

June 27, 2000

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**MINUTES OF THE JUNE 27, 2000 MEETING OF
THE COMMISSION ON FIRE PREVENTION AND CONTROL**

The meeting was called to order at 9:38 a.m. by Vice Chairman Kowalski with the following members present: Commissioners Brammer, Haber, Mullen, Munkenbeck, Nicol, Stankye and Wilkinson. Commissioners Carozza, Gomeau, Johnson, Maheu, Milewski and Vendetta were excused. Staff members Morrissette, Gamble, Keane, Lewandowski, Nyerick, O'Neil, Ouellette and Piechota were present.

Vice Chairman Kowalski asked for a moment of silence in remembrance of the passing of fire Captain Whitney Teehan, Jr. from the City of Groton Fire Department and Lt. Steven Kacmarcik, Torrington Fire Department.

Vice Chairman Kowalski invited the guests to introduced themselves.

Guests to the meeting were identified as Ralph Scarpino, DEP, Forestry Division, John Brady, President of the Connecticut Fire Department Instructors' Association and John Carew, West Haven Fire Department.

A MOTION was made by Commissioner Wilkinson and SECONDED by Commissioner Munkenbeck to approve the minutes of the May 30, 2000 meeting. Motion carried.

A MOTION was made by Commissioner Wilkinson and SECONDED by Commissioner Haber to approve the Staff Report for the period of May 15, 2000 -June 14, 2000. Motion carried.

Vice Chairman asked for a motion to amend the agenda to add item 4 f.) Guidance Document for Training Entry Level Firefighters.

A MOTION was made by Commissioner Haber and SECONDED by Commissioner Brammer to add to the agenda under Unfinished Business, item 4 f.) Guidance Document for Training Entry Level Firefighters.

Moving to Unfinished Business, item 4 a.) Mr. Morrissette reported on Lt. Governor Jodi Rell's Birthday Party held on June 15 with proceeds benefiting the Firefighters' Memorial Fund.

Moving to item 4 b.) Vice Chairman Kowalski reported on the findings of the subcommittee reviewing into the freelancing issue.

Commissioner Nicol stated that he reviewed at the proposed Freelancing Policy and also brought it to the attention of the Connecticut Fire Department Instructors' Association (CFDIA). About 58% of the CFDIA members serve as adjunct instructors for the Academy. The CFDIA membership and Executive Board expressed concern with the Commission's proposed Freelancing Policy. On behalf of the CFDIA, Commissioner Nicol presented an alternate policy and provided an overview.

Mr. Brady, President of the CFDIA stated that after reading the Commission's April 25 minutes, it became clear to him that this issue arose primarily out of a problem that occurred from an individual misrepresenting himself while taking time off from his job. First, that was a discipline problem that has to be handled by that person's fire department. The CFDIA is concerned about the restraint of the instructors and their freedom to do business on their own. Most of them have acquired a certain skill level over the years with a high degree of expertise. Many of the programs at the Academy were developed by these instructors with no more pay than a thank you. We feel that this proposed policy is a restraint of free trade. We agree that some restrictions might be necessary while representing the Academy or while using Academy materials. The CFDIA agrees that there should be some kind of policy but we feel that we want to have some input into the final determination of that policy.

Mr. Piechota stated just for clarification that the original policy that was sent out is the definition of freelancing but contains no restrictions. The alternate policy being proposed does not have a definition but contains restrictions.

Vice Chairman Kowalski stated this reaction is typical to any committee reports where we have multiple issues arising. The committee will have to sit down and blend the two proposed policies to come up with a compromise. He asked for the Commission's approval to have Mr. Brady as a representative from the CFDIA as well as Commissioner Nicol and anyone else interested to sit on the committee to come up with a workable solution. Possibly a telephone pole or a special meeting of the Commission could follow.

Vice Chairman Kowalski stated as a matter of clarification that the April 25 minutes represented what was said at that meeting. However, once the committee was established, more information became available impacting the issue. The other issue was direct competition while employed by the Academy. We feel that a great deal of the input that is received at the Academy is valued input such as lesson plans and course coordination that comes from the instructors developing the programs. We don't want to stop the continued development of programs by adjuncts. However, it appears there's a wide-ranging effect of not having a policy that prohibits such things as freelancing

Mr. Lewandowski stated in rebuttal to what Mr. Brady said and on the issue of freedom to do business he believes the adjuncts do have a choice. Freelancing is not a new issue that just developed overnight, this has been going on for quite some time. He stated that he agreed with Commissioner Kowalski that adjuncts have a right to choose to go out to make money on their own and compete against this organization. They also have the choice of not taking the up to \$15,000 a year salary they get for teaching for the Academy.

