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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

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DIRECTOR

AGENDA
MICHIGAN FIRE FIGHTERS TRAINING COUNCIL SPECIAL MEETING
WORK SESSION - RULES

Delta Township Fire Department – Training Room
811 N. Canal Road, Lansing, MI 48917
Monday, November 4, 2019
9:00 a.m.

- | | | |
|------|---|------------------------|
| I. | Roll Call | Chairperson Tackett |
| II. | Approval of Agenda | Chairperson Tackett |
| III. | Communications | Chairperson Tackett |
| IV. | New Business: | |
| | a. Fire Fighter Training Council General Rules Update | Fire Marshal Sehlmeier |
| V. | Public Comment | |
| VI. | Council Comment | |
| VII. | Adjournment | Chairperson Tackett |

DRAFT as of 10/22/19

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

FIRE FIGHTERS TRAINING COUNCIL

GENERAL RULES

Filed with the secretary of state on

These rules become effective immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.444, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the fire fighters training council by section 16 of 1966 PA 291 MCL 29.376, and Executive Order Reorganization No. **1997-2**, 2003-1, and **2011-4**, MCL **29.451**, 445.2011 and **445.2030**)

R 29.401, R 29.402, R 29.403, R 29.405, R 29.410, R 29.413, R 29.414, and R 29.415 of the Michigan Administrative Code are amended, and R 29.405a, R 29.405b, R 29.405c, R 29.405d, R 29.405e, R 29.405f, R 29.405g, R 29.405h, R 29.405i, R 29.405j, R 29.405k, R 29.405l, R 29.405m, R 29.405n, R 29.405o, R 29.405p, R 29.405q, R 29.410a, R 29.410b, R 29.416, R 29.417, and R 29.418 are added to the Code, and R 29.404, R 29.408, R 29.408a, R 29.408b, R 29.408c, R 29.408d, R 29.408e, R 29.408f, and R 29.409 of the Code are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 29.401 Definitions.

Rule 1. As used in these rules:

(a) "Act" means the firefighters training council act, 1966 PA 291, MCL 29.361 to 29.377.

(b) **"Authority having jurisdiction (AHJ)" means an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.**

(c) **"Bureau" means the bureau of fire services, in the department of licensing and regulatory affairs.**

~~(b) "Council" means the fire fighters training council as defined in the act.~~

(d) **"Cadet" means a fire fighter who is participating in a training course, is between 16 and 18 years of age, and participates in a council registered and approved cadet program offered by a fire department.**

(e) “Current edition” means the respective professional qualifications in the current and appropriate national fire protection association (nfpa) standard.

(f) “Curriculum work group” means a group of fire service members appointed by the chairperson of the council. The curriculum work group reviews curriculum making recommendations for new or updated curriculum to the bureau and the council. The curriculum work group assists in the validation of the various classification examinations offered by the bureau.

~~(e)~~ **(g) “Department” means the department of licensing and regulatory affairs, bureau of fire services.**

~~(d)~~ **(h) “Emergency medical services and instructor coordinator license, or ems/ic license,” means a license issued by the department of community health pursuant to the public health code, 1978 PA 368, MCL 333.20901 to 333.20979.**

(i) “Equivalent” means certifications from another state’s certifying agency, which meet the current nfpa standard for the classification.

~~(e) “Fire fighter” means a member, including a volunteer member and a member who is paid on call, of an organized fire department that is responsible for, or is in a capacity that includes responsibility for, the extinguishment of fires, the directing of the extinguishment of fires, the prevention and detection of fires, and the enforcement of the general fire laws of this state. Fire fighter does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.~~

(j) “Explorer” means a fire fighter who is participating in a training course, is between 16 and 18 years of age, and participates in a council-approved fire department boy or girl scouts of America explorer program.

(k) “Materially false statement” means a false writing or document that contains any materially false, fictitious, or fraudulent statement or entry.

(l) “Pre-service student” means an individual who is taking fire fighting classes through an approved regional training center who is not a member of a registered Michigan fire department.

(l) “Q course” means a course developed by individual subject matter experts and is the property of the instructor who developed the approved course. The fire fighters training council shall approve a Q course and the instructor or instructors who teach the course shall be approved by council. Q courses cannot be developed to circumvent council-approved curriculum courses in which council provides certification.

(m) “RRTN” means a regional response team network for a hazardous materials response.

(n) “RTC” means a regional training center.

(o) “RTC student” means an individual who is taking fire fighting classes through an approved regional training center and who may or may not be registered with a fire department. Service time at a regional training center does not count toward fire department service time unless the individual is registered as a fire department member during the time at the RTC.

(q) “Revoked” means removal of certification by this state or another state.

(r) “Revocation” means the bureau revoked an individual’s certification as part of a disciplinary process approved by the council.

(s) “Third party authorization” means any course owned by a private curriculum provider and which an instructor is required by the developer to meet the developer’s requirements to teach the course.

(t) “Training information network” means the bureau’s system used to track an individual’s fire department membership, council-approved training, and certification.

R 29.402 Council approved course; instruction hours; recognition of training by council.

Rule 2. (1) The council approved course shall be evaluated by the curriculum work group based upon all of the following:

(a) The time required to adequately cover the subject material.

(b) **Whether the curriculum meets the established goals and objectives.**

(c) **Whether the curriculum is relevant** to the needs of the fire service in this state.

(2) An instruction hour shall consist of 50 minutes of instruction time and 10 minutes break time, totaling 1 actual hour.

R 29.403 **Certification examinations; development; passing scores.**

Rule 3. (1) **Pursuant to section 9(2)(b) of the act, MCL 29.369(2)(b), the state fire marshal, with the approval of a majority of the council, shall develop and administer certification examinations for all of the following fire service disciplines:**

(a) Fire fighter.

(b) Fire chief.

(c) Fire inspector.

(d) Fire instructor.

(e) Fire investigator.

(f) Fire officer.

(g) Public safety director.

(h) Plans examiner.

(i) Hazardous materials responder.

(j) Technical rescue responder.

(k) Airport rescue fire fighter.

(2) ~~shall be approved by the council and~~ **The examinations** shall be reviewed by department **bureau** staff to ascertain if there is adequate comprehension of the subject material tested in the examinations.

(3) The examination for firefighter I and II may be combined into 1 part of the examination to test the knowledge and skill requirements in the **current edition of standards for fire fighter professional qualifications, national fire protection**

association, nfpa, standard 1001, “**Standard for Fire Fighter Professional Qualifications,**” as adopted in R 29.410.

~~(2) The examination requirement for fire fighter I and II shall be waived for a veteran who served in and is separated from the armed forces and provides a form DD214 or DD215, or another form that demonstrates that the candidate was separated from service with an honorable character of service or under honorable conditions general character of service. The veteran must have completed firefighter training while serving in the armed forces of the United States, that meets the standards for fire fighter I and fire fighter II set forth in NFPA 1001 “standard for fire fighting professional qualifications,” as adopted in R 29.410.~~

~~—(3) The state fire marshal shall waive the examination requirements and extend reciprocity to a firefighter from another state if the firefighter was certified in the other state after successfully completing a program that meets or exceeds the standards for fire fighter I and fire fighter II set forth in “standard for fire fighter professional qualifications”, national fire protection association standard no. 1001 by an international accreditation fire service organization. A reciprocity request shall be submitted on a form prescribed by the bureau.~~

~~—(4) A minimum of 70% average is required to successfully pass the examinations, unless otherwise specified in the course objectives.~~

R 29.404 ~~Attendance at training sessions; certificates.~~ **Rescinded.**

~~—Rule 4. (1) A trainee shall attend all sessions unless he or she has a valid reason for his or her absence. The instructor may, for valid reasons, excuse not more than 10% of the total hours of instruction. An absentee from a scheduled class session shall make up the absence as required by the instructor.~~

~~—(2) Upon successful completion of the course, the state fire marshal or the council may award a certificate for that course.~~

PART 2. CLASSIFICATIONS

R 29.405 ~~Classification for fire fighters~~ **fire fighter I with hazardous materials operations; fire fighter II; fire fighter I and II with hazardous materials operations; requirements; reciprocity.**

Rule 5. (1) ~~The following are the classifications for fire fighter I~~ **with hazardous materials operations, and fire fighter II, fire fighter I and II with hazardous materials operations,** pursuant to section 9 of the act, MCL 29.369: .

(a) ~~A fire fighter I is a person~~ **an individual** who successfully passes the **written and practical** council-approved fire fighter I **with hazardous materials operations** exam, which covers the skill and knowledge requirements for fire fighter I in **the current edition of** nfpa 1001, “Standard for Fire Fighter Professional Qualifications”, as adopted by reference in R 29.410.

