

**Mississippi
Fire Personnel Minimum Standards and Certification Board
Manual**

Mississippi Fire Personnel Minimum Standards and Certification Board
#1 Fire Academy USA
Jackson, Mississippi 39208-9600
2010

Equal Opportunity in Employment/Service

**Final Draft
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**Mississippi
Fire Personnel Minimum Standards and Certification Board**

BY-LAWS

By-Laws

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By-Laws

1.0 Mississippi Code of 1972

1.1 **SEC.21-25-3. Establishment and maintenance of fire departments; Reimbursement of training expenses.**

- (1) The governing authorities of municipalities shall have the power to provide for the prevention and extinguishment of fires, to organize, establish, operate, and maintain fire and hook and ladder companies, to provide for and maintain a fire department and system, and to regulate the same. The governing authorities shall have the power to allow the fire department to attend and help to extinguish a fire outside the city limits.

- (2) No fire fighter whose training expenses have been reimbursed to or paid by the political subdivision employing the fire fighter shall leave the employ of the political subdivision for not less than two (2) years after completion of the reimbursed training, unless the reimbursed expenses are paid by the new employer to the political subdivision which reimbursed or paid such expenses. The amount to be paid shall be determined on a pro rata basis based upon when the fire fighter leaves the political subdivision within the two-year period. Defined training expenses are related to minimum standards training, as established by the Mississippi Fire Personnel Minimum Standards and Certification Board which were incurred and include salary, tuition, and travel expenses of the employee as well as personnel cost related to the training incurred during the employee's absence.

SOURCES: Laws, 1995, ch. 340 § 1, eff from and after July 1, 1995.

1.2 **SEC. 45-11-7. State Fire Academy; executive director; division of fire services development.**

- (1) There is hereby created a State Fire Academy for the training and education of persons engaged in municipal, county and industrial fire protection. The Commissioner of Insurance shall appoint an Executive Director of the State Fire Academy who, along with his employees, shall be designated as a division of the Insurance Department. The executive director shall serve at the pleasure of the Commissioner of Insurance. The State Fire Academy shall be under the supervision and direction of the Executive Director of the State Fire Academy. State Fire Academy training programs for fire personnel shall be conducted at the academy with seminars to be conducted in other sections of the state as and when the State Fire Academy Advisory Board considers it necessary and advisable.

The Commissioner of Insurance may establish and charge reasonable fees for the training programs and other services provided by the academy. A record of all funds received pursuant to this paragraph shall be maintained as is required for other monies pursuant to Section 45-11-5.

The Executive Director of the State Fire Academy is authorized and empowered to purchase, operate and maintain mobile firefighting equipment as he may find necessary and proper for the operation of the academy subject to approval of the Commissioner of Insurance. The equipment may be utilized wherever training sessions may be held at the discretion of the State Fire Academy Advisory Board.

- (2) The Commissioner of Insurance shall be authorized to undertake appropriate action to accomplish and fulfill the purposes of the State Fire Academy, including the hiring of instructors and personnel, the lease and purchase of appropriate training equipment and to lease, purchase or construct suitable premises and quarters for conducting annual schools and seminars, as the State Fire Academy Advisory Board may deem necessary and required for such purposes. Any contract entered into under and by virtue of the provisions of this section shall first be submitted to and approved by the Public Procurement Review Board, and construction pursuant to the contract shall be under the supervision of the Governor's Office of General Services.
- (3) Vouchers for operating expense for the State Fire Academy shall be signed by the Executive Director of the State Fire Academy and payment thereof shall be made from such funds to be derived from a special allocation from the State Fire Academy Fund as provided in Section 45-11-5.
- (4) The State Fire Academy is hereby officially designated as the agency of this state to conduct training for fire personnel on a statewide basis in which members of all duly constituted fire departments may participate. This subsection shall not be construed to affect the authority of any fire department to conduct training for its own personnel.
- (5) Each state agency, private agency or federal agency which provides training for the fire service shall coordinate such efforts with the State Fire Academy to prevent duplication of cost and to insure standardization of training.
- (6) The State Fire Academy shall present an appropriate certificate signifying the successful completion of its prescribed courses.
- (7) **National fire fighter standards approved by the Mississippi Fire Personnel Minimum Standards and Certification Board shall be used as the basis for classroom instruction at the fire academy.**
- (8) **The Commissioner of Insurance, Executive Director of the State Fire Academy, and the Mississippi Fire Personnel Minimum Standards and Certification Board shall coordinate all state programs related to fire department operations.**