Mr. Gamble stated and speaking from experience in the private sector, he remembers having to sign an employment contract stating that he would not do anything that is in direct competition to the services that he normally provides during his tenure as an employee with that particular company. He also had to sign a non-compete clause to the contract that stated upon termination of employment for a period of time afterwards he could not provide similar services. What we're talking about here is nothing more than common-business practice.

Mr. Nicol stated that this freelancing affects many of the part-time instructors who are members of CFDIA. The Association has received a lot of comments from their membership. So any policy that the Commission adopts will affect the CFDIA. If an employee does not want to work under the freelance policy the Commission establishes, they may still work for the Commission but will be treated as a contractor. Finally, the Ethics Commission should review any policy approved by this Commission.

Mr. Morrissette stated that it is his feeling that once a policy is established it would not surprise him to see the Regional Fire Schools adopt the same policy.

Vice Chairman Kowalski stated that this clearly is an issue. The bottom line is that the subcommittee will generate a policy because it is in fact needed. He stated that he would like to get the input from the CFDIA to develop a policy everyone can live by and with the understanding that there are going to be people that will not be happy. He asked the Commission to extend this effort for another month in order to reach a common ground and understanding to develop one policy.

A discussion period followed.

Moving to item 4 c.) Mr. Morrissette stated that the Commission authorized the staff to negotiate with the Department of Transportation (DOT) for surplus property. Originally the staff was looking at storage property in Seymour when it came to our attention that property in Meriden was better suited their needs. DOT Commissioner Burnes was kind enough to stop the bid process for the property and enter into negotiations with us. After the last Commission meeting we had an opportunity to meet with representatives from the Attorney General's Office, DOT, DPW, OPM as well as staff members from the Commission and Commissioner Nicol. We came to an agreement on the property in Meriden. At present the transfer of the deed is being executed and within the next 30 days or so the property will be the Commission's. There has been a tremendous amount of cooperation between all the agencies involved. It's kind of refreshing to see agencies work so well together. This property will most definitely aid the Training Division in their need to acquire additional storage space.

Mr. Lewandowski thanked Commissioner Nicol for his support and efforts to acquire this property. He spent a lot of time behind the scene to assist the agency.

Moving to item 4 d.) Mr. Morrissette stated that the State Preparedness Equipment Grant Committee continues to meet. The Threat Assessment Subcommittee made up of the FBI, State Police and Connecticut Police Chiefs' Association has already developed an assessment survey that has been mailed to the chief elected official for each town. Essentially their role is to determine, on a local level, what potential terrorist threats exist within each community. The FBI and State Police already developed assessment tools and they feel they already know the potential threats. This new survey is

expected to confirm the data on hand. The second committee has narrowed their work down to a primary survey of the fire service. This survey is set to go out shortly to assess local equipment and training capabilities. Surveys will be mailed to fire chiefs in each of the communities with a joint letter from the Office of Emergency Management and the State Fire Administrator. Once the information comes back the committee will review it and make a determination on where best to funnel the federal funding for equipment for first responders.

Moving to item 4 e.) Mr. Morrisette stated at last month's meeting Chairman Carozza requested that members of the Commission go back and debate this matter among themselves to determine if there is any position as it relates to the "State" instructor status issue. Because of current terminology, certified fire service instructors often create a misunderstanding when they introduce themselves as a state certified instructor. Students equate this to the instructor works for the Commission. Is it the Commission's wish to have further discussion or should we continue to monitor this situation and try to communicate to local fire chiefs as best we can. Connecticut is one of the only state that has a blanket indemnification statute for certified fire service instructors.

Vice Chairman Kowalski inquired if Mr. Brady had received any feedback in reference to this issue.

Mr. Brady replied that the CFDIA had not received any inquiry. He stated that it's very easy for anybody once they become certified by the state to identify themselves as state certified instructors.

Vice Chairman Kowalski asked to place this item on the agenda for the next Commission meeting.

A discussion period followed.

Moving to item 4 f.) Mr. Morrisette stated that the Draft Guidance Document for Training Firefighter Candidates was inadvertently left off the agenda. The Draft Guidance Document was distributed among the Commissioners. Commissioner Nicol brought this item to the attention of the Executive Board of the CFDIA. They had a lot of input on the issue when it first arose last spring. At this point we're looking for comments and feedback before we can begin distribution of this document or an amended document as soon as possible.