(b) ~~A fire fighter II is a fire fighter I who meets the requirements of subdivision (a) of this rule and successfully passes the council approved~~ **written and practical** fire fighter II exam, which covers the skill and knowledge requirements for fire fighter II **specified in the current edition of** nfpa 1001, ~~standard,~~

“Standard for Fire Fighter Professional Qualifications”, as adopted by reference in R 29.410.

(c) A fire fighter I and II with hazardous materials operations is an individual who passes a written and practical council-approved fire fighter I and II with hazardous materials operations exam, which covers the skill and knowledge requirements for fire fighter I and II in the current edition of nfpa 1001, “Standard for Fire Fighter Professional Qualifications”, as adopted by reference in R 29.410.

(2) An individual who attends a course for fire fighter I with hazardous materials operations, fire fighter II, and fire fighter I and II with hazardous materials operations shall be 18 years of age or older on the date of the final written and practical examinations except for any of the following:

(a) An individual who is sponsored by a fire department cadet program or fire department boy or girl scouts of America explorer program.

(b) A fire department cadet or explorer who is between 16 and 18 years of age, and is still attending high school as a full time student.

(3) A cadet or explorer is only allowed to participate in fire fighter I with hazardous materials operations, fire fighter II, or fire fighter I and II with hazardous materials operations programs and the incident command and resource management program for the fire service.

(4) A request for an exception to subrule (2) of this rule, such as a cadet or explorer program, shall be submitted to the bureau region coordinator on letterhead from the chief of the sponsoring fire department and include a dated copy of the charter or resolution of the local unit of government authorizing a fire department cadet or explorer program within the fire department.

(5) An individual shall participate in a registered fire fighter I with hazardous materials operations or fire fighter I and II with hazardous materials operations course to be eligible to take the state written and practical certification exams.

(5) An individual who attends a council-approved fire fighter course or courses to qualify for the certification examinations shall comply with both of the following:

(i) An individual shall not be absent from more than 10% of the total lecture hours of an entire course as validated by the course manager. A course manager may provide flexibility in attendance as needed in fire fighter courses due to the length of the course and an individual’s employment obligations. An individual who is provided flexibility in attendance shall make up missed hours and classes prior to the scheduled ending date of the course. An individual shall meet 90% of the lecture hours and 100% of the practical skills hours. A course manager shall enforce the bureau make up policy.

(ii) An individual who completes make up training at his or her fire or public safety department shall complete the bureau’s make-up training form, **BFS 255, for each make-up session authorized by the course manager. The fire chief or public safety director shall sign the form and**

return the form to the course manager for inclusion in the final course paperwork submitted to the bureau via email.

(6) An individual who is currently certified in this state and who meets continuing education requirements for a fire fighter I, as specified in R 29.418, shall be allowed to take the fire fighter II written and practical examinations without attending the fire fighter II course. These examinations shall be completed at an examination site registered in the bureau's training information network.

(7) An individual shall complete the requirements in the MIOSHA occupational health standard part 451 respiratory protection, R 325.60051 and R 325.60052, while participating in either the council-approved fire fighter I with hazardous materials operations course, the fire fighter II course, or the fire fighter I and II with hazardous materials operations course. An individual who participates in council-approved courses that require respiratory protection or equipment to be worn shall be completely free of facial hair that comes between the sealing surface of the facepiece and face or that interferes with valve function or any condition that interferes with face-to-face piece seal or valve function.

(8) An individual shall apply to the bureau on the bureau's application form, BFS-205, for certification prior to taking the state certification examination.

(9) An individual who is certified in another state's certifying agency and is applying for reciprocity certification from this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency or who has armed forces certification that was granted under honorable conditions and that meets the current edition of nfpa 1001, "Standard for Fire Fighter Professional Qualifications", shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau.

R 29.405a Classification for fire chief; requirements; reciprocity. What is the process??? Discussion with FFTC

Rule 5a. (1) The following is the classification for fire chief pursuant to section 9 of the act, MCL 29.369.

(2) A fire chief is an individual who is certified as a fire fighter II or successfully completes the council-approved fire fighter II requirements, as specified in R29.405 within 12 months of the date of hire and meets either census population requirement as follows:

(a) A fire chief in a service jurisdiction covering a census population of less than 10,000 shall be certified to the fire officer I level 24 months from the date of hire is considered to have met the requirements of this rule. (b) A fire chief in a service jurisdiction with a census population of 10,000 or more shall be certified to the fire officer II level 36 months from the date of hire is considered to have met the requirements of this rule.

(3) An individual at the fire chief level for his or her jurisdiction prior to the effective date of these rules is considered to have met the requirements of this rule.

(4) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's information management system. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to meet the requirements as a Michigan fire chief.

R 29.405b Classification for fire inspector; requirements; reciprocity.

Rule 5b. (1) The following is the classification for fire inspector pursuant to section 9 of the act, MCL 29.369.

- (a) A fire inspector is an individual who is certified as meeting the requirements of the bureau's fire inspector certification rules, R 29.501 to R 29.508, and who has successfully completed the bureau-approved fire inspector certification process, which covers the skill and knowledge requirements for fire inspector in the current edition of nfpa 1031, "Standard for Professional Qualifications for Fire Inspector and Plan Examiner", as adopted by reference in R 29.410.
- (b) To maintain fire inspector certification, an individual must remain in good standing with the applicable nfpa-issued certification.
- (c) An individual shall apply to the bureau on the bureau's application form, BFS 997, for certification.

(c) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. ~~to apply for reciprocity. Individuals-~~ An individual who ~~have has~~ certifications from another state's certifying agency ~~must shall~~ complete the ~~BFS-258~~ the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan fire inspector certification.

R 29.405c Classification for fire instructor I; requirements; reciprocity.

Rule 5c. (1) The following is the classification for fire instructor I pursuant to section 9 of the act, MCL 29.369.

(2) An individual seeking to instruct council approved courses shall complete the following:

(a) An individual shall apply to the bureau on the bureau's application, BFS-205, for certification prior to taking the state certification course.

(a) A fire instructor I is an individual who is certified as a fire fighter II, has a minimum of 3 years of experience, not including pre-service,

cadet, or explorer experience, from his or her first fire fighter certification prior to beginning the fire instructor I requirements, and has passed the fire instructor I written examination with a score of 70% or higher and pass the practical examination.

(b) A fire instructor I shall have completed 6 hours of lecture and 6 hours of practical skills training in an instructional setting with a certified fire service instructor I or higher present, and within 24 months of completing the nfpa 1041 fire service instructor I course, as adopted by reference in R 29.410, and shall submit the mentoring form, BFS-253, to the bureau.

(3) An individual only seeking fire instructor I for his or her fire officer certification shall complete the requirements for fire instructor I and shall successfully pass the council-approved nfpa 1041 "Standard for Fire Service Instructor Professional Qualifications" fire instructor I written examination with a score of 70% or higher and pass the practical examination. This individual shall not be required to comply with the continuing education requirement for fire instructor, is exempt from the 3 year experience requirement, and cannot instruct council approved courses.

(5) A fire instructor I who is certified as of the effective date of these rules and who has passed a council-approved train-the-trainer course may instruct that course provided that he or she receives and maintains third-party authorization, if required.

(6) A fire instructor I who is certified as of the effective date of these rules may continue to instruct the courses that he or she had been previously authorized to teach.

(7) A fire service instructor I is authorized to instruct only council-approved fire fighter I with hazardous materials operations , fire fighter II, or fire fighter I and II with hazardous materials operations curriculum, which does not apply to council approved Q courses or local AHJ-specific continuing education.

(8) A fire service instructor I who is certified under this classification shall meet the MIOSHA occupational health standard part 451 respiratory protection, R 325.60051 and R 325.60052. When teaching any council-approved course other than Q courses, the instructor shall be completely free of facial hair that comes between the sealing surface of the facepiece and face or that interferes with valve function or any condition that interferes with face-to- facepiece seal or valve function.

(9) An individual shall meet the continuing education requirements pursuant to R29.418 in order to maintain certification for the fire instructor I classification.

(10) An individual shall be certified at the previous certification prior to taking the next level of certification pursuant to nfp 1041 “Standard for Fire Service Instructor Professional Qualifications”.

(11) An individual who is certified by another state’s certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau’s training information network. ~~to apply for reciprocity. Individuals An individual who have has~~ certifications from another state’s certifying agency ~~course must~~ shall complete the bureau’s BFS-258 request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan fire instructor I certification.