SEC. 45-11-7 Continued

- (9) The Commissioner of Insurance is hereby authorized and empowered to establish standard guidelines for the use of, and accountability for, municipal and county fire protection funds distributed pursuant to the provisions of Sections 83-1-37 and 83-1-39, Mississippi Code of Commissioner of Insurance by municipalities and counties relating to the receipt and expenditure of fire protection funds, the training of fire department personnel and the submission to the Commissioner of Insurance of other data reasonably related to local fire protection responsibilities which the Commissioner of Insurance deems necessary for the performance of the duties of the State Fire Academy Board.
- (10) In order that the Commissioner of Insurance may more effectively execute the duties imposed upon him by subsection (9) of this section, there is hereby created within the State Fire Academy a Division of Fire Services Development. This division shall be staffed by a Fire Services Development Coordinator, appointed by the executive director of the academy from his current staff and by such other personnel as deemed by the Commissioner of Insurance. The division shall work with municipal and county fire coordinators to ensure effective implementation of guidelines established pursuant to subsection (9) of this section and shall serve in an advisory capacity for all aspects of fire service improvement. The Fire Service Coordinator shall annually notify the Department of Finance and Administration of those municipalities and counties which are not eligible to receive a portion of fire protection fund distributions because of failure to comply with requirements imposed in Section 83-1-37 and 83-1-39 as a prerequisite to receipt of such funds.
- (11) There is created in the State Treasury a separate account to be known as the "State Fire Academy Construction Fund." The State Treasurer shall transfer on July 1, 1997, the sum of Six Hundred Seventy-five Thousand Dollars (\$675,000.00) and on July 1, 1998, the sum of Six Hundred Seventy-five Thousand Dollars (\$675,000.00) from the State Fire Academy Fund 3502 into the separate account created in this subsection. Monies in such account shall be expended solely, upon legislative appropriations, to defray expenses related to the construction of capital improvements project known as "Fire Safety and Education Building" and parking areas at the State Fire Academy by the Bureau of Building, Grounds and Real Property Management of the Office of General Services and to pay any indebtedness incurred to accomplish such construction. Funds not used after the completion of this capital improvements project shall be transferred back into State Fund 3502.

Sources: Codes, 1942 § 5704.5; Laws, 1962, ch. 541, §§ 1-6; Laws, 1966, ch. 531, § 2; Laws, 1972, ch. 441, § 1; Laws, 1973, ch. 413, § 1; Laws, 1977, ch. 380; Laws, 1980, ch. 327; Laws 1984, ch. 488, § 214; Laws, 1985, ch. 538, § 2; Laws, 1988, ch. 584, § 5; Laws, 1992, ch. 529, § 3; Laws, 1997, ch. 559, § 1, eff from and after July 1, 1997.

1.3 SEC. 45-11-201. Legislative findings and intent; minimum standards for training.

The Legislature finds that the specialized and hazardous nature of fire fighting requires that fire fighters possess the requisite knowledge and demonstrates the ability to perform certain skills to carry out their responsibilities. The activities of fire fighters are important to the health, safety and welfare of the people of this state and are of such a nature to require education and training of a professional nature. It is the intent of the Legislature to require and provide minimum standards for training and to declare that the State Fire Academy is the principal facility for such purposes.

SOURCES: Laws, 1990, ch.558. Sec 1, eff from and after Jan 1, 1991.

1.4 **SEC. 45-11-203. Employment of persons not completing training standards prohibited; training standards.**

- (1) After January 1, 1991, no person shall be employed as a full-time fire fighter by any local government firefighting unit for a period exceeding one (1) year, nor for a cumulative time exceeding two thousand eight hundred (2,800) compensated hours, unless that person is certified as completing the mandatory training requirements in subsection (2). Any state agency or political subdivision that employs a person as a fire fighter who does not meet the requirements of subsection (2) of this section is prohibited from paying the salary of such person, and any person violating this subsection shall be personally liable for making such payment. The Mississippi Fire Personnel Minimum Standards and Certification Board may grant an extension to individuals employed within the guidelines as established by the board not to exceed an additional year. Fire fighters serving as full-time employees prior to January 1, 1991, in a local fire fighting unit shall not be required to meet the minimum requirements in subsection (2).
- (2) The uniform training standards for all paid fire fighters shall consist of satisfactory completion of a training program administered by the State Fire Academy or local governments that have the proper facilities and have been certified by the Mississippi Fire Personnel Minimum Standards and Certification Board which shall utilize National Fire Protection Association fire service professional qualification standards.