Commissioner Nicol stated that the Executive Board of the CFDIA reviewed the Draft Guidance Document and made the following recommendations:

1. Reference to the National Fire Protection Association Firefighter Professional Qualifications Standard (NFPA 1001) on the cover page should not be part of guidance document.
2. Text on page 2, the excerpt of the motion (i.e. "...*the Commission* etc.) should be in bold letters to highlight this statement.
3. Underline text on page 2, in the second paragraph, line 6 beginning with the words Firefighter candidatesetc. and ending on line 12 with the wordsattached guidance.
4. Matrix 2 should be omitted from the guidance document.
5. Appendix 3 – the application form for Firefighter I Certification Examinations should be omitted from the guidance document.

Mr. Brady stated that the CFDIA also suggested that the title of this document be changed to “ OSHA Compliant Training for Interior Structural Firefighting”. The letter that is included in the document from OSHA is pretty clear that there are other training elements that departments are responsible for in excess of that 98-hour requirement. We have to make sure that the chiefs are aware of that if they adopt this plan. He expressed concerns that a dual standard can present in the field. This document may be going in that direction. He stated he felt that it would certainly have been the purview of this Commission to just give Litchfield County the OSHA form that only relates to interior firefighter training.

Vice Chairman Kowalski suggested that the words “Guidance Document” remain in the title of the document. This was a customer’s requirement and we have to make sure the customer is happy with the product we’re going to provide.

Mr. Morrissette asked Mr. Brady if he was opposed to including Matrix 2.

Mr. Brady stated that the CFDIA was opposed to Matrix 2 being included and would like only Matrix 1 included without the reference to FF-I.

Mr. Piechota stated that he believes the confusion would be greater that way. Historically when the Commission has done things that are not standards based, we receive inquiries from individuals asking for guidance on how they can become certified, matrix 2 provides that guidance.

Commissioner Munkenbeck stated that he was in favor of keeping Matrix 2 in the guidance document to avoid more confusion.

Vice Chairman Kowalski stated that the Commission needs to take action today on this issue after some of the recommended changes have been incorporated in the document. He restated the recommended changes and asked for a motion to approve the guidance document.

A MOTION was made by Commissioner Stankye and SECONDED by Commissioner Brammer to change the title to “Guidance Document for OSHA Compliant Training for Interior Level Firefighter”. Motion carried.

A MOTION was made by Commissioner Nicol and SECONDED by Commissioner Wilkinson for the purpose of discussion to remove from the guidance document the reference to National Fire Protection Association Firefighter Professional Qualifications Standard (NFPA 1001).

Commissioner Munkenbeck stated that the guidance document is based on the NFPA 1001 Standard.

A discussion period followed.

A MOTION was made by Commissioner Nicol to withdraw the motion on the floor.

Vice Chairman Kowalski commented that the two suggested items that just require administrative type changes no motion was needed.

Vice Chairman Kowalski asked for a motion on the suggestion from the floor to delete Matrix 2 from the guidance document.

Vice Chairman Kowalski stated hearing no motion Matrix 2 will remain in the guidance document.

Vice Chairman Kowalski asked for a motion for the request from the CFDIA to delete the Firefighter-I Certification Examination application form.

A MOTION was made by Commissioner Nicol and SECONDED by Commissioner Wilkinson to remove the Firefighter-I Certification Examination application form (Appendix 3) from the guidance document.

Mr. Lewandowski suggested that the Firefighter-I Certification Live Fire Suppression Verification Form (Appendix 4) should also be removed from the guidance document.

Commissioner Nicol AMENDED the MOTION to remove Appendix 3 and 4 from the guidance document. Motion carried.

A MOTION was made by Commissioner Munkenbeck and SECONDED by Commissioner Stankye to adopt the "Guidance Document for OSHA Compliant Training for Interior Level Firefighter" with the changes voted on. Motion carried.

Mr. Piechota stated that much confusion that occurs particularly as it relates to certification, would be easily dealt with if the instructor is knowledgeable about the system and explains it to the students. He suggested that a letter of introduction go along with this package explaining what Matrix 1 and Matrix 2 do for the student.

Commissioner Wilkinson inquired how this guidance document would be communicated to the state fire service organizations.

Mr. Morrisette stated that the agency plans to communicate this information to all fire chiefs, county fire service organizations and Regional Fire Schools.

Moving to item 5 a.) Mr. Morrisette stated primarily for the new Commissioners, when the agency enters a budget development cycle for a new biennium the submittal dates usually fall within the summer recess period. Typically the Commission does not meet in the summer, therefore we try to have a firm draft of our budget submittal FAXED to Commissioners for review. At this time we are looking for a resolution to permit the staff to develop the budget proposal and submit it on behalf of the Commission by September 1.

A MOTION was made by Commissioner Wilkinson and SECONDED by Commissioner Stankye authorizing the State Fire Administrator to develop and submit the FY 01/03 Biennial Budget. Motion carried.