R 29.405d Classification for fire service instructor II; requirements; reciprocity.

Rule 5d. (1) The following is the classification for fire service instructor II pursuant to section 9 of the act, MCL 29.369.

(2) An individual shall apply to the bureau on the bureau’s application, BFS-205, for certification prior to taking the state certification course. An individual shall be certified at the previous certification level prior to taking the next level of certification pursuant to nfp 1041 “Standard for Fire Service Instructor Professional Qualifications”.

(2) A fire service instructor II is an individual who is certified as a fire service instructor I and has a minimum of 5 years of service, not including pre-service, cadet, or explorer service, from his or her initial fire fighter certification prior to beginning the fire service instructor II requirements and 40 hours of documented and verifiable instructional hours.

(3) A fire service instructor II shall have successfully passed the council-approved nfp 1041 “Standard for Fire Service Instructor Professional Qualifications” fire instructor II written examination with a score of 70% or higher and passed the practical examination.

(4) A fire service instructor II who was certified prior to the effective date of these rules, may continue to instruct the courses that he or she had been previously authorized to teach.

(5) A fire instructor II who is certified after the effective date of these rules and who has successfully completed a council approved course may instruct that course provided that he or she receives and maintains third-party authorization, if required.

(6) An individual who has attended and passed the council-approved fire instructor II certification course and completed the bureau’s fire instructor I

train-the-trainer course is authorized to instruct the council-approved fire instructor I certification course.

(7) A fire instructor II as of the effective date of these rules shall be allowed to instruct council-approved fire instructor II courses for a period of three years from the effective date of these rules, provided the individual meets the following requirements:

- (a) attended and passed the council-approved fire instructor II certification course.
- (b) instructed two council-approved fire instructor I certification courses
- (c) completed the bureau's fire instructor II train-the-trainer course
- (d) obtain the council-approved fire instructor III certification within three years of the effective date of these rules to continue to instruct council-approved fire instructor II courses.

(8) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan fire instructor II certification.

R 29.405e Classification for fire service instructor III; requirements; reciprocity.

Rule 5e. (1) The following is the classification for fire service instructor III pursuant to section 9 of the act, MCL 29.369.

(2) An individual shall apply to the bureau on the bureau's application, BFS-205, for certification prior to taking the state certification course. An individual shall be certified at the previous certification level prior to taking the next level of certification pursuant to nfp 1041 "Standard for Fire Service Instructor Professional Qualifications".

(2) A fire service instructor III is an individual who is certified as a fire service instructor II and has a minimum of 7 years of service, not including pre-service, cadet, or explorer service, from his or her initial fire fighter certification, prior to beginning the fire service instructor III requirements and 80 hours of documented and verifiable instructional hours.

(3) A fire service instructor III shall have successfully passed the council-approved nfp 1041 "Standard for Fire Service Instructor Professional Qualifications" fire service instructor III written examination with a score of 70% or higher and pass the practical examination which covers the skill and knowledge requirements for fire service instructor III in the current edition of nfp 1041, as adopted by reference in R 29.410.

(4) A fire service instructor III is authorized to instruct any council-approved course that the instructor has completed and passed, provided that he or she receives and maintains third-party authorization, if required.

(5) A fire instructor III who has attended and passed the council approved fire instructor II certification course, instructed two council-approved fire instructor I certification courses, and completed the bureau's fire instructor II train-the-trainer course is authorized to instruct the council-approved fire instructor II certification course.

(6) A fire instructor III who has attended and passed the council approved fire instructor III certification course, instructed two council-approved fire instructor II certification courses, and completed the bureau's fire instructor III train-the-trainer course is authorized to instruct the council-approved fire instructor III certification course.

(7) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan fire instructor III certification.

R 29.405f Certified fire service instructors; certified associate fire service instructors; requirements.

Rule 5f. (1) The following are the classifications for certified fire service instructors and certified associate fire service instructors pursuant to section 9 of the act, MCL 29.369.

(3) As of the effective date of these rules, an instructor who is approved by the bureau as a certified fire instructor, according to qualifications established prior to 2010, shall maintain his or her status as a certified fire service instructor.

(4) As of the effective date of these rules, a certified associate fire instructor who is approved by the bureau, according to qualifications established prior to September 30, 2019, shall maintain his or her status as a certified associate fire instructor.

(5) As of September 30, 2021, in order to become a certified associate fire instructor, a probationary associate fire instructor must:

- (a) complete the required mentoring process
- (b) pass an evaluation by a Bureau training coordinator

(6) A certified fire service instructor and a certified associate fire service instructor may teach all courses he or she was authorized to instruct provided that he or she receives and maintains third-party authorization, if required.

R 29.405g Classification for fire investigator; requirements; reciprocity.

Rule 5fg. (1) The following is the classification for fire investigator pursuant to section 9 of the act, MCL 29.369.

(2) A fire investigator is an individual who successfully passed the council-approved fire investigator process which covers the skill and knowledge requirements for fire investigator in the current edition of nfpa 1033, "Standard for Professional Qualifications for Fire Investigator", as adopted by reference in R 29.410.

(3) An individual shall apply to the bureau on the bureau's application form, BFS-205, for certification.

(4) An individual shall have successfully passed the examination for any of the following programs or courses prior to applying to the bureau:

- (a) Michigan state police basic fire investigation school.**
- (b) National fire academy fire investigation course.**

(5) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan fire investigator certification.

R 29.405h Classification of fire officer I; requirements; reciprocity.

Rule 5h. (1) The following is the classification for fire officer I pursuant to section 9 of the act, MCL 29.369.

(2) An individual who is applying for certification as a fire officer I shall be a certified fire fighter II and fire service instructor I prior to beginning the fire officer I requirements. An applicant shall have successfully completed the job performance requirements for fire officer I prior to taking the examination for fire officer I. An individual shall pass the council-approved written examination for fire officer I with a score of 70% or higher, which meets the current edition of nfpa 1021, "Standard for Fire Officer Professional Qualifications", as adopted by reference in R 29.410.

(3) An individual shall apply to the bureau on the bureau's application form, BFS-205, prior to taking the state certification examination.

(4) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan fire officer I certification.

R 29.405i Classification of fire officer II; requirements; reciprocity.

Rule 5i. (1) The following is the classification for fire officer II pursuant to section 9 of the act, MCL 29.369.

(2) An individual who is applying for certification as a fire officer II shall be certified as a fire officer I prior to beginning the fire officer II requirements. An applicant shall have successfully completed the job performance requirements for fire officer II prior to taking the examination for fire officer II. An individual shall pass the council-approved written examination for fire officer II with a score of 70% or higher, which meets the current edition of nfp 1021, "Standard for Fire Officer Professional Qualifications", as adopted by reference in R 29.410.

(3) An individual shall apply to the bureau on the bureau's application form, BFS-205, prior to taking the state certification examination.

(4) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan fire officer II certification.

R 29.405j Classification of fire officer III; requirements; reciprocity.

Rule 5j. (1) The following is the classification for fire officer III pursuant to section 9 of the act, MCL 29.369.

(2) An individual who is applying for certification as a fire officer III shall be certified as a fire officer II prior to beginning the fire officer III requirements. An applicant shall have successfully completed the job performance requirements for fire officer III prior to taking the examination for fire officer III. An individual shall pass the council-approved written examination for fire officer III with a score of 70% or higher, which meets the current edition of nfp 1021, "Standard for Fire Officer Professional Qualifications", as adopted by reference in R 29.410.

(3) An individual shall apply to the bureau on the bureau's application form, BFS-205, prior to taking the state certification examination.

(4) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan fire officer III certification.

R 29.405k Classification of fire officer IV; requirements; reciprocity.

Rule 5k. (1) The following is the classification for fire officer IV pursuant to section 9 of the act, MCL 29.369.

(2) An individual who is applying for certification as a fire officer IV shall be certified as a fire officer III prior to beginning the fire officer IV requirements. An applicant shall have successfully completed the job performance requirements for fire officer IV prior to taking the examination for fire officer IV. An individual shall pass the council-approved written examination for fire officer IV, with a score of 70% or higher, which meets the current edition of nfpa 1021, "Standard for Fire Officer Professional Qualifications", as adopted by reference in R 29.410.

(4) An individual shall apply to the bureau on the bureau's application form, BFS-205, prior to taking the state certification examination.

(5) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan fire officer IV certification.

R 29.405l Michigan fire officer equivalency.

Rule 5l. (1) The bureau will recognize previously awarded certificates as equivalent for fire officer certification to be applied towards the advancement to the next level of fire officer certification. All fire officer certifications shall be obtained in order as required in nfpa 1021.

