P:29, II</td>
</tr>
<tr>
<td>Fire 601</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 21-P:29, I</td>
</tr>
<tr>
<td>Fire 602</td>
<td>RSA 21-P:28, I(c)</td>
</tr>
<tr>
<td>Fire 701—702</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 21-P:29, I</td>
</tr>
<tr>
<td>Fire 703—704</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a)</td>
</tr>
<tr>
<td>Fire 801.01</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a)</td>
</tr>
<tr>
<td>Fire 801.02</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:30</td>
</tr>
<tr>
<td>Fire 900</td>
<td>RSA 21-P:25, I; RSA 21-P:28, I(a)</td>
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<tr>
<td>Rule</td>
<td>Title</td>
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<td>----------------------------------------------------------------------</td>
</tr>
<tr>
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