Mr. Morrisette stated that the agency has just received notice that the FY 99/00 Annual Report is due to the Department of Administrative Services by August 1.

Mr. Morrisette stated that at this point he is looking for a resolution to move forward with the development and submittal of the annual report.

A MOTION was made by Commissioner Stankye and SECONDED by Commissioner Brammer authorizing the State Fire Administrator to develop and submit the annual report to the Department of Administrative Services. Motion carried.

A discussion period followed.

Commissioner Nicol on behalf of the CFDIA thanked the Commission for the support with the annual Rodeo.

Commissioner Nicol inquired about the status of the study of training fees at the Academy.

Vice-Chairman Kowalski stated that the committee saw two major issues intertwined. They felt the most important issue at this particular time was the Freelancing issue. Quite a few points were uncovered in reference to the cost of training programs. The Commission is given a budget for training and that budget has not increased to the extent that we would like it to. In the past years we have been able to distribute that amount of money over a certain number of classes. But over the years with the increase in program delivery funding has remained flat. The subcommittee is looking at different avenues to resolve this issue.

Commissioner Nicol stated that one of the factors that keeps increasing the fees, is the addition of more and more requirements by the chiefs, which increases the amount of delivery hours.

A discussion period followed.

Commissioner Nicol inquired if a thank you had been sent from the Commission to Lieutenant Governor Jodi Rell for hosting a fundraising event to benefit the firefighters Memorial Fund.

Mr. Lewandowski gave an overview of attendance at this year's June Fire School. The training division looked to offer 50 programs. One directive was to offer 75% hands-on training and 25% classroom-style programs. We offered 35 programs here at the Academy and offered 15 programs in New Haven. We ran 24 classes here at the Academy and only four in New Haven for a total of 28 programs. Twenty-two programs were cancelled as a result of low enrollment. A total of 459 students attended classes resulting in a 40% reduction in attendance from last year. One of the recommendations coming out of this year's experience, is regardless of the programs we offer, we will run the June Fire School in only one location in the future.

A Discussion period followed regarding distribution issues of the June fire school catalog.

Vice-chairman Kowalski thanked the staff for all their effort in coordinating the annual June Fire School.

Mr. Morrissette reported on staffing matters. He stated that one Processing Technician remained out on medical (maternity) leave and we were notified last week that one of our Office Assistants would be leaving state service on July 7.

Mr. Morrissette stated that the cadet firefighter summer camp was ongoing.

Commissioner Haber read two death notices for Firefighter Captain Whitney Teehan, Jr. from the Groton Fire Department and for Lt. Steven Kacmarcik from the Torrington Fire Department.

Commissioner Haber read a letter from Stephen Dygus, Director, DAS/Fleet Operations thanking staff members, Jeff Morrissette, Ron Keane, Ed O'Hurley, instructors Donald Lee, William Higgins and Mike Grimaldi for their outstanding cooperation and assistance in coordinating with Ed Urbansky of his staff to make the fire extinguisher training program such an incredible success.

Commissioner Haber read a job announcement for a Firefighter Grade B/EMT and a Firefighter Grade B /paramedic position for the Hamden Fire Department.

Vice-chairman Kowalski stated that it was indeed a pleasure to receive letters of appreciation especially from state agencies who use our services.

A MOTION was made by Commissioner Munkenbeck and SECONDED by Commissioner Haber to adjourn the meeting. Motion carried.

Vice chairman Kowalski adjourned the meeting at 11:26 a.m.

Dated: _____

Edward F. Haber, Secretary
Commission on Fire
Prevention and Control

MOTIONS

Commission Meeting – June 27, 2000

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A MOTION was made by Commissioner Munkenbeck and SECONDED by Commissioner Haber to adjourn the meeting. Motion carried.

STAFF FOLLOW-UP REQUIRED

Freelancing Subcommittee - Vice Chairman Kowalski stated this reaction is typical to any committee reports where we have multiple issues arising. The committee will have to sit down and blend the two proposed policies to come up with a compromise. He asked for the Commission's approval to have Mr. Brady as a representative from the CFDIA as well as Commissioner Nicol and anyone else interested to sit on the committee to come up with a workable solution. Possibly a telephone pole or a special meeting of the Commission could follow.

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Finally, the Ethics Commission should review any policy approved by this Commission.

Fire Service Instructor Status – Vice Chairman Kowalski asked to place this item on the agenda for the next Commission meeting.

Draft Guidance Document for Training Firefighter Candidates -

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Mr. Morrissette asked Mr. Brady if he was opposed to including Matrix 2.

See motions on previous page for approved changes to be made to guidance document.

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