

**RULES  
OF  
THE TENNESSEE COMMISSION ON FIRE FIGHTING  
PERSONNEL STANDARDS AND EDUCATION**

**CHAPTER 0360-07-01  
EDUCATIONAL INCENTIVE PAY**

**TABLE OF CONTENTS**

0360-07-01-.01	Minimum Employment Standards - Definitions	0360-07-01-.10	Prosecution of False Claims for Educational Incentive Pay
0360-07-01-.02	Fire Fighter - Definition	0360-07-01-.11	Reserved
0360-07-01-.03	Reserved	0360-07-01-.12	Reserved
0360-07-01-.04	Entry-Level Personnel	0360-07-01-.13	Reserved
0360-07-01-.05	Requirements for In-Service Training Programs	0360-07-01-.14	Reserved
0360-07-01-.06	Payment Procedures	0360-07-01-.15	Repealed
0360-07-01-.07	Waiver	0360-07-01-.16	Reserved
0360-07-01-.08	Audit	0360-07-01-.17	Reserved
0360-07-01-.09	Disciplinary Matters	0360-07-01-.18	Reserved

**0360-07-01-.01 MINIMUM EMPLOYMENT STANDARDS -- DEFINITIONS.**

- (1) All persons who are hired as a fire fighter by an eligible unit of government on or after January 1, 1986, shall:
  - (a) be at least eighteen (18) years of age; and
  - (b) be a citizen of the United States; and
  - (c) be a high school graduate or possess equivalency; and
  - (d) have not been convicted of any felony charge, have not pleaded guilty to any felony charge, have not entered a plea of nolo contendere to any felony charge; and
  - (e) have not been released or discharged for any other reason than honorable discharge from any of the armed forces of the United States; and
  - (f) have no history, within the past three (3) years, of habitual intoxication and/or personal misuse of any drugs, and/or the use of intoxicating liquors, narcotics, controlled substances and/or stimulants in such a manner as to adversely affect the person's ability to perform as a fire fighter to cause discredit to the fire service; and
  - (g) must meet all local requirements; and
  - (h) have passed a physical examination by a licensed physician which, at minimum, meets the requirements of Section E of Occupational Health and Safety Administration ("OSHA") regulation 1910.134; and
  - (i) have a good moral character; or
  - (j) have successfully appealed such cause of ineligibility to the appropriate local authority having jurisdiction.
- (2) All persons hired as a fire fighter by an eligible unit of government prior to January 1, 1986, shall be considered as having met the minimum employment standards.

(Rule 0360-07-01-.01, continued)

**Authority:** T.C.A. §§ 4-24-107 and 4-24-202. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed April 25, 2005; effective July 9, 2005. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.

#### **0360-07-01-.02 FIRE FIGHTER -- DEFINITION.**

For the purpose of qualifying for the pay supplement, a person must meet all of the following criteria:

- (1) any person in the employ of a unit of government who is a full-time employee of the department of such unit; and
- (2) is trained in fire fighting or prevention of fires and is actively engaged in such work; and
- (3) whose primary livelihood is derived from such work.

**Authority:** T.C.A. §§ 4-24-107 and 4-24-201. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed October 14, 1994; effective February 28, 1995. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.

#### **0360-07-01-.03 RESERVED.**

**Authority:** T.C.A. §§ 4-24-107. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed September 30, 1983; effective December 14, 1983. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed October 14, 1994; effective February 28, 1995. Repeal filed April 25, 2005; effective July 9, 2005. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.

#### **0360-07-01-.04 ENTRY LEVEL PERSONNEL.**

- (1) It shall be mandatory for all qualified personnel that have entered the Fire Service after December 31, 1990, to become certified, when eligible, at the Fire Fighter I level and progress when eligible through the Fire Fighter II level of certification in order to become eligible for supplemental pay.
- (2) The Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness and Hazardous Materials Operations certification level must be completed by the end of the calendar year in which the applicant reaches his/her thirty-sixth (36th) month of employment with a participating department. Fire Service personnel that have not obtained Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness and Hazardous Materials Operations certification after this date will not be eligible for Educational Incentive Pay until said certification has been obtained.
- (3) Qualified personnel who are separated from the fire service for a period of greater than three (3) years and then reenter the fire service, must subsequently obtain certification in accordance with Rule 0360-05-01-.02.
- (4) Individuals hired into a department as Fire Safety Inspectors after December 31, 1990, and who are not trained in fire suppression may meet the requirements of this section by completing certification as prescribed by T.C.A. § 68-120-113 by the end of the calendar year in which they reach their twelfth (12) month of employment. If an individual is hired as a Fire Safety Inspector and later transfers to fire suppression, the individual must achieve Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness and Hazardous Materials Operations certification within three (3) years after the transfer date.

(Rule 0360-07-01-.04, continued)

- (5) Individuals hired into a department as Public Fire and Life Safety Educators after December 31, 1990, and who are not trained in fire suppression may meet the requirements of this section by completing certification as Public Fire and Life Safety Educator I and Public Fire and Life Safety Educator II by the end of the calendar year in which they reach their thirty-sixth (36) month of employment. If an individual is hired as a Public Fire and Life Safety Educator and later transfers to fire suppression, the individual must achieve Fire Fighter I/Fire Fighter II/Hazardous Materials Awareness and Operations certification within three (3) years after the transfer date.
- (6) The date an individual entered the fire service for participation in the educational incentive pay program shall be the date the individual joins a paid department in Tennessee that participates in the educational incentive pay program as a full-time paid firefighter of that department. Service as a volunteer, paid on call, part-time firefighter or other non full-time firefighter shall not count toward an individual's time in the fire service as it relates to Educational Incentive Pay Program.

**Authority:** T.C.A. §§ §§ 4-24-101, 4-24-106, 4-24-107, 4-24-201 and 4-24-202. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed September 30, 1983; effective December 14, 1983. Amendment filed November 8, 1990; effective December 23, 1990. Repeal and new rule filed October 14, 1994; effective February 28, 1995. Amendment filed April 25, 2005; effective July 9, 2005. Amendment filed December 14, 2009; effective March 14, 2010. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.

#### **0360-07-01-.05 REQUIREMENTS FOR IN-SERVICE TRAINING PROGRAMS.**

- (1) Length of Training
  - (a) Certified or recognized programs must be of at least forty (40) hours duration. A department may count one (1) hour for testing as part of the department's forty (40) hour in-service training program.
  - (b) Each subject area segment of the program must be scheduled for not less than two (2) hours.
- (2) Appointment of Training Officer.
  - (a) Each department conducting a forty (40) hour in-service training program must meet the minimum standards as defined in this chapter of the Commission's rules and regulations.
  - (b) Within twelve (12) months of their appointment, each new Training Officer for a department participating in the Educational Incentive Pay Program must attend a training session on the Commission's laws, rules, programs, policies and procedures. Commission staff may offer one-on-one training sessions at the Commission office and will hold at least one (1) regional training session in each Grand Division of the state per year.
- (3) Appointment of Instructor.
  - (a) Instructors used for in-service training must be approved by the Training Officer and must be qualified by experience and training in the subject matter of the course to be taught.

(Rule 0360-07-01-.05, continued)