SOURCES: Laws, 1990, ch. 558, Sec. 2; 1992, ch. 529, Sec. 4, eff from and after July 1, 1992. Laws, 1994, ch. 349, Sec. 1, eff from and after July 1, 1994.

1.5 **SEC. 45-11-251. Board established; members; terms; qualifications; officers.**

- (1) There is hereby created the Mississippi Fire Personnel Minimum Standards and Certification Board. The board shall consist of eleven (11) members. The Commissioner of Insurance and the Director of the State Fire Academy shall serve as ex officio members. The Director of the State Fire Academy shall serve as secretary to the board.
- (2) * * *Nine (9) members of the Mississippi Fire Personnel Minimum Standards and Certification Board * * * shall be selected as follows:
 - (a) Two (2) full-time paid fire fighters below the rank of chief * * *selected by the Mississippi Fire Fighters Association;
 - (b) One (1) full-time fire fighter below the rank of fire chief * * *selected by the Professional Fire Fighters Association of Mississippi;
 - (c) Three (3) career fire chiefs * * * selected by the Mississippi Fire Chiefs Association * * *;The initial terms of members in each category selected in paragraphs (a), (b), and (c) shall be staggered: One (1) member in each category shall serve a term of one (1) year; one (1) member in each category shall serve a term of two (2) years * * *. After the expiration of the initial term, the term shall be three (3) years.* * *
 - (d) One (1) full-time paid certified fire instructor selected by the Mississippi Fire Fighters Service Instructors Association; * * *
 - (e) One (1) full-time paid fire investigator from a paid department selected by the Mississippi Fire Investigators Association; and
 - (f) One (1) member of the volunteer fire service selected by the Mississippi Fire Fighters Association.No member selected under this subsection shall serve more than two (2) terms consecutively. Any member missing three (3) consecutive meetings shall be deemed to have resigned from the board. A vacancy prior to the expiration of a term shall be filled by selection in the same manner and for the balance of the unexpired term.
- (3) During his term, a member of the board shall not serve as a member of the State Fire Academy Advisory Board.
- (4) The board shall select a chairman and vice chairman from its membership.
- (5) The Department of Insurance shall provide administrative support for the board.

SOURCES: Laws, 1993, ch. 529, Sec. 1; Laws, 2004, ch. 533, § 1, SB 2303, eff from and after July 1, 2004.

PREVIOUS VERSIONS: Pre-2004

1.6 **SEC. 45-11-253. Functions, powers, and duties of Board.**

The board shall:

- (a) Establish minimum educational and training standards for fire personnel.
- (b) Certify persons as being qualified under Secs. 45-11-251 and 45-11-253 to be fire personnel.
- (c) Revoke certifications for cause and in the manner provided in Secs. 45-11-251 and 45-11-253.
- (d) Establish minimum curriculum requirements for basic and advanced courses and programs for schools operated by or for the state or any political subdivision thereof for the specific purpose of training fire personnel.
- (e) Make recommendations concerning any matter within its purview.
- (f) Make such inspection and evaluation as may be necessary to determine if governmental units are complying with §45-11-251 and §45-11-253 at cost to those units.
- (g) Approve fire training schools for operation by or for the state or any political subdivision thereof for the specific purpose of training personnel.
- (h) Upon the request of agencies, conduct surveys or aid municipalities and counties to conduct surveys at cost to those agencies through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.
- (i) Upon request of training agencies, conduct general and specific management surveys and studies of the operations of the requesting agencies at cost to those agencies. The role of the board under this subsection shall be that of consultant.
- (j) Adopt and amend regulations consistent with law, for its internal management and control of board programs.
- (k) Enter into contracts or do such things as may be necessary and incidental to the administration of Secs. 45-11-251 and 45-11-253.
- (l) Promulgate rules and regulations for the administration of Secs. 45-11-251 and 45-11-253, including the authority to require the submission of reports and information by fire service agencies.

SOURCES: Laws, 1992, ch. 529, Sec. 2, eff from and after July 1, 1992

2.0 Procedures

2.1 Mission Statement

The Mississippi Fire Personnel Minimum Standards and Certification Board shall insure quality training, certification, and education is delivered fairly in a manner which adequately prepares and maintains fire personnel's knowledge and skills to conduct fire fighter duties safely and efficiently in order to protect the health and welfare of the people and visitors of the State of Mississippi.