(2) Previous Michigan fire officer certificates include all of the following:

- (a) Fire officer I (E01A, E01B).
- (b) Fire officer II (E02A, E01B).
- (c) Fire officer III (E03A).
- (d) Michigan company officer I and II series (O21A).
- (e) Michigan fire officer III series (O31A).

(3) As of the effective date of these rules, a Michigan fire service member who has obtained any Michigan fire officer certificates as specified in subrule (2)(a-e) of this rule, and is certified to the nfpa 1041 fire service instructor I level or higher, may apply to participate in the next level of council-approved nfpa 1021 fire officer courses to meet the requirements as specified in R29.405h through R29.405k for certification.

R 29.405m Classification of public safety director; requirements; reciprocity.

Rule 5m. (1) The following is the classification for public safety director pursuant in section 9 of the act, MCL 29.369.

(2) A public safety director is an individual who is certified as a fire fighter II or successfully completes the council-approved fire fighter II requirements, as specified in R29.405 within 12 months of the date of hire and meets either census population requirement as follows:

(a) A public safety director in a service jurisdiction covering a census population of less than 10,000 shall be certified to the fire officer I level 24 months from the date of hire is considered to have met the requirements of this rule.

(b) A public safety director in a service jurisdiction with a census population of 10,000 or more shall be certified to the fire officer II level 36 months from the date of hire is considered to have met the requirements of this rule.

(3) An individual at the public safety director level for his or her jurisdiction prior to the effective date of these rules is considered to have met the requirements of this rule.

(4) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to meet the requirements as a Michigan public safety director.

R 29.405n Classification of plans examiner; requirements; reciprocity.

Rule 5n. (1) The following is the classification for plans examiner pursuant to section 9 of the act, MCL 29.369.

(a) A plans examiner is an individual who is certified as meeting the requirements of the bureau's fire inspector certification rules, R 29.501 to R 29.508, and who has successfully completed the bureau-approved plans examiner certification process, which covers the skill and knowledge requirements for fire inspector in the current edition of nfpa 1031, "Standard for Professional Qualifications for Fire Inspector and Plan Examiner", as adopted by reference in R 29.410.

(b) To maintain plans examiner certification, an individual must remain in good standing with the applicable nfpa-issued certification.

(c) An individual shall apply to the bureau on the bureau's application form, BFS 997, for certification.

(2) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's

training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan fire officer IV certification.

R 29.405o Classification of hazardous materials responder; requirements; reciprocity.

Rule 5o. (1) The following is the classification for hazardous materials responder pursuant to section 9 of the act, MCL 29.369.

(2) A hazardous materials responder is an individual who has successfully passed the council-approved hazardous materials responder operations course and examination, which covers the skill and knowledge requirements for hazardous materials responder operations in the current edition of nfpa 1072, "Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents", as adopted by reference in R 29.410.

(3) An individual who possesses a Michigan fire fighter I with hazardous materials operations certification or a Michigan fire fighter I and II with hazardous materials operations certification meets the requirements of hazardous materials responder operations in the current edition of nfpa 1072, "Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents", as adopted by reference in R 29.410.

(4) An individual shall apply to the bureau on the bureau's application form, BFS-205, prior to taking the state certification examination.

(5) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan reciprocity.

R 29.405p Classification of technical rescue responder; requirements; reciprocity.

Rule 5p. (1) The following is the classifications for technical rescue responder pursuant to section 9 of the act, MCL 29.369.

(a) A technical rescue responder is an individual who has successfully passed the council-approved technical rescue responder awareness course and examination, which covers the skill and knowledge requirements for technical rescue responder awareness in the current edition of nfpa 1006, "Standard for Technical Rescue Personnel Professional Qualifications", and nfpa 1670, "Standard on Operation and Training for Technical Search and Rescue Incidents", as adopted by reference in R 29.410.

(b) An individual shall apply to the bureau on the bureau's application form for certification, BFS 205, prior to taking the state certification examination.

(2) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan technical rescue responder certification.

R 29.405q Classification of airport rescue firefighter; requirements; reciprocity.

Rule 5q. (1) The following is the classification for airport rescue fire fighter pursuant to section 9 of the act, MCL 29.369.

(a) An airport rescue firefighter is an individual who has successfully passed the council-approved airport rescue firefighter process and an airport rescue fire fighter course that meets the federal aviation administration criteria as specified in Title 14 Code of Federal Regulations, Part 139 for initial training, 14 CFR 139 Year??

(b) An individual who is applying for certification as an airport rescue fire fighter shall submit to the bureau the federal aviation administration certification and pass the council-approved airport rescue fire fighter certification examination, with a minimum score of 70%, which meets the knowledge requirements in the current edition of nfa 1003, "Standard for Airport Fire Fighter Professional Qualifications", as adopted by reference in R 29.410.

(2) An individual shall apply to the bureau on the bureau's application form BFS 205, for certification.

(3) An individual who is certified by another state's certifying agency and is applying for reciprocity recognition in this state shall be a member or employee of a Michigan fire department and entered into the bureau's training information network. An individual who has certifications from another state's certifying agency shall complete the bureau's request for reciprocity form, BFS 258, and submit the form to the bureau to obtain Michigan certification.

R 29.408 Instructor classifications generally. ~~Rescinded.~~

~~— Rule 8. (1) The professional classifications for fire service instructors I and II shall be based on the qualifications and performance requirements specified in NFPA standard 1041, "Standard for Fire Service Instructor Professional Qualifications," as adopted by reference in R 29.410.~~

~~— (2) Performance standards shall be evaluated by department staff designated by the fire marshal. The following are general performance based instructor classifications:~~

~~— (a) An associate instructor is an instructor who has both of the following:~~

- ~~(i) The knowledge and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments.~~
- ~~—(ii) The ability to teach according to his or her individual instructional training, by using a variety of teaching strategies, utilizing lesson plans and instructional aids as required.~~
- ~~—(b) An instructor I is an instructor who has demonstrated the knowledge and ability to do all of the following:~~
 - ~~—(i) Deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments.~~
 - ~~—(ii) Adapt lesson plans to the unique requirements of the students, school, training center, and state laws.~~
 - ~~—(iii) Organize the learning environment so that learning and safety are maximized.~~
 - ~~—(iv) Meet all record-keeping requirements.~~
- ~~—(c) An instructor II is an instructor who meets the instructor I performance standards and also demonstrates the knowledge and ability to do all of the following:~~
 - ~~—(i) Develop individual lesson plans for a specific topic including learning objectives, instruction aids, and evaluation instruments.~~
 - ~~—(ii) Schedule training sessions based on overall training plans.~~
 - ~~—(iii) Supervise and coordinate the activities of other instructors.~~
- ~~—(3) All applicants and instructors shall comply with all fire training state statutes and rules.~~

~~R 29.408a Probationary associate instructor; associate instructor; requirements.~~
Rescinded.

- ~~—Rule 8a. (1) An applicant for a probationary associate instructor shall meet all of the following qualifications:~~
 - ~~—(a) Be a member, or have been a member, of an organized Michigan fire department within the last 5 years immediately prior to his or her application.~~
 - ~~—(b) Possess a fire fighter I certification or successfully completed the previous phases I and II to instruct subjects within the fire fighter I course.~~
 - ~~—(c) Possess a fire fighter II certification or successfully completed the previous 240-hour training course to instruct subjects within the fire fighter I and II courses.~~
 - ~~—(d) Have a minimum of 3 years fire suppression experience.~~
 - ~~—(e) Successfully complete the council approved educational methodology class.~~
- ~~—(2) An applicant who successfully meets the qualifications for probationary associate instructor shall apply pursuant to the procedure under R 29.409.~~
- ~~—(3) Upon approval of the application by the department, the probationary associate instructor shall do all of the following:~~
 - ~~—(a) Select an instructor I or II as a mentor to directly supervise and assist him or her with 12 hours of supervised teaching. The department shall provide a form to document the practice teaching hours. At the completion of 12 hours, the mentoring instructor shall use the form to recommend the approval or denial for~~

the probationary associate instructor's certification. The mentor shall send the form to the department region coordinator.

—(b) With the receipt of the approved form, the region coordinator shall arrange for the probationary associate instructor to be evaluated by department staff while instructing. A probationary associate instructor must receive 1 satisfactory evaluation of classroom lecture within 2 years of obtaining probationary status.

—(c) After 12 hours of supervised lecture and a positive evaluation, the region coordinator shall notify the department of the successful completion of the probationary status of the applicant. The period of time needed to accrue 12 supervised teaching hours must be completed within 2 years, but may be extended by the fire marshal or his or her designee for good cause due to circumstances beyond the control of the probationary associate instructor.

—(d) An instructor I or II shall be present at the course and observe the instruction of a probationary associate instructor at all times. In cases of undue hardship, which may include, but are not limited to, unavailability of region coordinator, inclement weather, or circumstances outside of his or her control, the requirement of on-site supervision may be waived in writing by the region coordinator, upon written request of the course manager.

—(4) An applicant for an associate instructor shall apply pursuant to the procedure under R 29.409, and meet all of the qualifications of a probationary associate instructor.

—(5) An associate instructor who has successfully completed fire fighter I training may instruct any unit from the fire fighter I curriculum. An associate instructor who has successfully completed fire fighter I and II curriculum may instruct any unit from the fire fighter I and II curriculum in which he or she has shown competence.

R 29.408b Probationary instructor I; requirements. Rescinded.

—Rule 8b. (1) An applicant for a probationary instructor I shall meet all of the following qualifications:

—(a) Be a member, or have been a member, of an organized Michigan fire department within the last 5 years, or maintained active instruction status immediately prior to his or her application. An applicant shall maintain active instruction status by documentation of instruction hours on the department system maintenance on knowledge and education program.

—(b) Possess a fire fighter I and II certification.

—(c) Have a minimum of 5 years of experience in fire suppression at the time of application.

—(d) Be certified at the level or course that he or she wishes to instruct and completed a minimum of fire fighter II certification for instruction.

—(2) An applicant for instructor I who has not previously attained an associate instructor status shall serve a probationary instructor I status. A probationary instructor I shall only be authorized to instruct the courses approved at the associate instructor level.

—(3) An applicant possessing a current Michigan teacher's certificate, a currently licensed ems/ic, or an individual certified as an instructor I through an

~~internationally accredited fire service organization shall not be required to complete the council instructor I course and shall also be exempt from the probationary period.~~

~~—(4) An applicant who is an associate instructor shall not be required to serve a probationary period.~~

~~—(5) Within a 2-year period, a probationary instructor I shall do all of the following:~~

~~—(a) Select a mentor instructor I or II to directly supervise and assist him or her with the teaching process. A probationary instructor I candidate shall complete 12 hours of direct supervised teaching with 6 hours being lecture and 6 hours being practical.~~

~~—(b) The mentoring instructor shall document the practice and teaching hours on a form provided by the department. At the completion of 12 supervised hours, the mentoring instructor shall use the form to confirm the completion of the required instruction hours for the probationary instructor's certification as an instructor I. The mentoring instructor shall send the form to the region department coordinator for his or her review.~~

~~—(c) With receipt of the form, the region coordinator shall arrange for the probationary instructor to be evaluated by department staff while the probationary instructor is instructing. A probationary instructor shall receive 1 satisfactory evaluation of classroom lecture within 2 years of obtaining probationary status.~~

~~—(d) The period of time needed to accrue 12 supervised teaching hours must be completed within 2 years, but may be extended by the fire marshal or his or her designee for good cause due to circumstances beyond the control of the probationary instructor.~~

R 29.408c ~~Instructor I; requirements.~~ **Rescinded**

~~—Rule 8c. (1) An instructor I shall meet all of the following qualifications:~~

~~—(a) NFPA instructor I classification specified in nfpa 1041, chapter 3, "Fire Service Instructor Professional Qualifications," as adopted by reference in R 29.410b.~~

~~—(b) If not a certified instructor pursuant to R 29.408(e), have completed all requirements of a probationary instructor I, as required under R 29.408b.~~

~~—(c) Be a member, or have been a member, of an organized Michigan fire department within the last 5 years, or maintained active instructor status immediately prior to his or her application. An applicant shall maintain active instructive status by documenting instruction hours on the department's records management system operated by the department for purposes of maintaining records of approved fire fighters and instructors.~~

~~—(d) Have 5 years of fire suppression experience.~~

~~—(e) Completed an instructor I course, or the equivalent, meeting the requirements for requisite skills and knowledge of chapter 4 under instructor I, for nfpa 1041, "Fire Service Instructor Professional Qualifications," as adopted by reference in R 29.410b.~~

—(2) An instructor I shall perform the duties listed in nfpa 1041, “Fire Service Instructor Professional Qualifications,” chapter 4, as adopted by reference in R 29.410.

—(3) An instructor I is authorized to teach all courses that he or she has successfully completed unless a third party certification is required.

R 29.408d Instructor II; requirements. *[The Work Group said it wants to revisit this provision to decide what courses an Instructor I will be able to teach.]* **{Is this rule being rescinded?}**

—Rule 8d. (1) An applicant for instructor II shall meet the following qualifications:

—(a) Have an NFPA instructor II classification under nfpa 1041, chapter 3, “Fire Service Instructor Professional Qualifications,” as adopted by reference in R 29.410.

—(b) Have 7 years of fire suppression experience. *[The Work Group said this provision doesn’t have to be revised.]*

—(c) Have 160 hours of instructional experience in firefighting and emergency medical responder related materials. An applicant shall maintain active instructive status by documenting instruction hours on the department’s records management system operated by the department for purposes of maintaining records of approved fire fighters and instructors.

—(d) Completed an instructor II course, or the equivalent, meeting the requirements for requisite skills and knowledge of chapter 5 under instructor II, nfpa 1041, “Fire Service Instructor Professional Qualifications,” as adopted by reference in R 29.410b. *[The Work Group said it wants to discuss what course or courses would be considered “equivalent”.]*

—(e) Be a certified as a fire fighter II.

—(f) Be certified as instructor I.

—(2) An instructor II shall perform the duties listed in nfpa 1041, chapter 5, “Fire Service Instructor Professional Qualifications,” as adopted by reference in R 29.410.

—(3) An instructor II may perform the following:

—(a) Instruct any course approved by the council, unless a third-party certification is required. *[The Work Group said the Fire Marshal will look into this.]*

—(b) Provide instruction of any newly adopted council courses to instructor I level instructors.

—(c) Schedule and conduct an instructor I certification course.

—(d) Serve as a mentor for instructor I candidates.

R 29.408e Certified instructors. Rescinded.

—Rule 408e. (1) An instructor who is approved by the department at the effective date of these rules as a certified instructor, according to qualifications established prior to 2010, shall maintain his or her status as a certified instructor.

—(2) A certified instructor is an instructor who has demonstrated the knowledge and ability to coordinate other instructors, and who is capable of using a variety of teaching strategies to develop lesson plans and instructional aids based on a task analysis.

~~—(3) A certified instructor may teach all courses he or she is qualified to instruct or that he or she has successfully completed unless a third party certification is required as of the effective date of these rules.~~

R 29.408f ~~Special instructor requirements.~~ **Rescinded.**

~~—Rule 408f.—(1) An applicant for instructor may meet the qualifications through special training and experience if he or she is able to provide the following evidence:~~

~~—(a) The training or experience was obtained within the last five (5) years.~~

~~—(b) The training or experience occurred within the United States and is an acceptable training mechanism for certification in any of Michigan's neighboring states.~~

~~—(c) The training and experience is relevant to the training and experience required of Michigan instructors.~~

~~—(2) If the applicant is not qualified as an instructor or an associate instructor under these rules, the applicant shall complete the educational methodology course approved by the council.~~

~~—(3) If department staff is uncertain whether a particular special instructor's qualifications are sufficient to meet the requirements of this rule, staff may seek the advice of the council.~~

~~—(4) An instructor approved due to special instructor requirements may instruct according to those training and experience mechanisms to the extent he or she is allowed to instruct under these rules.~~

R 29.409 ~~Instructor application process.~~ **Rescinded.**

~~—Rule 9. (1) Each applicant for instructor shall submit his or her application to the department through the records management system operated by the department for purposes of maintaining records of approved fire fighters and instructors. The application shall be approved if it meets all the requirements under the statute and these rules, pursuant to the instructor level. A list of the approved applicants may be placed on the agenda of the next regular council meeting.~~

~~—(2) An applicant no longer active in fire service shall submit his or her application directly to the department through the records management system operated by the department for purposes of maintaining records of approved fire fighters and instructors, and the applicant shall request the state fire marshal, or hi/s or her designee, verify the applicant's previous fire department experience. The fire marshal may verify the applicant's experience through confirmation by the local fire department of employment or volunteer status.~~

~~(3) All applicants and instructors shall keep a current home address, phone number, and active e-mail address registered with the department.~~

R 29.410 Adoption by reference.

Rule 10. The **current edition of the** following standards of the national fire protection association, nfpa, are adopted by reference in these rules. Copies of the adopted standards are available for inspection and distribution at the office of

the Bureau of Fire Services, Michigan Department of Licensing and Regulatory Affairs, 3101 Technology Boulevard, Suite H, Lansing, MI 48910, or from the National Fire Protection Association, 1 Battery Park, P.O. Box 9101 Quincy, MA 02269-9101, telephone number 1-800-344-3555. The cost of each standard at the time of the adoption of these rules is included with the title of each standard. *{The language about how to obtain copies of the standards shouldn't be deleted. MOAHR requires the language be included in the rules.}* **Each standard is available to be viewed on line at no cost at www.nfpa.org with an established account.**

(a) NFPA 1001, Standard for Fire Fighter Professional Qualifications, **2013 2019** edition, chapters 1, 4, 5, and 6, at cost of \$ 44.50 each. *{This language needs to be updated and not deleted.}*

(b) **NFPA 1003, Standard for Fire Service Aircraft Firefighter Professional Qualifications** *{Language about the date of the current standard and the cost of obtaining a copy of the standard needs to be added.}*

(c) **NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications** *{Language about the date of the current standard and the cost of obtaining a copy of the standard needs to be added.}*

(d) **NFPA 1021, Standard for Fire Officer Professional Qualifications** *{Language about the date of the current standard and the cost of obtaining a copy of the standard needs to be added.}*

(e) **NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Review** *{Language about the date of the current standard and the cost of obtaining a copy of the standard needs to be added.}*

(f) **NFPA 1033, Standard for Professional Qualifications for Fire Investigator** *{Language about the date of the current standard and the cost of obtaining a copy of the standard needs to be added.}*

—(b)(g) **NFPA 1041, Standard for Fire Service Instructor Professional Qualifications**, 2012 edition, at cost of \$ 38.50 each. *{This language needs to be updated and not deleted.}*

(h) **NFPA 1072, Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications** *{Language about the date of the current standard and the cost of obtaining a copy of the standard needs to be added.}*

(i) **NFPA 1670, Standard on Operations and Training for Technical Search and Rescue Incidents** *{Language about the date of the current standard and the cost of obtaining a copy of the standard needs to be added.}*

PART 3. DISCIPLINARY PROCESS

R 29.410a Disciplinary process.

Rule 10a. (1) Pursuant to section 11a of the act, MCL 29.371a, the state fire marshal shall initiate the disciplinary process, which may include suspension or revocation of 1 or more classification certifications issued to an individual for any of the following reasons:

(a) Having been convicted of a felony in any state of the United States.

- (b) Making a materially false statement.**
 - (c) Causing a materially false statement to be made.**
 - (d) Committing fraud when applying for any classification certification.**
 - (e) Wrongfully disclosing in any format, such as electronically, verbally, or in writing, any information about an examination that the bureau uses in the examination certification process.**
 - (f) Violating the act or the bureau's rules, policies, directives or bulletins.**
 - (g) Violating the annual instructor memorandum of understanding (MOU).**
 - (h) Violating the 3-year continuing education compliance requirements.**
- (2) Upon the bureau receiving notification that an individual who is certified pursuant to the act and these rules, has violated the act or 1 or more of the rules, policies, directives, bulletins, the instructor memorandum of understanding, or the continuing education requirements, the state fire marshal shall direct bureau staff or state fire marshal designee to investigate the allegation or allegations. The investigation shall include an interview or interviews of the individual who made the allegation, any witnesses who may support or negate the allegation or allegations against the individual in question, and the individual accused of impropriety.**
- (3) Upon completion of the investigation by the bureau staff or state fire marshal designee, he or she shall submit a final report to the state fire marshal for official action.**
- (4) Upon reviewing the report, the state fire marshal shall determine whether the allegation or allegations have met 1 of the following:**
- a. Substantiated: the conduct was improper.**
 - b. Unsubstantiated: the conduct was proper.**
 - c. Unfounded: the conduct never occurred as alleged.**
 - d. Inconclusive: there was insufficient evidence to determine if conduct was either proper or improper.**
- (5) An individual who has 1 or more classification certifications suspended as the result of a disciplinary process shall meet all the conditions detailed in the suspension including, but not limited to, retraining provisions to reinstate his or her classification certification or certifications.**
- (6) Any suspension, other than revocation of classification certification or certifications, shall specify requirements that the individual shall complete to reinstate the classification certification or certifications after the terms of the suspension are met.**
- (7) The decision of the state fire marshal to suspend or revoke a classification certification shall be sent to the individual and his or her fire chief of record listed in the training information network via certified mail.**
- (8) An individual may appeal the decision of the state fire marshal within 30 days of signing for the certified letter.**

(9) An individual who appeals the state fire marshal's decision shall submit a letter of appeal to the bureau's deputy director for inclusion at a regularly scheduled council meeting and may request a closed session per the open meetings act.

(10) The individual shall be notified by the bureau's deputy director via certified mail that his or her appeal hearing has been approved and listed on the agenda at least 2 weeks prior to the regularly scheduled council meeting.

R 29.410b. Disciplinary appeal hearing process.

Rule 10b. (1) After the bureau's deputy director receives an appeal letter, as required in R 29.410(a), a disciplinary appeal hearing notice shall be placed on the agenda for the regularly scheduled council meeting.

(2) The chairperson of the council shall preside over the disciplinary appeal hearing.

(3) The individual appealing a disciplinary decision may request a closed session of the meeting the council shall conduct a roll call vote on the request for a closed session. A decision to close the session shall require two-thirds vote of the members present at the council meeting. **(Note: Is a 2/3 vote needed or a majority vote needed when a named person requests a closed session? Council requested question)** If the council votes to hold a closed session, the disciplinary appeal hearing shall include only the council members, the state fire marshal, or his or her designee, and the council's recording secretary.

(4) The individual who is appealing the council's disciplinary decision may appear with his or her legal representative. Witnesses for the appellant and the bureau may be called to testify during the disciplinary appeal hearing. The proceedings of the disciplinary appeal hearing should be recorded digitally by the bureau.

(5) The disciplinary appeal hearing shall be conducted as follows:

(a) Council members shall be given the opportunity to review the documentation submitted before proceeding.

(b) The state fire marshal, or his or her designee, shall present a summary of the investigation findings and the disciplinary decision, which shall not exceed 20 minutes.

(c) The individual appealing a disciplinary decision shall present his or her statement, which shall not exceed 20 minutes.

(d) Any council member may question the individual appealing a disciplinary decision and the state fire marshal during this hearing.

(e) The state fire marshal, or his or her designee, shall have 5 minutes to present a summary of the reasons for upholding the state fire marshal's disciplinary decision prior to the council vote.

(f) The individual appealing a disciplinary decision shall have 5 minutes to present a summary of the reasons to overturn the disciplinary decision prior to the council vote.

(g) The council chairperson shall entertain a motion to adjourn the closed session.

(h) Upon returning to open session of the council meeting, the council chairperson shall entertain a motion to uphold, deny, or modify the previous council decision.

(5) Based upon the vote of the council, the council chairperson shall announce the decision. The decision of the council shall be final. Written notification of the decision shall be made to the individual and his or her fire department.

(6) All documentation distributed to the council during the closed session of the disciplinary appeal hearing regarding the investigation shall be collected by the state fire marshal, or his or her designee. The bureau shall retain this documentation for a minimum of 1 year plus 1 day after approval of the minutes of the regular meeting at which the closed session occurred.

***** Ended Here on 10/22/2019

PART 4. TRAINING

R 29.413 Regional training centers; facilities; approval.

Rule 13. (1) An applicant shall establish a regional training center (rtc) in a strategic location to serve the greatest number of fire departments that are unable to support their own training program. To establish a regional training center, an applicant shall do all of the following:

(a) Establish an advisory committee which includes ~~appointing a the manager of training chairperson~~ from the department rtc staff and may include any county training committee chairpersons from the counties that will be served by the rtc.

(b) ~~Complete an application provided by the department.~~ **Submit a letter of intent to the appropriate bureau region coordinator to establish an rtc.**

(c) Complete a needs survey which establishes the fire department training needs of the area and describes how the rtc plans to fulfill those needs. Collect any ~~correspondence~~ **documentation** of support for the need of the new rtc.

(d) Have and be able to maintain the capability to conduct fire fighter I and II courses and examinations.

(e) Work with the ~~department~~ **bureau** in training technology development.

(2) An applicant shall submit the ~~completed application~~ **letter of intent** and supporting documentation to the ~~department~~ **bureau** region coordinator assigned to his or her area who shall do both of the following:

(a) Contact ~~rtc's~~ **1 or more rtc's** that border the proposed rtc for a letter information regarding **outlining their opinion regarding** the need and effect of a **potential** new rtc **on their the existing facility**.

(b) Submit the ~~application~~ **letter of intent**, supporting documentation, and a report to the ~~bureau department~~ **bureau** on the effect a new rtc will have on existing programs.

(3) If the application meets the requirement of subrules (1) and (2) of this rule, the state fire marshal ~~and the department manager of training~~ shall approve the

application. A list of approved rtc's may be placed on the agenda of the next regular council meeting.

(4) An rtc shall keep contact information for the center and advisory board membership current with the ~~department~~ **bureau**.

(5) The rtc shall perform all of the following on an annual basis:

(a) Maintain capability to conduct fire fighter I and II courses and examinations.

(b) Comply with all ~~department~~ **bureau** rules.

(c) Cooperate with the ~~department~~ **bureau** in training technology development.

(d) Submit a report to the state fire marshal annually ~~on~~ **by December 1 (when does the report go to the LARA Director's office)** for the previous year October 1 to September 30. ~~The fire marshal shall submit a copy of each report to the fire fighters training council for review at the next scheduled meeting for purposes of completing the report required under section 7 of the fire fighters training council act, 1966 PA 261, MCL 29.367.~~ The annual report by **each** rtc shall include **all of** the following: **{MOAHR required "all of the following".}**

(i) The training activity from the previous year.

(ii) The use of approved county funds.

(iii) The budget and expenses from the previous year.

(iv) The rtc training plan for the upcoming year.

(6) The state fire marshal shall authorize a regional training center to conduct the following courses or other council-approved courses:

(a) Vehicle extrication.

(b) Advanced vehicle stabilization.

(c) Elevator training.

(d) Introduction to wild land firefighting.

(e) National incident management system: incident command **and resource management** system for the fire service.

(f) Clandestine drug lab awareness.

~~—(g) Building construction for fire suppression forces: principles, wood and ordinary construction.~~

~~—(h)~~ **(g)** Drivers training, classroom portion. **A** rtc shall have available rooms and facilities to efficiently carry out its program of instruction.

R 29.414 ~~Regional training centers; courses.~~ **Council approved curriculum; requirements.**

Rule 14. (1) The minimum class size for training ~~at a regional training center~~ **an approved course** is 15 students. Exceptions may be granted by ~~the a manager of training bureau~~ region coordinator or state fire marshal upon recommendation of department staff.

(2) The maximum class size ~~at a regional training center~~ **for an approved course** is 35 students. ~~Department~~ **Bureau** staff may approve larger classes if special circumstances exist and adequate staffing is provided.

(3) Rtc students who are not members of a Michigan fire department shall be assessed a fee per student to cover the cost of providing the certification examination as established by the bureau by January 31 prior to the next fiscal year. Fees shall be remitted to the bureau 2 weeks after

the course start date as provided under MCL 29.371 (1)(j). (How do we collect fees? Ask Ann) {The language about when a fee is assessed – “by January 31 prior to the next fiscal year” -- may need to be clarified. If the State’s fiscal year starts in October, does that mean the fee has to be assessed in 10 months before that date in January?}

—(3) **(4)** Students shall be at least 18 years of age on the date of the scheduled examination. Exceptions to the requirement in this subrule shall be made for individuals sponsored by a fire department cadet program, a fire department boy **or girl** scouts of America explorer program or a high school training program that is affiliated with a fire department pursuant to section 2 of the firefighter training programs act, **2011 PA 153, MCL 29.332 (check for updated language).**

Participants in these programs must be 16 or 17 years old and may be 18 years old if still attending high school as a full-time student. All requests for the program exception shall be sent to the ~~department~~ **bureau** staff in writing from the fire chief of the sponsoring fire department.

—(4) **(5)** The following individuals may participate in council approved training and testing programs:

(a) Pre-service students who are enrolled in a council-approved course at an ~~rtc~~, pursuant to an agreement with a college or university under section 10 of the act, MCL 29.370.

(b) Fire department cadets, ~~department instructors~~ **fire department members, certified fire service instructors, contracted** training coordinators ~~who are retired members of a fire department,~~ **rtc staff members**, council members, and full-time ~~department~~ **bureau** staff.

(c) Explorer scouts and students of a fire department affiliated high school program pursuant to section 2 of the firefighter training programs act, 2011 PA 153, MCL 29.332.

—(5) **(6)** Fire department cadets, explorer scouts and fire department affiliated high school students may participate only in fire fighter I, fire fighter II, fire fighter I and II, first responder operations, and incident command system courses.

R 29.415 Online training courses.

Rule 15. (1) The state fire marshal, with the approval of the council, may endorse the implementation of online learning courses.

(2) An online course must be sponsored by a **recognized** regional training center **or requested by a county training committee chairperson.** ~~at a Michigan department of education accredited institution of higher learning.~~ The regional training center ~~at the institute of higher learning~~ **Either entity** shall be responsible for faculty **instructor** training and online delivery support for faculty **instructors** and students. **Online courses must utilize a council approved curriculum online learning platform.** {What does “curriculum online learning platform mean”?}

(a) **A bureau region coordinator shall approve an online courses must be approved by a bureau region coordinator in the bureau training information network no not less than 6 weeks prior to the start of the course. for each delivery.**

(b) An individual ~~cannot miss shall not be absent from~~ more than 10% of the total online lecture hours of an entire course as validated by the course manager. ~~All individuals~~ An individual shall ~~will~~ *{which word?}* need to make up missed hours and classes prior to the scheduled ending date of the course. An individual ~~must meet shall attend~~ 90% of the lecture hours and 100% of the practical skills hours. The course manager shall enforce the bureau make up policy.

(i) The initial delivery of an online training course shall be a pilot program and pre-approved by the council. ~~Department~~ Bureau staff may proctor the pilot program in order to provide an evaluation.

(ii) Upon ~~positive review of a report from the instructors and the course manager~~ evaluations by the department staff, which includes written feedback from all of the ~~instructor~~ instructors, and a majority all of the students, and with a positive recommendation from the regional coordinator, the state fire marshal shall ~~may~~ approve the future courses.

(b) All online training shall consist of the following:

(i) A written exam.

(ii) The same learning objectives as a face-to-face training format.

(iii) A maximum student-to-instructor ratio for practical components of a course shall ~~be not exceed~~ of 20 10 students to 1 instructor.

~~—(iv) Post evaluations for a pilot course by the students, instructor, and department staff.~~

R 29.416 County training committee; selection of members; election of chairperson.

Rule 16. (1) A county shall establish a county training committee to receive the fireworks safety fees annually from the bureau, as provided in MCL 29.371(k), 29.374

(2) A county training committee shall be made up of ~~one-1~~ member from each organized fire department and public safety department in the county.

(3) A county training committee shall elect a chairperson each year. ~~Every Each~~ fire department and public safety department in a county shall have 1 vote when electing the chairperson. The chairperson shall serve for the calendar year beginning January 2 and the term expires January 1 of the following year.

(4) A county training committee shall notify the bureau about ~~who was elected chairperson of that committee~~ by ~~submitting using~~ bureau form 240 by January 2 of each calendar year. ~~as to who was elected as chairperson of that committee.~~

(5) If a vacancy of the chairperson position occurs during a fiscal year, a county training committee shall elect a new chairperson within 7 days of the vacancy occurring and shall notify the bureau by ~~submitting~~ submission of the ~~BFS bureau~~ form BFS-240.

R 29.417 Training needs survey.

Rule 17. (1) A county training committee chairperson shall **annually** conduct a training needs survey in April of each fiscal year. The survey shall be presented on the **BFS bureau form BFS-243**.

(2) **The A** county training committee chairperson shall compile an aggregate report of the results of the training needs survey including, but not limited to, a list of the fire departments within the county and whether they participated or **did not participate** in the survey.

(3) **The A** county training committee chairperson shall submit a report to **the bureau region coordinator on the bureau form BFS-244** of the results of the training needs survey. ~~to the bureau region coordinator~~ **This report shall be submitted** by May 15 of each fiscal year.

(4) A county training committee that does not submit the results of the training needs survey **will shall** result in a delay of the October 1 release each fiscal year of the fireworks safety fees allocated for that county pursuant to section _____ of 2011 PA 256, the **Michigan fireworks safety act, MCL _____**. *{Please add the statutory citation for the section of the act that deals with the allocation of the fees.}*

(5) The chairperson of a county training committee shall **encumber** the county's fireworks safety fee fund allocation by December 31 of each fiscal year. *{What does "encumber" mean? Is this the correct word to use?}*

(6) The chairperson of a county training committee shall **send submit to** the bureau a detailed list of an allocated course or courses funded by the fireworks safety fund by January 15 of each fiscal year.

PART 5. CONTINUING EDUCATION

R 29.418 Continuing education.

Rule 18. (1) The authority having jurisdiction may exceed the minimum continuing education requirements as specified in this rule while ~~maintaining compliance~~ complying with the initial and continuing training requirements in R 408.17411. ~~MIOSHA Part 74 initial and continuing training requirements.~~

(2) The continuing education process **will shall** apply to every member of the fire service in Michigan. The program **will shall** run in a 3-year cycle.

(a) The first 3-year cycle **will shall** begin on October 1, 2019 **(FY20)** and end September 30, 2021. **(FY 22).**

(b) The next 3-year cycle will begin October 1, 2021 and continue to occur after the completion of each 3-year **state of Michigan** fiscal-year cycle.

(3) **Every A** fire service member, regardless of ~~their~~ **his or her** rank, shall, at a minimum, meet the fire fighter continuing education requirements during the 3-year **state of Michigan** fiscal-year cycle, except as otherwise provided in this rule.

(4) All training that is conducted in a council-~~approved~~ **sanctioned** course, Q course approved conference, approved Q course on-line training platform, *{What is an online training platform?}* or training conducted by an organized fire department **in this state shall will** count towards ~~s~~ meeting the

continuing education requirement if a training roster was completed, and signed by the instructor, and submitted to the bureau.

(a) For continuing education training to count toward a continuing education requirement, the an instructor needs to shall complete a fire department specific training roster or may use the BFS-200 the bureau's continuing education training roster, BFS-200, if the training is provided outside of a council-approved sanctioned course.

(b) If the continuing education training is part of a council-approved sanctioned course, the training will shall be tracked in SMOKE *{Instead of using SMOKE, should we say "the bureau's training information network? We've used this throughout the rest of the rules.}* and the student and instructor will shall sign the SMOKE roster and both the students and instructor will sign the roster for each training calendar day segment for the course. *{What is meant by a training calendar day segment?}*

(5) Training transcripts from council-approved on-line course platforms *{What is meant by training transcripts and on-line course platforms?}* *{Please remove the page break.}* will shall count towards the continuing education requirements that are shall be completed during the current 3-year cycle. ~~It is the student's~~ A student shall responsibility to provide the on-line training transcript to their his or her fire chief or the assigned fire chief's designee.

(6) At the end of the 3-year cycle, each a fire service member will shall log into SMOKE and check the box validating that they have he or she has met the continuing education requirements on their his or her SMOKE profile. After a fire service member Once checks the box in SMOKE is checked to renew all classification certifications, it is possible that a person could a fire service member may be randomly audited by the bureau as part of a the bureau's quality assurance process. by the bureau. A fire service member who checks the box without having met completed the continuing education requirements for each classification certification or certifications in the 3-year cycle will result in the revocation of shall have his or her classification certification or certifications revoked due to making a materially false statement as outlined in R 29.410a. A fire service member that have who has not completed the required continuing education within the 3-year cycle will be afforded allowed a 90-day grace period to complete the continuing education requirements for the previous cycle.

(7) The following are the continuing education requirements for each classification of certification.

(a) Fire fighter: Obtain An individual who has been certified as a fire fighter shall obtain a total of 36 hours during the 3-year cycle with a minimum of 6 hours per year, commensurate to meet the specific duties and functions that the employee is expected to perform during the 3-year cycle as a member of a fire department. *{Should this also specify fire fighter I, fire fighter II, etc. ?}*

(i) For a fire fighter who is a member of more than 1 fire department, the common training topic hours may be used at all the fire departments, if the training is commensurate with common duties and functions performed at

each fire department. If 1 of the fire departments has specific duties or functions that exceed the other fire departments duties or functions, the member shall complete the additional training if identified by the AHJ where the member is rostered.

(ii) ~~Additional continuing education credits are needed for any member holding A member who holds a classification certification above the fire fighter classification continuing education requirement shall obtain the required additional continuing education credits for that classification.~~

(iii) Fire fighter continuing education is required for all Michigan fire fighters in this state, including those who were exempted from fire fighter I or fire fighter II certification due to being employed by a fire department prior to October 1, 1988.

(b) Fire service instructor: ~~An individuals completing who has completed the fire instructor I classification or a higher classification and who have made application applied to the bureau to be classified as a fire service instructor, and who has been have become certified as a fire service instructor shall complete 12 hours of fire service instructor continuing education by attending a council-approved fire instructor or MDHHS EMS {Spell out} conference during the 3-year cycle.~~

(i) Fire service instructor continuing education is in addition to other certification continuing education requirements.

(ii) An individual who completes the next level of fire instructor certification above the current instructor certification during that 3-year cycle or maintains an EMS instructor coordinator license issued by _____, pursuant to _____, shall have has met the continuing education requirement for fire service instructor. *{Does the state issue EMS instructor coordinator licenses? If it does, then the statutory citation should be noted.}*

(9) Fire officer: An individual who has been certified as a fire officer shall obtain 12 continuing education hours in subjects that include fire safety and health, leadership, incident management, or fire tactics while attending a council-approved course(s) or, training specific to the topics in this section at their department, or attend a professional development conference in the 3-year cycle. A fire officer may complete either the next level of the nfa certified fire officer certification above you're-his or her current nfa certified fire officer certification during the 3-year cycle, attend the national fire academy during the 3-year cycle, or complete a college course with at least 3 credit hours related to the subjects specified in this subrule above during the 3-year cycle.

(10) Fire inspector: An individual who has been certified as a fire inspector shall complete all the requirements in Public Act 207 Rule set R29.506 (60 credits, 10 minimum per year, in the 3-year cycle). *{This language needs to be clarified.}*

(11) Fire investigator: An individual who has been certified as a fire investigator shall obtain 12 hours of continuing education in the subject of fire investigation in a 3- year cycle. A fire investigator may obtain the

required hours of continuing education either by attending conferences, seminars, and course sponsored by the international association of arson investigators, conferences, seminars, and courses or by attending council approved conferences, seminars, and courses. An individual also may attend during the 3-year cycle a fire investigation topic sponsored by the national fire academy. during the 3-year cycle.

(12) Airport rescue fire fighter: An individual who is certified as an airport rescue fire fighter shall complete the continuing education as required by the federal aviation administration under Title 14 Code of Federal Regulations, Part 139 for initial training, 14 CFR 139 (Please add the year of the most current version of this CFR, as required by MOAHR. This information should be in parentheses.)

(13) Hazardous-material responder: An individual who is certified as a hazardous-material responder shall obtain 2 hours of continuing education per year for every fire service member trained to the operational level during the 3-year cycle. A fire service member who is trained above hazardous material operations certification shall meet the requirements of the AHJ (fire department, county hazmat team, RRTN MIOSHA Part 74). *{The language on AHJ etc. needs to be clarified.}* Hazardous-material responder continuing education hours can may count toward the fire fighter continuing education hours.

(14) Technical rescue responder: An individual who is certified as a technical rescue responder shall obtain 2 hours per year of awareness for all fire service members that could respond to an event outlined in nifa 1670 for a total of 6 hours during the 3-year cycle. *{The language on "awareness for all fire service members, etc. needs to be clarified. Not sure the readers will know what this means.}* A fire service member who has been trained above the awareness level per nifa 1670 must shall meet the training requirements established by the AHJ (fire department, local county or regional tech rescue team or training requirement required to be a member of Michigan Task Force 1). Tech rescue responder continuing education hours may count toward fire fighter continuing education hours. *{This language also needs to be clarified.}*

(15) Fire chief-public safety director: An individual who is certified as a fire chief or public safety director shall obtain attend-12 hours of continuing education training at a council-approved leadership, management, and fire officer training, or complete the next level of council-approved nifa 1021 fire officer certification during the 3- year cycle or attend the national fire academy during the 3-year cycle.

(a) If a fire chief or public safety director is a certified fire officer, the fire chief or public safety director shall only be required to meet only the fire chief-public safety director continuing education requirements.

An individual shall meet the continuing education requirements pursuant to R29.418 in order to maintain certification for the fire instructor I classification.(will add to each classification)

(8) An individual shall apply to the bureau on the bureau's application, BFS-205, for certification prior to taking the state certification course. An individual shall be certified at the previous certification level prior to taking the next level of certification pursuant to nfpa 1041 "Standard for Fire Service Instructor Professional Qualifications".

DRAFT