- (b) Instructors cannot teach themselves. However, instructors of Commission-approved in-service training classes shall receive one (1) hour credit for each hour taught provided that the teaching does not consist of the use of electronic media exclusively.
  - (c) Fire service personnel who serve as evaluators at Commission Sponsored Hands-on or Live Burn Practical Examinations shall receive four (4) hours Specialized Training Credit for each practical where the firefighter serves as an evaluator up to a maximum of two (2) practicals per calendar year for a maximum of eight (8) hours credit. In-house practical/live burn examinations do not qualify. One (1) In-Service Training Substitution form should be submitted per evaluator for the year noting the date(s) the applicant served as an evaluator.
- (4) Course Curriculum Requirements.
  - (a) Course curricula must be based on a needs survey of the area served and courses required by the Commission. All curricula must be substantially derived from the appropriate standards as set forth in the Commission's rules, Chapter 0360-06-01, with the exception of any required subject material not adequately covered in these standards and must be submitted for review by the Director or his/her designee, and be approved by the Commission. At least thirty (30) days prior to commencement of training, a copy of the curriculum noting instructors and their qualifications, the dates and location of training, the dates of testing, and a copy of the test instrument and answers, and other such data as required by the Commission, must be submitted to the Commission for approval.
    - 1. All Training Programs must be submitted to the Commission office for approval no later than November 1 of the calendar year 2014 for the training conducted in calendar year 2015. Thereafter, information and training programs required by the Commission must be received at the Commission office by November 1 of the preceding calendar year in which training is to be taught. Failure to provide all information by the required date may result in a rejection of supplemental pay. All information shall be submitted in a form prescribed by the Commission.
    - 2. Course dates submitted for a department's In-Service Training Program are the dates on which the courses are to be taught. However, due to unforeseen circumstances, changes must sometimes occur. If a change in a date is necessary less than thirty (30) days from the scheduled date, a department is to make note of the change in their program along with the reason for the change. If a change in class date is required thirty (30) or more days before the scheduled date, a written notification must be sent to the Commission office with the new class date and the reason for change. The notice may be submitted by fax, email or by U.S. Mail.
    - 3. If a department must provide a range of dates and locations that a particular class will be taught when submitting their In-Service Training Program, the department must provide to the Commission office the exact dates, times, and locations of the classes a minimum of seventy-two (72) hours prior to the classes being taught. This notice may be submitted in a form prescribed by the Commission; however if by mail, sufficient time should be allowed so that the notice has time to arrive in the Commission office a minimum of seventy-two (72) hours in advance of the new class dates. No credit will be given for classes for which the Commission office has not received advance notice of specific dates.
    - 4. A department may not use the substantially same in-service training program in consecutive years.

(Rule 0360-07-01-.05, continued)

- (b) The Commission requires that the following minimum training be included in all training programs that are submitted for Commission approval:
  - 1. at least eight (8) but not more than sixteen (16) hours on Hazardous Materials; and
  - 2. at least once every three (3) years, four (4) hours of the following subjects:
    - (i) Firefighter safety;
    - (ii) Post Traumatic/Critical Incident Stress Training;
    - (iii) Domestic violence training/Sudden Infant Death Syndrome ("SIDS") training; and
  - 3. The Commission also requires that eligible fire fighters be currently trained and demonstrate proficiency in the skills of CPR by an agency recognized by the Commission. A maximum of four (4) hours credit toward the required forty (40) hours in-service training shall be allowed for this training.
  - 4. Should the department elect to participate in a two (2) year CPR training program, a minimum of forty (40) hours in-service training will still be required in order to qualify for the Educational Incentive Pay.
- (c) Training subjects curricula must demonstrate in-depth training and preliminary subjects that are normally found in basic training will not be acceptable.
- (d) Courses taught by a department on routine functions of the department (hose testing, pre-planning, pumper testing, vehicle maintenance, station maintenance, etc.) will not be considered training for purposes of the in-service training program.
- (e) Training provided to members of a department must be appropriate to a firefighter's rank and responsibility and the size and location of a firefighter's department. (e.g., an Arson Investigator or Codes Enforcement Officer who has no fire suppression duties should not complete a course in fire suppression activities.)
- (f) Computerized training courses and/or Internet courses may be part of a department's In-Service Training Program but must meet the following conditions:
  - 1. The course software must provide sufficient safeguards to ensure each individual claiming credit has completed his/her own work.
  - 2. The course software must prohibit the student from skipping any of the courses and proceeding to the final examination.
  - 3. The course software must have a final examination and the examination test bank must be, at a minimum, twice the size of the final examination. The final examination should be randomly generated from this test bank for each student completing the course. If the software cannot meet this provision, then the Training Officer is to develop a final examination for this course based upon Commission requirements for the final examination of an in-service training program to be submitted with the program.
  - 4. The software provider must provide a Certificate of Completion for each student who successfully completes the course. This Certificate should be kept on file by the department for audit purposes.

(Rule 0360-07-01-.05, continued)

5. The software provider must provide information that outlines the course objectives, instructional method(s), and the time it takes to complete the course. This information should be briefly outlined as part of the department's In-Service Training Program.
  6. The department must schedule the training in accordance with the requirements of the Commission.
  7. The Training Officer or a Fire Department Instructor-I must be available (either in person or by telephone) during the allocated training time to answer any questions that a student may have regarding the course.
  8. The department must have audit procedures in place to ensure that a student is completing his/her own work. These procedures should be briefly outlined as part of the department's In-Service Training Program.
  9. No more than twenty (20) hours of credit will be given for computerized training.
- (5) Attendance Records. Attendance records must be maintained on each trainee in a form prescribed by the Commission and must be made available for inspection upon request by the Commission or its representative. The Training Officer and head of the department conducting in-service training must certify to the local unit of government those fire fighters who successfully completed the training, and certified records must be maintained in each individual department for a period of three (3) years. Such certification must include:
- (a) name (printed and signed);
  - (b) rank or position;
  - (c) Employee Identification Number or last four digits of Social Security Number;
  - (d) employing department;
  - (e) test score;
  - (f) title of class;
  - (g) number of students in class;
  - (h) instructor's name (printed and signed);
  - (i) date of course;
  - (j) length of course (number of hours of course and time it was instructed);
  - (k) test date; and
  - (l) the instructor must void any unused lines on the Class roster by drawing a line through each line and writing the word "VOID."
- (6) Testing Instrument.
- (a) Multiple test instruments must be designed to assure that the same test is not administered to two (2) consecutive training sessions using the same curriculum. The test must be in the form of multiple choice questions and a separate test administered

(Rule 0360-07-01-.05, continued)

to cover each unique course of instruction in the training program. Each test must contain the greater of ten (10) questions relating to a course of instruction or one (1) question relating to each hour of course instruction. (e.g., sixteen (16) hazardous materials questions for a sixteen (16)-hour hazardous materials course.) The tests may be administered either independently or in a single cumulative test at the conclusion of the training program. If a cumulative test option is selected, the test must be divided by section of each unique course of instruction.

(b) Test answer sheets must follow a format which must show the following:

1. name;
2. rank or position;
3. Employee Identification Number or last four digits of Social Security Number;
4. employing department; and
5. score of the trainee.

(c) Test Instruments which combine the questions with the answer sheet will not be accepted for grading. Answer sheets must be separate and must be maintained as a record for at least three (3) years and shall be submitted to the Commission office upon request by the Commission.

(d) Each test covering a course of instruction should be developed, administered and scored by the Training officer or Instructor. Each trainee must score at least seventy percent (70%) on each test. Only one retest will be allowed for individuals failing to achieve seventy percent (70%). If administered as a single cumulative test, each trainee must score at least seventy percent (70%) on each section of the test. If the trainee fails any section of the test, the trainee can retest one time on each section.

(7) Approval of Specialized Schools/Courses.

(a) If a fire fighter attends a specialized school appropriate to his rank (or position) and responsibility, the eligibility of the school must be approved by the Commission office. Only schools of a fire service related nature of at least two (2) hours in duration will be considered for in-service credit toward meeting the forty (40) hour training requirement. When submitting a course for Commission approval, the department shall indicate the NFPA Standard Number and Section that is applicable to the course being submitted. When applicable, the course will be submitted for pre-approval by the Commission office. In cases where the curriculum and instructors are unknown and when admittance is by short notice, the curriculum and proof of successful completion will be submitted after the course is completed.

(b) If no test is administered, the attending fire fighter should submit to his Training Officer a detailed evaluation of the course and a correlation sheet showing how their coursework meets the appropriate NFPA Standard. If satisfied that the training was valid and beneficial, the Training Officer should submit a statement to that effect, along with a copy of the report, to the Commission office. If this is not done, no credit will be given.

(c) In-service credit requests will be reviewed and may be granted for an individual fire fighter for the current training year only, if the course is relevant to his duties and responsibilities.

(Rule 0360-07-01-.05, continued)

- (d) In some instances, the above type training session may be combined with the regularly scheduled and Commission-approved forty (40) hour in-service training sessions. If this is done, the attending fire fighter must be tested on those hours attended in the departmental forty (40) hour program. This will necessitate the local training officer being responsible for identifying the appropriate questions involved in the Commission-approved testing instrument.
  - (e) Fire service personnel attending the National Fire Academy and successfully completing courses taught on campus will be given credit. In addition, Hazardous Materials training is required annually and a current CPR certification is required in order to be qualified for the Educational Incentive Pay.
- (8) Approval of Fire Courses (Colleges and Universities).
- (a) Any fire fighter who successfully completes a fire related course (or courses) at any accredited institution, institution of higher education, college or university, may be considered for annual fulfillment of all or a portion of the required forty (40) hour in-service training, not to include the eight (8) hours of hazardous material training or the CPR certification requirements as provided for in the provisions herein and approved by the Commission.
  - (b) Course completion toward credit for the annual forty (40) hour in-service training requirements may be met by completing three (3) semester hours (45 classroom hours) or four (4) quarter hours (40 class room hours) of instruction with a passing grade. The completion date of the course must be within the calendar (training) year for which in-service training credit is sought.
  - (c) Applicants for in-service training credit under these provisions must have the approval of the department head and must submit the required Commission form for consideration to the Commission office. When submitting a course for Commission approval, the department shall indicate the NFPA Standard Number and Section that is applicable to the course being submitted.
  - (d) In some instances, the above type training hours may be combined with the regularly scheduled and Commission-approved forty (40) hour in-service training sessions. If this is done, the attending fire fighter must be tested on those hours attended in the departmental forty (40) hour program. This will necessitate the local Training Officer being responsible for identifying the appropriate questions involved in the Commission-approved testing instrument.
  - (e) Final approval by the Commission is contingent upon official notification from the institution in which the course was completed with a passing grade.
- (9) Approval of Certification Programs.
- (a) Fire fighters completing the required number of hours of preparation training, certified by the training officer, and successfully passing the appropriate progression level examination in the Commission's certification program within the calendar year for which training is sought, shall be considered as having fulfilled the forty (40) hour in-service requirement and therefore eligible for the supplemental pay.
  - (b) Any fire fighter qualifying for in-service training credit in this manner must also meet the eight (8) hours of hazardous material training requirements and the CPR certification requirements as provided in these rules.
- (10) Emergency Medical Training



(Rule 0360-07-01-.05, continued)

- (a) Emergency Medical Training shall be considered meeting the requirements of in-service training so long as all other mandatory programs, as provided in these rules, are met.
- (b) No more than sixteen (16) hours of credit will be awarded for this training.

(11) Records Storage

- (a) All department records related to the Educational Incentive Pay Program shall be kept by the department in a secure location. Access to the records shall be limited to the fire chief, the chief of training or their designee.
- (b) Any department that maintains training records via computer or other electronic means, must submit a request to the Commission office in writing. The department's electronic records may be subject to audit by the Commission. The department must describe the electronic records system, identifying the security safeguards that are in place.

**Authority:** T.C.A. §§ 4-24-101, 4-24-106, 4-24-107, 4-24-111, and 4-24-202. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed October 14, 1994; effective February 28, 1995. Amendments filed April 25, 2005; effective July 9, 2005. Amendment filed December 14, 2009; effective March 14, 2010. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.

**0360-07-01-.06 PAYMENT PROCEDURES.**

The Commission shall disburse to eligible units of government the Educational Incentive Pay awarded to fire fighters who have established eligibility for such under the provisions of the Commission's rules and regulations. The disbursement of these funds shall be subject to all of the following conditions:

- (1) The Educational Incentive Pay will be based on the availability of funds appropriated by the General Assembly.
- (2) Payment will be made only upon request by the unit of government and upon submission of the necessary documentation by the administrative officer of the eligible department.
  - (a) Proof of the successful completion of a Commission-approved training program, by submission of a copy of the following forms by March 1 of the calendar year:
    - 1. Educational Incentive Pay Request;
    - 2. In-Service Training Report;
    - 3. Notarized Statement of Fire Chief attesting to accuracy and completeness of the information, and
    - 4. Training Substitution Forms for previous year.
- (3) Payment will be made in a lump sum directly to the governmental entity handling salary accounts for the eligible departments.
- (4) It will be the responsibility of the unit of government to disburse the funds to the individual fire fighters after the deduction of the applicable taxes.

(Rule 0360-07-01-.06, continued)

- (5) The unit of government is responsible for any increase in the employer's contribution to social security or like programs necessitated by the increase in the employee's annual base earnings.
- (6) Members of the Fire Service shall not be eligible for supplement pay from more than one agency.
- (7) Effective January 2015, information and training Programs required by the Commission must be received at the Commission office by November 1 of the preceding calendar year in which training is to be taught. Failure to provide all information by the required date may result in a rejection for supplemental pay.
- (8) Departments submitting a certified list of eligible names of fire fighters who have qualified themselves for the forty (40) hour in-service training, Educational Incentive Pay, must also certify to the Commission that each qualifying individual is a member of the department whose name was on the department payroll as of December 31, of the calendar year in which training was received.

If a qualifying individual is separated from the fire service for any of the following reasons, after becoming qualified, they will be considered as having met the December 31 employment requirements if they:

- (a) become eligible and accept a service retirement and begin drawing retirement benefits; or
  - (b) become eligible and accept a disability retirement; or
  - (c) die while employed.
- (9) All requests for supplemental pay must be submitted to the Commission office by certified mail and postmarked no later than March 1 of each calendar year.
    - (a) The Commission will not grant a waiver of this date for two (2) consecutive years.
    - (b) A department shall have fifteen (15) calendar days from the date it receives notice that a correction is required to their request for Educational Incentive Pay to make the necessary correction and return the request to the Commission.
    - (c) Departments may submit additions to their requests for supplemental pay for up to sixty (60) days from the date Educational Incentive Pay checks were mailed to departments. Payment of these additions is contingent upon availability of funds.

**Authority:** T.C.A. §§ 4-24-101, 4-24-106, 4-24-107, and 4-24-202. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed December 14, 2009; effective March 14, 2010. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.

#### **0360-07-01-.07 WAIVER.**

- (1) The Commission shall only consider requests to waive the following rules and regulations:
  - (a) the waiting periods between certifications in Rules 0360-02-02 and 0360-03-01;
  - (b) the deadline for submission of training programs for approval in Rule 0360-07-01-.05(4); and

(Rule 0360-07-01-.7, continued)

- (c) the deadline for submitting requests for supplemental pay in Rule 0360-07-01-.06(9).
- (2) When considering whether good cause has been shown to grant a waiver pursuant to this rule, the Commission may consider, but is not limited to, the following:
  - (a) hardships on departments through time, staffing, budget or facilities limitations;
  - (b) unavailability of qualified instructors or test proctors due to financial, staffing or time constraints;
  - (c) inclement weather, natural disasters, etc.;
  - (d) illness, injury or disability of training officer that causes the department to miss the submission deadlines in 0360-07-01(4) and (9).
- (3) A waiver shall not be granted in two (2) consecutive years.
- (4) A request for a waiver must be submitted in writing.

**Authority:** T.C.A. §§ 4-24-101 and 4-24-107. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed December 14, 2009; effective March 14, 2010. Amendment filed October 5, 2010; effective March 31, 2011. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.

**0360-07-01-.08 AUDIT.**

- (1) All accounts shall be subject to audit by the State Comptroller.
- (2) All records pertaining to the Educational Incentive Pay Program shall be available for inspection by a member of the Commission or its staff and shall be kept for three (3) years after the Educational Incentive Pay was issued.
- (3) An audit committee of the Commission, made up of the Director and a Commission Member or a Commission-approved designee, shall review the Educational Incentive Pay Program records of a minimum of ten percent (10%) of departments participating in the Educational Incentive Pay Program each year. Departments subject to review each year will be chosen at random by each Commission member drawing a minimum of two (2) departments to audit after all Educational Incentive Pay requests have been received.
  - (a) The audit committee shall present its findings to the Commission for consideration. The audit committee shall review the records of the department to ensure compliance with Commission rules, including, but not limited to:
    - 1. "In-Service Training Verification Sheets" are signed;
    - 2. attendance records were properly filled out as required by 0360-07-01-.05(5);
    - 3. test records were properly graded and filled out as required by 0360-07-01-.05(6);
    - 4. records required by NFPA 1001, Chapter 4 are properly maintained; and
    - 5. electronic records, if kept, are properly maintained and secured.
  - (b) The audit committee should make one of the following recommendations to the Commission:

(Rule 0360-07-01-.08, continued)

1. Audit was in compliance with Commission requirements.
  2. No action required. This would be used for a minor infraction. Committee counselled the department on the corrective actions needed.
  3. Informal Review. This would be used for minor infractions that the committee felt needed to be reviewed to ensure corrective action was taken. This review would only encompass the areas that needed reviewing and would be done by the participants of the original audit.
  4. Probation. This would be used for more significant infractions. The committee would recommend that the department be audited again for a period ranging from one (1) to three (3) years.
  5. Formal Hearing. The Committee feels that a major violation of the Commission's rules or state statute has occurred; and would recommend a hearing under the Commission's Rules and Regulations for formal discipline under the Commission's rules.
- (c) When making its report to the Commission, the Committee may make any additional comments and recommendations it feels are appropriate, but the above are the general guidelines to be used. The Commissioner or Commissioner's designee shall send each audited Department a copy of the completed audit report.
- (4) Commission staff and Commission Members may conduct unannounced visits to departments training classes. The visit will not disrupt the training session; however information may be solicited from the participants and/or instructor during a break or after the class. Documentation will be completed about the visit and filed with that department's In-Service Training Program for that year. If training is not being conducted as scheduled, that department will be invited to the next regularly scheduled Commission meeting to offer an explanation.

**Authority:** T.C.A. §§ 4-24-101, 4-24-106, and 4-24-107. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed December 14, 2009; effective March 14, 2010. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.

#### **0360-07-01-.09 DISCIPLINARY MATTERS.**

- (1) The Commission may revoke, modify, suspend or condition the educational incentive pay, to the unit of government, or governmental entity handling salary accounts for the otherwise eligible departments, if it finds, after appropriate notice and hearing, that;
  - (a) the requirements for the salary pay supplement had not been met as per the Commission's Rules and Regulations.
  - (b) any fraud, collusion, misrepresentation or substantial mistake was involved in the procurement of the educational incentive pay.

**Authority:** T.C.A. §§ 4-24-101, 4-24-106, 4-24-107, and 4-24-201. **Administrative History:** Original rule filed October 14, 1994; effective February 28, 1995. Amendment filed December 14, 2009; effective March 14, 2010. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.

**0360-07-01-.10 PROSECUTION OF FALSE CLAIMS FOR EDUCATIONAL INCENTIVE PAY.**

- (1) As an added measure to guard against the misuse of State funds, the Fire Fighting Commission and staff will vigorously seek criminal prosecution through the State Attorney General's Office against any individual or individuals it finds have engaged in fraudulent conduct or false representation in connection with the completion of training requirements in order to unjustly obtain educational incentive pay.
- (2) The Commission will recognize the possibility of inadvertent mistakes involved in a Department's record keeping, and after close scrutiny of such facts will make the proper recommendation to such Department involved and seek immediate reimbursement of such funds erroneously paid due to the Department's oversight. If such reimbursement is not immediately forthcoming, the Fire Fighting Commission and Staff will commence legal action accordingly.

**Authority:** T.C.A. §§ 4-24-101, 4-24-106, 4-24-107, and 4-24-201. **Administrative History:** Original rule filed October 14, 1994; effective February 28, 1995. Amendment filed December 14, 2009; effective March 14, 2010. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.

**0360-07-01-.11 THROUGH 0360-07-01-.18 RESERVED.**

**Authority:** T.C.A. § 4-24-107. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Repeal filed November 8, 1990; effective December 23, 1990. Repeal and new rule4 filed October 27, 2014; effective January 25, 2015.