2.2 Goals and Objectives

The Mississippi Fire Personnel Minimum Standards and Certification Board, hereafter referred to as MSCB, shall:

- Establish and amend rules, regulations, and administrative guidelines for the Mississippi Fire Service.
- Promote the professional development of each Fire Fighter and the Mississippi Fire Service.
- Establish open communications between the Mississippi Fire Personnel Minimum Standards and Certification Board (also known as: "MSCB") and the Mississippi Fire Service.
- Conduct all MSCB business in a professional and timely manner.
- Require and regulate minimum standards based on National Fire Protection Association (NFPA) standards.

2.3 Declaration of the Mississippi State Fire Academy

It is the intent of the Legislature to require and provide minimum standards for training and to declare that the State Fire Academy is the principal facility for such purposes.

2.4 Membership

1. The MSCB shall consist of eleven (11) members. (*Ref. Senate Bill 2393 to amend Miss. Code Ann. §45-11-251, revising the composition of the MSCB effective July 1, 2004 and Senate Bill 2273 to amend Miss. Code Ann. §45-11-251, to revise the length of staggered terms of member of the Mississippi Fire Personnel Minimum Standards and Certification Board; and for related purposes effective July 1, 2005*).
2. The Commissioner of Insurance and the Director of the State Fire Academy shall serve as ex officio members. The Director of the State Fire Academy shall serve as secretary of the MSCB. The Commissioner of Insurance may appoint a designee to serve in his/her absence.
3. The MSCB office is responsible for keeping all MSCB records. The Department of Insurance shall decide where to locate the MSCB office.
4. Nine (9) members of the Mississippi Fire Personnel Minimum Standards and Certification Board shall be selected as follows:
 - a. Two (2) full-time paid fire fighters **below** the rank of chief/director selected by the Mississippi Fire Fighters Association (MSFFA);
 - b. One (1) full-time paid fire fighter **below** the rank of fire chief/director selected by the Professional Fire Fighters Association of Mississippi (PROFAM);
 - c. Three (3) career fire chiefs/directors selected by the Mississippi Fire Chief's Association;
 - d. One (1) full-time paid certified fire instructor selected by the Mississippi Fire Instructors Association;
 - e. One (1) full-time paid fire investigator from a paid department selected by the Mississippi Fire Investigators Association; and
 - f. One (1) member of the volunteer fire service selected by the Mississippi Fire Fighters Association (MSFFA)
5. After the expiration of the first term for members from a, b, and c above, all terms shall be three years for all members from a through f above.
6. All terms for members begin on July 1st of each member's appointment.
7. No member in sections "a" through "f" shall serve more than two consecutive terms.
8. Any member missing three (3) consecutive meetings shall be deemed to have resigned from the MSCB.
9. A vacancy prior to the expiration of a term shall be filled by selection in the same manner and for the balance of the unexpired term.
10. A member of the MSCB shall not serve as a member of the State Fire Academy Advisory Board.
11. The State Department of Insurance shall provide administrative support for the MSCB.

12. A member whose term has expired may serve as a proxy until replaced by the Commissioner of Insurance and the organization cited.
13. When the status of a MSCB member changes, including changing employment, organizational representation, funding source, or other circumstances, the MSCB member must notify the MSCB in writing. The change in status of the member including any change in classification or circumstances shall be considered by the MSCB. If the MSCB member no longer represents the original organization, termination of the MSCB member shall be automatic.
14. The MSCB shall select a Chairperson and a Vice-Chairperson from its membership. The Chairperson and Vice-Chairperson shall be elected by the MSCB for a one year term. Each term shall run from July 1st through June 30th of each year.
15. Nominations and election of Chairperson and Vice-Chairperson shall be conducted the first MSCB meeting in July of each year. Voting shall be accomplished by voice of each MSCB member present at the meeting.
16. Committee chairpersons and committee members shall be appointed by the Chairperson on the first MSCB meeting in July.
17. The Chairperson shall be responsible for ensuring each MSCB member serves on a minimum of one (1) committee.
18. A member of the MSCB may request to be placed on a committee at any time by requesting so in a business meeting.
19. If a committee member misses two (2) consecutive *committee* meetings, he/she shall be removed from the MSCB and the organization which he/she represents shall be notified as soon as possible by the Chairperson. Exceptions shall be considered on a one-on-one basis by the Chairperson and Vice-Chairperson.
20. In the event of a vacancy, the Vice-Chairperson shall serve as Chairperson until the next regular meeting during which the Board shall elect a Chairperson.

