

**COMMISSION ON FIRE PROTECTION, PERSONNEL,
STANDARDS AND EDUCATION**

Minutes

April 17, 2014

Danville, Kentucky

Present:

Eric Bach

Dr. Box

Teresa Rochetti- Cantrell

Rick Daugherty

Greg Dearing

Vicki Herald

Colonel Michael Jones

Scott Lawson

William Lilly

Greg Lowe

Rich Meyer

Tiger Robinson

Jennifer Schott

David Stump

Kevin Tyler

Tiger Robinson called the meeting to order at 1:06 p.m. Ronnie Day conducted the swearing in of Colonel Michael Jones. Scott Lawson introduced Representative Mike Harmon, Representative Terry Mills and Senator Jimmy Higdon to the Commission and thanked them for being here. David Goldsmith motion to approve the minutes from February 28, 2014 in Lexington, Kentucky. William Lilly seconded. Motion approved. Tiger Robinson thanked Chief Sexton for hosting this meeting. Chief Sexton thanked everyone for being here and encouraged everyone to check out their new training center.

Finance Committee

David Stump said the Finance committee met this morning and approved the minutes from the February meeting. The committee reviewed the current budget information and a copy is in everyone's folders. David said we reviewed the

expenses and the deadlines coming up. David said we plan on having Finance committee meetings before each Commission meeting.

E&E Committee

David Goldsmith said the E&E committee met this morning and approved the minutes from February 18, 2014 meeting. David Goldsmith said we had two fire departments meet with the E&E committee this morning. Putney Fire Department and Hatfield Fire Department had a few issues with state aid in their departments. They have all of those issues worked out. We need a motion to approve reinstating their state aid starting July 1, 2014. William Lilly motion to approve reinstating state aid for Hatfield Fire Department. Scott Lawson seconded. Motion approved. Rich Meyer motion to approve reinstating state aid for Putney Fire Department. William Lilly seconded. Motion approved.

David Goldsmith said the E&E committee will be working with Pat Thompson on the update of the Fire Commission required classes and we will have a meeting prior to the next Commission meeting.

Personnel Committee

Greg Dearing said we posted three positions for SFRT and National Responder Preparedness Center Coordinator. The closings were yesterday for the postings. Greg said we will start interviewing for those positions. Greg Dearing said there will be a couple of office positions opening up in the next thirty days or so. Greg said there is a new committee list in everyone's folders. Please review that list and let us know if any corrections need to be made.

Legislative Committee

Michael Kurtsinger said this session we went after several things, but nothing passed. There was a move that the PVA was trying to put fees on fire taxing districts. We were successful with stopping that from happening. Michael Kurtsinger said we will be leaving on April 30th for the Fire Caucus in Washington. Ronnie Day thanked Michael Kurtsinger for all of his hard work.

Training Facility Committee

William Lilly said the Training Facility committee has something to discuss. Brindle Ridge Fire Department was given an extension until April 1, 2014 to locate a piece of property to receive their training facility grant. Bruce Roberts said at the last training facility meeting Brindle Ridge asked us to extend their deadline until April 1, 2014. They were trying to purchase some property from CSX railroad. That fell through. Brindle Ridge is going to build on their property now. Bruce said we sent them a check last Wednesday.

Fire Marshal's Office

None.

Homeland Security

None.

Emergency Management

Colonel Michael Jones said five names have been submitted to the Governor's Office for the new director position. Colonel Jones said the earthquake exercise is in June.

Kentucky Firefighter's Association

None.

Kentucky Association of Fire Chief's

None.

Kentucky Professional Firefighter's Association

None.

KBEMS

None.

Old Business

Michael Kurtsinger said we will have to go over the administrative regulations once Anne-Tyler Morgan arrives. David Stump asked has there been any more discussion on when the workshop will be. Ronnie Day said the workshop will be July 18th through the 20th at Lexington Green.

New Business

Bruce Roberts said the Combat Challenge will be held on June 14th and 15th at Lexington Green. Bruce said if the Commission members plan on attending please let him know so he can order shirts. Tiger Robinson said State Fire School will be held June 5th through the 8th in Lexington. The KFA Conference will be held August 1st through the 6th in Elizabethtown, Kentucky.

Ronnie Day said the double two story stacker fire simulator we purchased was delivered and it was demoed at FDIC. It is now at Tiger Robinson's area and classes will be held April 29, 30 and May 1st. The trailer will then be moved to the National Responder Center in Greenville.

Bruce Roberts introduced Todd from Bardstown Fire Department. Todd passed information out on their health and fitness program they started on January 1, 2014. Thirteen members who have been participating has already lost 380 pounds together. Todd said other departments have heard what Bardstown is doing and they have started their own fitness programs.

David Stump motion to go into recess at 1:35 p.m. until Anne-Tyler Morgan arrives. Rich Meyer seconded. Motion approved.

Tiger Robinson called the meeting to order at 2:09 p.m. Anne-Tyler Morgan said we are here to discuss the public comments received on the CPAT regulation act (739 KAR 2:090). Anne-Tyler Morgan said we need to take a vote on these comments one by one. She will state the comment and the Commission will need to vote to accept, reject or maneuver. Michael Kurtsinger said he has the letters from the Judge Executive of Simpson County, Franklin Simpson Fire Department Chief Mark Halcomb, Chief Woody Ball from Danville and Chief Frederick from Louisville Fire Department. Scott Lawson said when we come to the letter from the City of Danville, he would like to be removed from voting because of a conflict of interest. Tiger Robinson said accepted. Anne-Tyler Morgan said the first comment we received was from Woody Ball saying the regulation should contain a

definition of candidate and that definition should be “a firefighter who passed all local application procedures and is now ready for recommendation by the fire chief to the governing body”. Bruce Roberts said he contacted IAFF and they sent him the definition says a candidate is any individual including a volunteer firefighter that is showing interest or has applied for a career position within the fire service. Anne-Tyler Morgan asked is that in the manual. Bruce Roberts said no. Rick Daugherty said it is hard to specify exactly what the definition of a candidate is and what they have already passed because we don’t know as a body where they have put that in their hiring process or when they look at those final candidates. Has every department completed every other part of their process? Bruce Roberts said the definition he read was what International sent to him. Anne-Tyler Morgan said we will make a note that the manual to the IAFF is incorporated into regulation. Anne-Tyler Morgan said the motion should be to accept the language given by IAFF. Rick Daugherty motion to reject Woody Ball’s proposal. Rich Meyer seconded. Motion approved. Scott Lawson abstained from voting. Greg Dearing motion to approve accepting IAFF’s definition of candidate given by Bruce Roberts. Rick Daugherty seconded. Motion approved.

Anne-Tyler Morgan said the next comment is from Woody Ball. It says the regulation should apply to firefighters employed by fire departments prior to January 1, 2014 instead of the current date of January 1, 2013. Michael Kurtsinger said he doesn’t see how the administrative regulations can supersede KRS. David Stump motion to reject. Rick Daugherty seconded. Rick Larkins said we have been using the 2013 date ever since it passed. Motion approved. Scott Lawson abstained from voting.

Anne-Tyler Morgan said the next one is from Woody Ball. It is to include fire protection districts as organized under KRS Chapter 75. Anne-Tyler Morgan said this is already in the regulation. David Stump motion to accept. Rich Meyer seconded. Motion approved. Scott Lawson abstained from voting. Anne-Tyler Morgan asked can we change this motion to reject because it is already in the law. David Stump and Rich Meyer withdrew their motion. David Stump motion to reject. Rich Meyer seconded. Motion approved. Scott Lawson abstained from voting.

Anne-Tyler Morgan said Woody Ball sent a comment that said the Kentucky Fire Commission should accept liability for any injuries incurred in the performance of the CPAT when the examination is conducted by the Kentucky Fire Commission and the regulation should outline the flexibility of Worker’s Compensation for both volunteers, paid and civilian candidates. Anne-Tyler Morgan said worker’s

compensation law is pretty basic. If they are an employee they are covered, if not then they aren't covered. Anne-Tyler Morgan said inserting any language into regulation for worker's compensation might be problematic for the Fire Commission. Rick Larkins said they have to fill out their name, address and emergency contact numbers. The second form is a waiver form that waives any liability if they are injured. The third form says they must go through rehab. Michael Kurtsinger said the waiver of liability that a firefighter must sign was written by KCTCS Legal. Rick Daugherty motion to reject. Greg Dearing seconded. Motion approved. Scott Lawson abstained from voting.

Anne-Tyler Morgan said this one says language should be added to the regulation classifying that fire departments, city, county or fire protection districts shall not be prohibited from getting additional outside agility testing. This is so they can conduct their own testing as long as CPAT is implemented also. Bruce Roberts said they can have their own agility testing. That doesn't have anything to do with the regulation of CPAT. Eric Bach motion to reject. Rich Meyer seconded. Motion approved. Scott Lawson abstained from voting.

Anne-Tyler Morgan said Mark Halcomb wants the exemptions to section 21 of the regulation be expanded to volunteer firefighters that are certified by the Kentucky Fire Commission who is hired to a part time or full time position by any Kentucky Fire Department. Anne-Tyler Morgan said this would not be keeping with the statutes. Scott Lawson motion to reject. Greg Lowe seconded. Motion approved.

Anne-Tyler Morgan said that Mark Halcomb made the comment that small volunteer and combination fire departments may employ only executive staff members initially to set the stage for future growth which would result in the designation of 100% of executive staff in conflict with regulation as written. Anne-Tyler Morgan said regulation is written to have an exemption for executive staff on fire departments on taking the test. That is capped at 25% of the fire department so nobody can come along and say all of their department are executive staff. Michael Kurtsinger said this is an agreement that the Kentucky Association of Fire Chiefs and KLC agreed upon. Rich Meyer motion to reject. Scott Lawson seconded. Motion approved.

Anne-Tyler Morgan said the next comment is from Mark Halcomb. It is concerning the section stating that any part time firefighter employed and paid prior to 2013 who is being promoted to a full time position may be exempt from that requirement. Anne-Tyler Morgan said again this date is in statute. Scott Lawson motion to reject. Greg Dearing seconded. Motion approved.

Anne-Tyler Morgan said this is from Mark Halcomb. The regulation stipulation for CPAT should be offered at least once per year in Area 4 with the condition that the minimum of 15 candidates registered within 90 days of the scheduled exam is overly burdensome on a small volunteer or combination fire department. Michael Kurtsinger said again this was part of the negotiations that we did with the Kentucky Association of Fire Chiefs and KLC. This is their recommendation. Scott Lawson motion to reject. Greg Dearing seconded. Rick Larkins said some departments wanted CPAT offered twice in a year when there are only three paid departments in the county. Teresa Rochetti- Cantrell said she talked with Bruce Roberts this morning and he said we could schedule a CPAT class if fifteen people are available. Michael Kurtsinger said we make CPAT available with being able to be mobile and set up when needed. Motion approved.

Anne-Tyler Morgan said the next comment is from Jim Henderson. He says the regulation does not improve access for testing opportunities across the state. Michael Kurtsinger said CPAT access is everywhere. Every part of the state is covered plus mobile units are there to go whenever necessary. Rich Meyer motion to reject. Scott Lawson seconded. Motion approved.

Anne-Tyler Morgan said the next comment is from Gregory Frederick from Louisville Fire Department. Chief Frederick said fire departments and fire protection districts utilizes civil service process for hiring new firefighter candidates that includes a physical agility or ability tests comparable to CPAT or another such validated examination should be exempt from requiring CPAT certification in order to become a paid firefighter. Anne-Tyler Morgan said the statute does require an administrative regulation that implements CPAT. Scott Lawson motion to reject. Greg Dearing seconded. Motion approved.

Anne-Tyler Morgan said she will write LRC informing them know that most comments were rejected and that we will incorporate the IAFF candidate definition into the regulation. Greg Dearing asked do we have to respond to these departments. Anne-Tyler Morgan said they will receive a copy of the regulation.

Meeting adjourned at 2:37 p.m.