2.5 Meetings

1. The MSCB shall meet the second Wednesday, bi-monthly, at 9:30 am; unless otherwise deemed necessary by the majority of the MSCB, Chairperson, or Vice-Chairperson.
2. The MSCB shall keep minutes of the proceedings of its meetings in which shall be recorded all actions taken by the MSCB. Preparation of the minutes shall be the responsibility of the secretary of the MSCB (Director of the State Fire Academy) and will be submitted to the MSCB members two weeks prior to the next meeting.
3. The MSCB shall meet at the Mississippi State Fire Academy unless otherwise designated.
4. A majority of the voting members shall constitute a quorum and must be present to conduct official business.
5. The Chairperson shall appoint a parliamentarian at the beginning of each meeting.
6. Any questions coming before the MSCB for which no provision has been made in these by laws shall be decided according to "Robert's Rules of Order, Newly Revised" or its successors.
7. It shall take a two-thirds majority vote of the MSCB members present and voting to approve an entity to conduct a Mississippi Fire Fighter NFPA 1001-I/II Certification Program.
8. During meetings of the MSCB, decisions shall be determined by a simple majority vote of the members present and proxy votes unless specifically provided for by these by-laws.
9. The MSCB shall act upon all initial and subsequent site visit reports as well as applications, to include delivering additional levels of certification training in an existing approved facility. These items shall be acted upon at the next MSCB meeting.

2.6 Committees

The following committees shall be standing committees:

1. Credentials Committee
Committee shall review and recommend actions on all issues concerning certification, reciprocity and equivalency.
2. Site Team Committee
Committee shall review and make recommendations to the MSCB on all issues pertaining to MSCB training facilities in the State of Mississippi.
3. By-laws, Rules and Regulations Committee
Committee shall review and make recommendations to the MSCB regarding Mississippi Code of 1972 Statues, MSCB by-laws, and MSCB regulations.

4. CPAT Committee
The Secretary of the MSCB shall be designated as the chairperson for the CPAT committee. Committee shall insure consistency of the CPAT program throughout the State of Mississippi in compliance with IAFF/IAFC licensing.
5. Certification and Testing Committee
Committee shall insure all MSCB facilities follow appropriate guidelines for conducting Mississippi Fire Fighter NFFA 1001-I/II Certification Program and advanced NFFA courses.
6. All other committees will be formed in accordance with need and approved by the Chairperson and the MSCB.

2.7 **Functions, Powers, and Duties of the MSCB**

Mississippi Code Ann. §45-11-253 states the MSCB shall:

- a. Establish minimum educational and training standards for fire personnel.
- b. Certify persons as being qualified under §45-11-251 and §45-11-253 to be fire personnel.
- c. Revoke certifications for cause and in the manner provided in §45-11-251 and §45-11-253.
- d. Establish minimum curriculum requirements for basic and advanced courses and programs for schools operated by or for the state or any political subdivision thereof for the specific purpose of training fire personnel.
- e. Make recommendations concerning any matter within its purview.
- f. Make such inspection and evaluation as may be necessary to determine if governmental units are complying with §45-11-251 and §45-11-253 at cost to those units.
- g. Approve fire training schools for operation by or for the state or any political subdivision thereof for the specific purpose of training personnel.
- h. Upon the request of agencies, conduct surveys or aid municipalities and counties to conduct surveys at cost to those agencies through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.
- i. Upon request of training agencies, conduct general and specific management surveys and studies of the operations of the requesting agencies at cost to those agencies. The role of the board under this subsection shall be that of consultant.
- j. Adopt and amend regulations consistent with law, for its internal management, and control of board programs.
- k. Enter into contracts or do such things as may be necessary and incidental to the administration of §45-11-251 and §45-11-253.
- l. Promulgate rules and regulations for the administration of §45-11-251 and §45-11-253, including the authority to require the submission of reports and information by fire service agencies.

2.8 **Amendments to the By-Laws**

1. Amendments to these by-laws must be proposed in writing and submitted to the MSCB office at least 30 (thirty) days prior to a regular or special meeting. The MSCB office shall mail a copy of all proposed amendments to each MSCB member at least 10 (ten) days prior to the next regular or special meeting of the MSCB.
2. A proposed amendment shall be presented at the next regular or special MSCB meeting. Amendments shall require a two-thirds majority vote of the MSCB members to be approved.

2.9 **Effective Date**

These by laws shall become effective _____ and supersede all other MSCB bylaws as written.

2.10 **Board Seal**

The following shall be the approved seal of the Mississippi Fire Personnel Minimum Standards and Certification Board:

