





ANDY DEXTER AAS, NRP, LP, EMS-I, FSCEO

⊢Work

- The Woodlands Fire Department
- Northwest Volunteer Fire Department

Volunteer

- SFFMA
 - Vice Chairman of the Certification Board
 - Chairman of the Texas EMS Board / EMS Committee
 - Steering Committee
 - Combination Committee
 - Professional Development Committee
- Klein Volunteer Fire Department

Other Teaching History

- Lone Star College System
- DLR & Associates

2/2021





The responsibilities of Training Programs is to:

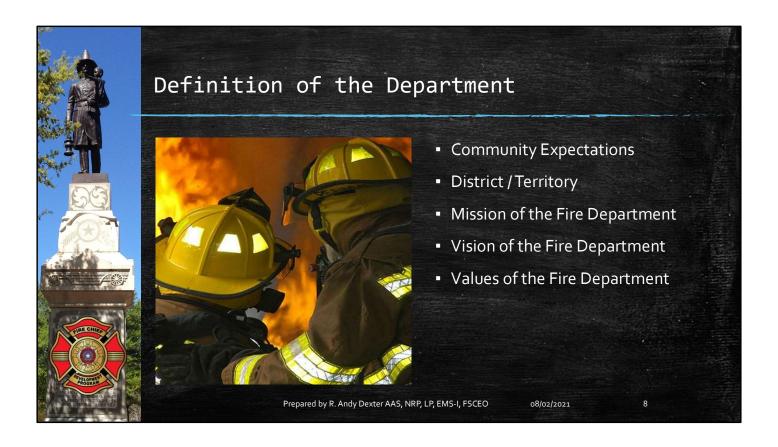
- Ensure the safe of all students during the delivery of all training programs
- Educate and provide Skills Training in accordance with organizational objectives and applicable standards
- Use training programs to mitigate aspects of the organizational liability

The responsibility is a cyclical event where the needs of the all aspects of the influences, expectations, and needs are continually relying on each other.





With in each organization the disparity of training levels exists. The challenge of the Training Program is to identify the gap and create programs to not only address this gap, but ensure retention of the experienced membership.





Training Officer Liabilities

04/01/2009

BY JOHN K. MURPHY

Training is a vital part of fire department operations. Its importance is even greater when you consider the mission of the fire department and the inherent dangers of a firefighter's job. Firefighting and first-response fatalities average 100 each year, with more than 83,000 injuries occurring annually. Training is designed to prevent these deaths and injuries; but, unfortunately, improper and unsafe training also results in firefighter deaths and injuries.

Training fatalities average about 10 percent of line-of-duty deaths per year and more than 7,000 injuries. The deaths occurred during a broad range of

activities, including apparatus and equipment drills, physical fitness activities, live-fire training, underwater/dive training, and classes or seminars. Many of the injuries sustained during training ended the firefighters' career.

RESPONSIBILITIES

The fire department and fire training officer's responsibilities are, first, to ensure safety and, second, to accomplish education and skill objectives. Responsibilities include being aware of and following the most recent training standards and guidelines, such as National Fire Protection Association (NFPA) standards, providing a safe training environment, eliminating all potential training hazards, and adhering to current training requirements. In addition, it is the training officer's responsibility to make students aware of the lessons learned from other training sessions in which there were fatalities or injuries. The training officer should review trade journals and analytical reports, such as those published by the National Institute for Occupational Safety and Health (NIOSH), to be fully aware of the training fatalities and injuries occurring nationally.

The NFPA has published the primary training guidelines for training officers and departments. As examples, NFPA 1403, Standard on Live Fire Training Evolutions (2007 edition), explains how to plan a safe live-burn evolution; NFPA 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments (2007 edition), addresses issues that affect firefighters' health and safety; NFPA 1002, Standard on Fire Apparatus Driver Operator Professional Qualifications, addresses issues that have been implicated in fatalities and injuries that result from driving apparatus or personal vehicles to and from incidents; and NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, 2009 edition, and NFPA 1006, Standard for Technical Rescuer Professional Qualifications, 2008 edition, provide those resources for safe training in dive rescue or technical rescue events.

The primary responsibility of the training officer is to create a safe training environment. If a training accident should occur, the training officer or the department's chief officers, including the fire chief, shall investigate and document those incidents and use them as learning tools to help avoid similar incidents in the future. Local, state, and federal agencies also may investigate incidents involving a fatality or severe injury. Often, these investigation results

and documentations produced during the investigation are used during the litigation process and may be a factor in prosecuting or defending the department or training personnel.

LITIGATION

If litigation occurs as a result of training injuries or deaths, the department is most often the focus of the litigation under the theory of vicarious liability. Employers are vicariously liable, under the respondeat superior doctrine, for negligent acts or omissions by their employees in the course of employment. Since the training officer is an employee of the organization, the organization most likely will be held responsible for the employee's action. The principle involved here is that in such cases, the public interest is more important than the private interest, so vicarious liability is imposed to deter or to create incentives for employers to impose stricter rules and supervise more closely. Occasionally, the training officer and staff may be litigation targets under two possible litigation scenarios. The first is to be charged under a criminal statute where the local, state, or federal prosecuting attorney files charges (after an investigation) against the department or individuals, and jail time is the remedy. The second cause of action is for the injured party or survivors to sue individually under a tort action, where money is the remedy.

Criminal Charges

Under criminal charges, certain elements or factors must coexist for the behavior to constitute a crime. To be guilty of a crime, a person must commit an act. Criminal liability is not imposed for thoughts without action. The person acting must be doing so intentionally hat is, his or her conduct must not be accidental or involuntary; these actions are generally the result of the department or the individual training officer's gross negligence or intent to cause harmthe death of or an injury to the firefighter. The success of criminal prosecution in this case is that the government (state or federal) has to prove that the training officer is guilty beyond reasonable doubt.

Civil Litigation

The most common litigation is a civil litigation (tort), in which the injured party or survivors file against the department and/or individuals, where money is the remedy. Civil litigation success is based on the preponderance of evidence

from either party. In a review of case law, most of the litigation has been filed against the department, not the individual training officer, although there are several cases that have been filed against the individual.

When an injured firefighter or his surviving spouse or family [now called the plaintiff(s)] seeks the legal counsel of an attorney for a civil action, the attorney will look at several elements: the actions that caused the incident and injury; how the actions of the injured party and the department caused the plaintiff's injuries (contributory negligence); the type and severity of injury and level of disability; the named defendant; the applicable state and federal law; the standards or guidelinesi.e., the NFPAused to guide the training event; case law for similar litigation; and the community standard. If the attorney decides to represent the plaintiff, he generally hires investigators and an expert witness to assist in the analysis of the incident and to provide courtroom testimony. Since this is not a primer on how to litigate this type of personal injury, it is imperative to understand that many published and adopted guidelines for training and plenty of case law are available to guide the attorney's presentation of the case on behalf of the plaintiff to the courts.

THE BEST DEFENSE

Prevention and documentation provide the best defense. Documentation should include the training officer's self-training record, to determine his competency to train, and a record of the training events for each individual employee as the training occurs, following the standards found in NFPA 1401, Recommended Practice for Fire Service Training Report and Records, 2006 edition.

As a legal best practice, the training officer should, at the minimum, read and understand the standards at all levels (national, state, and local); make sure the firefighters have the appropriate pretraining classroom time and exposure; ensure that the firefighters have the correct personal protective equipment and that it is in working order; make sure the firefighters are physically conditioned for the training event; preinspect the training ground for obvious or hidden hazards; have a written playbook describing the training objectives; have a "plan B" if the original training plan turns bad; have a safety officer present and oriented to the training objectives at all training events; preplan for the eventual emergency and attempt to think of all of the issues and scenarios that

could occur and cause an injury; and run the entire training scenario by the safety officer for a final review before engaging in the exercise.

Additional best practices include the following:

- Play by the known rules. Do not make up training activities you saw or heard of somewhere else.
- Understand your training time and environmental hazards.
- Periodically provide food, water, and rest for trainees.
- Document training accidents and injuries immediately after you take care of the injured firefighter.
- Review all training exercises to determine what went right and things that need improvement.

•••

Training is meant to be fun in a safe and educational environment. An injury or death demonstrates a lack of planning and foresight. Answering serious and embarrassing questions posed by the plaintiff's attorney does not have to be part of your job duties. Exercising an ounce of prevention and comprehensive preplanning will save you and your firefighters a lot of misery, pain, and suffering.

Resources

- www.firefighterclosecalls.com
- www.nfpa.org
- www.usfa.dhs.gov
- The National Institute for Occupational Safety and Health
- The U.S. Fire Administration

JOHN K. MURPHY, J.D. M.S, PA-C, EFO, FACC, retired from the fire service in 2007 as a deputy chief and chief training officer. He had joined the fire service in 1974 as a firefighter/paramedic. He has been a licensed physician assistant (WA) since 1977, specializing in emergency medicine, family practice, and pediatrics. He also has been an attorney (WA) since 2001, consulting with fire departments and other public and private entities on operational risk management, employment policy and practices liability, personnel management and labor contracts, internal investigations, and discipline and personal injury litigation.



YouTube Video URL: https://www.youtube.com/watch?v=HN-MWipd5Is (2.13 minutes)

By Brian Amaral / Journal Staff Writer

Posted Apr 24, 2018 at 9:38 PM Updated Apr 25, 2018 at 12:02 PM

Navy employees at Naval Station Newport deliberately falsified first-responder training records, leaving firefighters without critical experience in emergency situations, a federal investigation found.

NEWPORT, R.I. — Navy employees at Naval Station Newport deliberately falsified first-responder training records, leaving firefighters without critical experience in emergency situations, a federal investigation found. The Office of Special Counsel told President Donald Trump in a letter Tuesday that a Navy inspector general investigation, prompted by a concerned firefighter at Naval Station Newport, found thousands of faulty or falsified training records. "The Navy will be better served in emergency situations because a whistleblower disclosed wrongdoing," Special Counsel Henry J. Kerner, who heads the independent federal agency, said in a statement Tuesday. According to the Navy inspector general's report — dated June 2017, but sent to the president Tuesday — virtually all 29 employees at Naval Station Newport's Fire & Emergency Services missed out on training that they were falsely labeled as having attended because they simply weren't working. The more than 100 cases included training on respirators and spinal injuries. In one case, a

firefighter was listed as having taken a training on a day he was at Disney World in Florida. Training logs also showed 515 completed courses on Sundays from January to July 2016, but no training took place at all on Sundays. The report also criticized the department's record keeping: some 7,000 training records didn't have instructors' names, the report said.

The whistleblower, George Haywood, alerted federal authorities after learning about records falsely showing his attendance at shipyard trainings he never completed. The lack of training showed in "bothersome" ways, Haywood believed, like when one of the department's own firefighters needed to be lifted in a stretcher because he was suffering from chest pains. Fire & Emergency Services personnel dropped him from the stretcher. After the firefighter was dropped, a false training record called "lifting and moving patients" was entered for the person who'd treated him, according to Haywood, who had 20 years of experience as a firefighter and joined Naval Station Newport in 2015. When federal investigators asked the department's training officer about the courses, he told them: "I have no idea. I don't conduct the actual trainings. I don't physically teach the trainings. I don't know what the companies do. I am in my office behind my desk, behind my computer doing my wonderful spreadsheets."

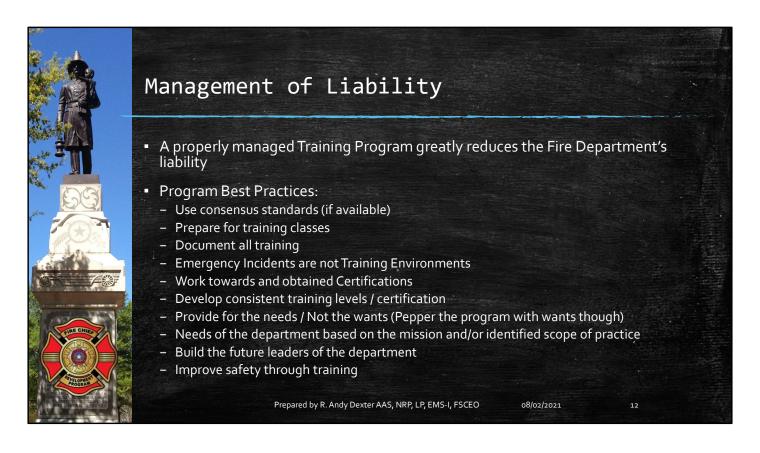
That's despite the fact that, according to the naval inspector general, training was the training officer's responsibility. The training officer "separated from employment" in March 2017. The fire chief refused to answer follow-up questions from investigators and retired from federal service in April 2017. Some employees chalked up problems to "administrative oversights," but others said management forced them to sign off on false training records. When one resisted signing off on records, the fire chief "screamed" at him and threatened to move him to another shift, he told investigators. Even so, when training did happen, it was a "joke," that firefighter said. The inspector general made several recommendations to fix the lapses after the episode in Newport, which have since been adopted and will be included in Navy-wide policy. Kerner's office is an independent federal agency that looks into allegations of wrongdoing and protects whistleblowers. It is separate from Robert Mueller, the Department of Justice-appointed special counsel looking into Russia's meddling in the 2016 election.

Lisa M. Woodbury Rama, spokeswoman for Naval Station Newport, said Wednesday, "We recognize there were issues in the past and have been working hard to correct them. Since the inspection you reference, the department has been focusing on our internal processes and procedures. We are confident in the training our personnel have to respond to emergencies onboard the installation." About 5,800 employees work at Naval Station Newport at 50 different commands, with 17,000 students going through schools every year on the base.

-- This report was updated at 9:40 a.m. Wednesday



Definition of Vicarious Liability was obtained from http://legal-dictionary.thefreedictionary.com/Vicarious+Liability on 06/23/2013 at 2350 hours.



No additional notes for this slide.





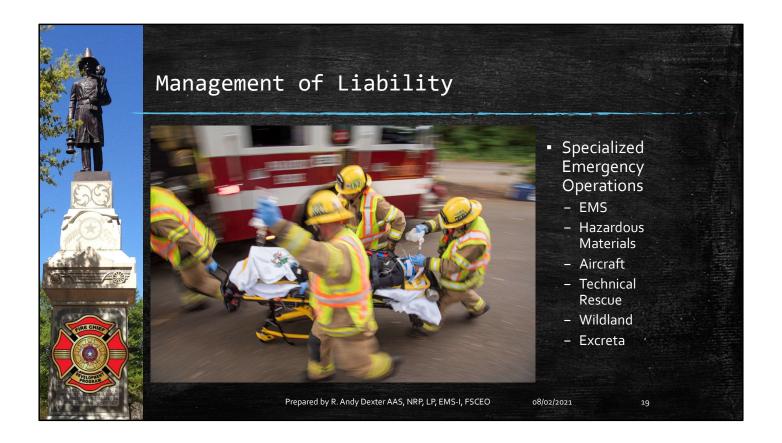


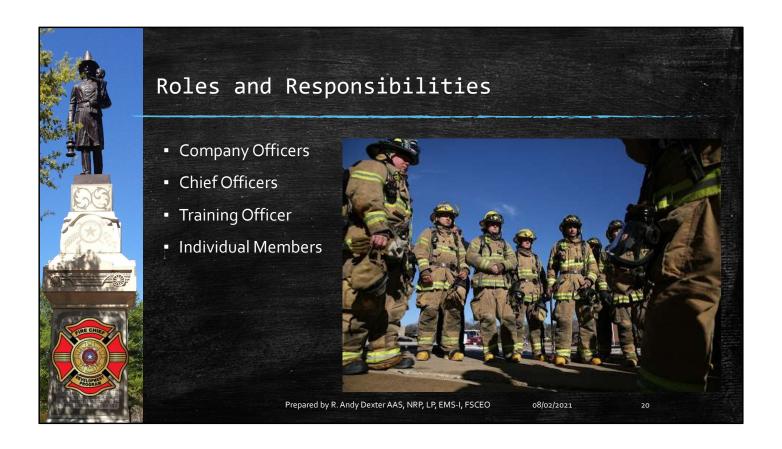


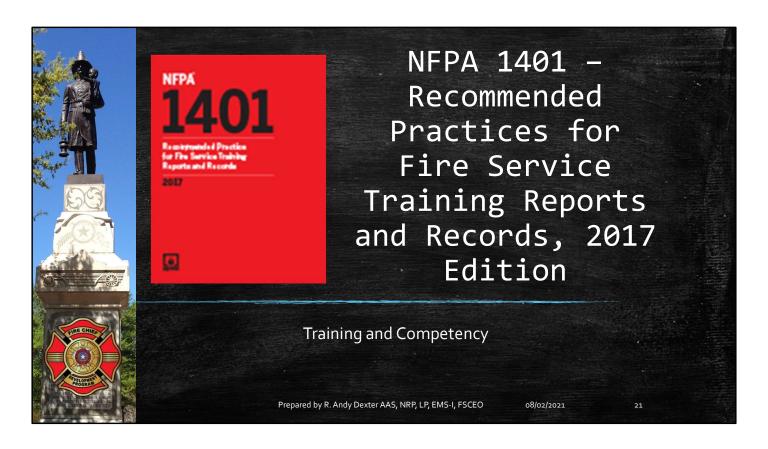
YouTube URL: https://www.youtube.com/watch?v=fW8amMCVAJQ (2.57 minutes)





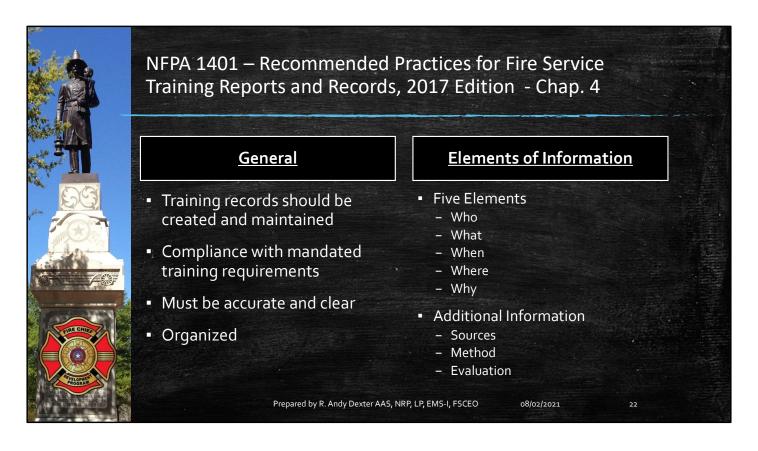






NFPA 1401: Recommended Practice for Fire Service Training Reports and Records Website: http://www.nfpa.org/codes-and-standards/list-of-codes-and-standards?mode=code&code=1401

Click on "Free access to the 2017 edition of NFPA 1401" link located under the tile of the standard.



Chapter 4 – Elements of Training Documents 4.1 - General

- 4.1.1 Training records and reports should be utilized by the training officer and line officers for analysis of the effectiveness of the training program in terms of time, staffing, individual performance rating, and financing.
- 4.1.2 Training records and reports should be utilized to develop specific training objectives and to evaluate compliance with, or deficiencies in, the training program.
- 4.1.3 Compliance with mandated training requirements should be documented.
- 4.1.4 The management of training functions should be performed in a closed-feedback loop.
 - 4.1.5 The training functions should not operate as an open-ended cycle.
 - 4.1.6 The closed-feedback loop should consist of the following:
 - (1) Planning
 - (2) Organization
 - (3) Implementation
 - (4) Operation
 - (5) Review
 - (6) Feedback/alteration
 - 4.1.7 In each phase of the cycle, information should be provided for

management to perform effectively.

- 4.1.7.1 The information is provided through various types of records, reports, and studies; therefore, records should be designed to fit into the overall training management cycle.
- 4.1.8 In order to be most effective, these records should contribute to the overall organization information cycle.

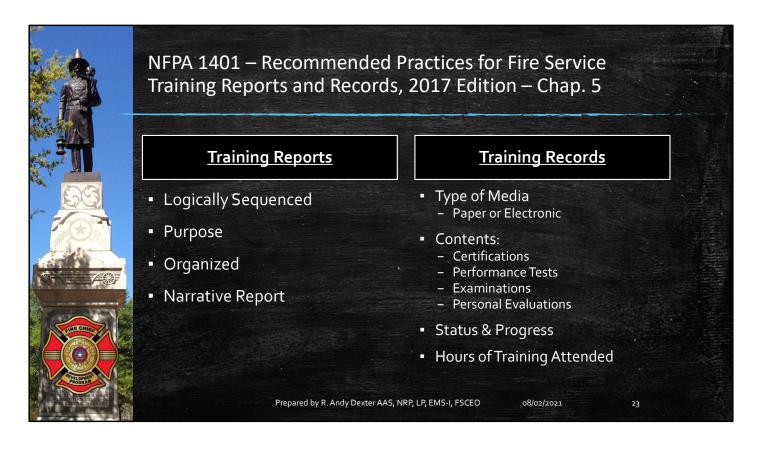
4.2 - Elements of Information

- 4.2.1 Training documents, regardless of their intent or level of sophistication, should focus on content, accuracy, and clarity.
- 4.2.2 These documents should relay to the reader at least five specific elements of information as follows (see Annex B for examples of training record forms):
 - (1) Who
- (a) Who was the instructor?
- (b) Who participated?
- (c) Who was in Attendance?
- (d) Who is affected by the documents?
- (e) Who was included in the training (individuals,

company, multi-company, or organization)?

- (2)What
- (a) What was the subject covered?
- (b) What equipment was utilized?
- (c) What operation was evaluated or affected?
- (d) What was the stated objective, and was it met?
- (3) When
- (a) When will the training take place? Or
- (b) When did the training take place?
- (4) Where
- (a) Where will the training take place? Or
- (b) Where did the training take place?
- (5) Why
- (a) Why is the training necessary? Or
- (b) Why did the training occur?
- **4.3 Additional Information.** Additional information or detail, which should include but not be limited to the following, should be included to explain or clarify the document as necessary:
 - (1) Source of the information used as a basis for the training
 - (a) Textbook title and edition
 - (b) Lesson plan title and edition
 - (c) Policy name and reference number
 - (d) Videotapes, CDs, and DVDs
 - (e) Distance learning sources

- (f) Internet address
- (g) Industry best practices
- (h) Post-incident analysis (PIA)
- (i) Other
- (2) Method of training used for delivery
 - (a) Lecture
 - (b) Demonstration
 - (c) Skills Training
 - (d) Self-Study
 - (e) Video Presentation
 - (f) Mentoring
 - (g) Drill(s)
 - (h) Other
- (3) Evaluation of training objectives
 - (a) Written Test
 - (b) Skills Examination
 - (c) Other



Chapter 5 – Types of Training Documents

5.1 - Training Schedules

5.1.1 - Need for Training Schedules

5.1.1.1 - All members of a fire department should receive standardized instruction and training.

5.1.1.2 - Standardized training should include considerable planning; however, standardization can be improved through the preparation of training schedules for use by department personnel.

5.1.1.3 - Standardized training schedules should be prepared and published for both short-term scheduling (considerable detail), intermediate-term (less detail), and long-term scheduling (little detail) to facilitate long-term planning

by the training staff, instructional staff, company officers, and personnel.

5.1.2 - **Types of Training Schedules.** Training schedules should be prepared for all training ground and classroom sessions.

5.1.2.1 - **Periodic Training Schedule – Station Training.** The station training schedule, which is prepared by the training officer, should designate specific subjects that are to be covered by company or station officers in conducting

their station training.

5.1.2.1.1 - The company officers should use this schedule to set their own in-station training schedule.

5.1.2.1.2 - A balance between manipulative skills training and classroom sessions should be considered in the preparation of training schedules.

5.1.2.1.3 - Such training schedules should include all of the topics necessary to satisfy job knowledge requirements and to maintain skills already learned.

- 5.1.2.2 **Periodic Training Schedule Training Facility Activities.** The training facility activities schedule details when companies should report to the training facility for evolutions or classes.
 - 5.1.2.2.1 Days also should be set aside for make-up sessions.
- 5.1.2.2.2 Training activities conducted outside the training facility or by outside agencies also should be shown on this schedule.
- 5.1.3 **All Other Training.** Schedules should be prepared for all training, including, but not limited to, the following:
 - (1) Recruit or entry-level training
 - (2) In-service training
 - (3) Special training
 - (4) Officer training
 - (5) Advanced training
 - (6) Mandated training
 - (7) Medical training
 - (8) Safety training

5.2 - Training Reports

- 5.2.1 **Logical Sequence**. A training report should be complete and should follow a logical sequence.
- 5.2.1.1 A report should clearly and concisely present the essentials so those conclusions can be grasped with a minimum of effort and delay.
- 5.2.1.2 Furthermore, a report should provide sufficient discussion to ensure the correct interpretation of the findings, which should indicate the nature of the analysis and the process of reasoning that leads to those findings.
 - 5.2.2 **Purpose.** Each item of a report should serve a definite purpose.
- 5.2.2.1 Each table and chart in a report should be within the scope of the report.
- 5.2.2.2 The tables and charts should enhance the information started or shown elsewhere, and they should be accurate and free of the possibility of misunderstanding, within reason.

5.2.3 - Organization

- 5.2.3.1 The process of writing reports should include five steps that are generally used in identifying, investigating, evaluating, and solving a problem.
- 5.2.3.2 These five steps, which should be accomplished before the report is written, are as follows:
 - (1) The purpose and scope of the report should be obtained.
 - (2) The method or procedure should be outlined.
 - (3) The essential facts should be collected.
 - (4) These facts should be analyzed and categorized.
 - (5) The correct conclusions should be arrived at and the proper

recommendations should be made.

- 5.2.4 While there are differing needs among fire departments, certain reports should be common to most departments.
 - 5.2.4.1 Typical recommended training reports should include the following:
- (1) A complete inventory of apparatus and equipment assigned to the training division
- (2) Detailed plans for training improvements that include all equipment and facility needs and cost figures
- (3) A detailed periodic report on and evaluation of the training of all probationary firefighters
 - (4) A monthly summary of all activities of the training division
 - (5) An annual report of all activities of the training division
 - (6) A complete inventory of training aids and reference

materials available to be used for department training

- 5.2.4.2 The annual report should describe the accomplishments during the year, restate the goals and objectives of the training division, and describe the projected plans for the upcoming year.
 - 5.2.5 Narrative Report. There are times when a narrative report should be necessary.
- 5.2.5.1 Before writing a narrative report, the writer should consider the audience for the report.
- 5.2.5.2 The comprehensiveness of the report should be determined by the recipients' knowledge of the subject.

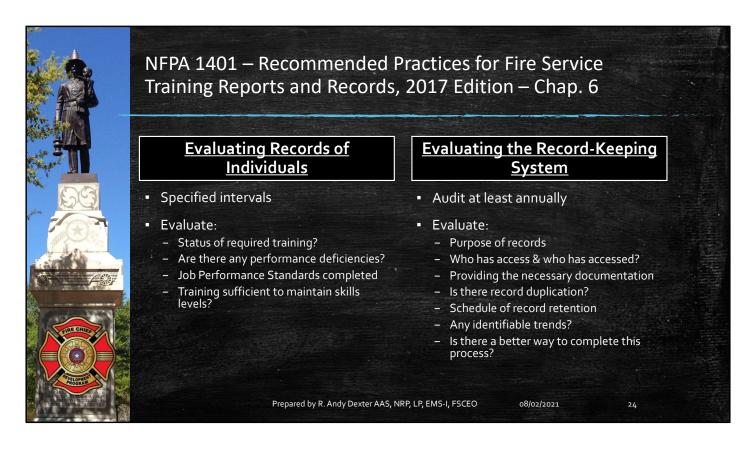
5.3 - Training Records

5.3.1 - Training records should be kept to document department training and should assist in determining the program's effectiveness. Information derived from such records should, for example, provide the support data needed to justify

additional training personnel and equipment.

- 5.3.1.1 Training records can include paper or electronic media.
- 5.3.2 Performance tests, examinations, and personnel evaluations should contribute to the development of the training program if the results are analyzed, filed, and properly applied.
- 5.3.2.1 Training records should be kept current and should provide the status and progress of all personnel receiving training.
- 5.3.2.2 Frequent review of training records should be developed to meet the specific needs of each fire department.
- 5.3.3 Properly designed training records should be developed to meet the specific needs of each fire department.
- 5.3.3.1 Training records should be detailed enough to enable factual reporting while remaining as simple as possible.
- 5.3.3.2 The number of records should be kept at a minimum to avoid confusion and duplication of effort.
- 5.3.4 Typical training records should include an evaluation of the competency of the student, as well as hours attended.
- 5.4 State Certification Records
 - 5.4.1 Minimum Information

- 5.4.1.1 Information and documentation that should serve as a foundation for submission to state certification programs should include, as a minimum, the following:
- (1) A single file that includes all training accomplished by the individual fire fighter during his/her career
- (2) Dates, hours, locations, and instructors of all special courses or seminars attended
 - (3) Monthly summaries of all departmental training
- 5.1.1.2 These records should require the signatures of the instructor and the person instructed as a valid record of an individual's participation in the training.
- 5.1.1.3 The format used for state certification should be different from that utilized by an individual department. Otherwise, this is likely to cause considerable problems with accurate record submission and should be addressed on
- the state level by all parties concerned. Various state certification forms are contained in Annex B.



Chapter 6 – Evaluating the Effectiveness of Training Records Systems

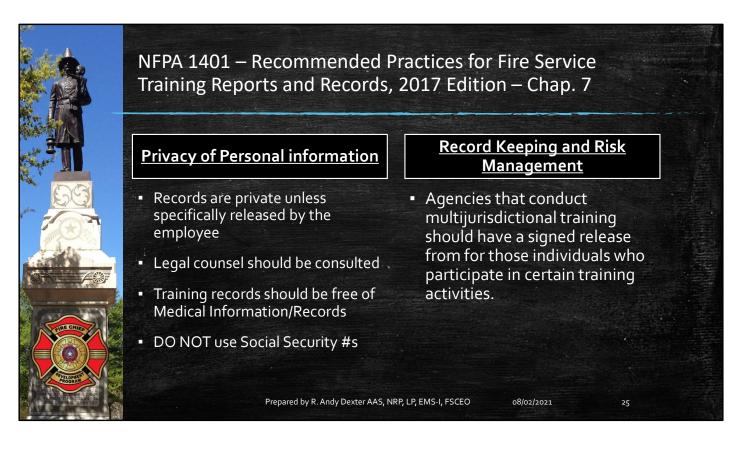
6.1 - Evaluating Records of Individuals

- 6.1.1 The evaluation of training records should be done at specified intervals by the local department training officer or training coordinator.
 - 6.1.2 Each training record should be evaluated to determine the following:
 - (1) Has the individual taken all the required training?
 - (2) If not, has the individual been scheduled for missed classes?
- (3) Do performance deficiencies exist, what kind of program is being developed to overcome them?
- (4) If performance deficiencies exist, what kind of program is being developed to overcome them?
- (5) Have companies met all the required job performance standards established by the department?
- (6) If job performance standards have not been met, have the problems been identified and a program developed to overcome them?
 - (7) Are there areas of training that are being overlooked completely?
 - (8) Is the cycle of training sufficient to maintain skill levels?

6.2 - Evaluating the Record-Keeping System

- 6.2.1 All training records and the record-keeping system should be evaluated at least annually.
- 6.2.2 During the evaluation process, the following questions should be applied to each record:
 - (1) What is the purpose of the record?

- (2) Who uses the information compiled?
- (3) Is the record providing the necessary information?
- (4) Do other records duplicate the material being compiled?
- (5) How long should records be retained?
- (6) Can training trends be determined from a compilation of the records?
- (7) Is there a simpler and more efficient way of recording the information?



Chapter 7 – Legal Aspects of Record Keeping

7.1 - Privacy of Personal Information

- 7.1.1 Employee training and educational records and other examination data included in an individual's training file should be disclosed only with written permission of the employee, unless required by law or statute, or by a court order.
- 7.1.2 The fire chief and the training officer should verify with legal counsel the federal, state, provincial, and local laws and ordinances regulating the disclosure of confidential information, and ensure adequate control measures are in place

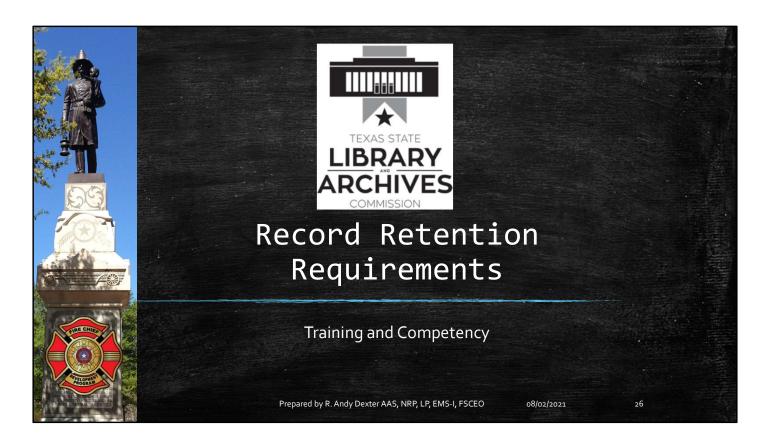
for the privacy of personal information.

- 7.1.2.1 Training records should not use the student's Social Security Number for identification purposes.
- 7.1.2.2 The fire chief or training officer should ensure that training records do not include any confidential medical information.
- 7.1.2.3 All medical records should be kept in a completely separate file and not mixed with any other records or personnel files.
- 7.1.2.4 Access to any personally identifiable or proprietary information should be restricted.

7.1.3 - Length of Time for Keeping Records or Reports.

- 7.1.3.1 Legal counsel should be contacted concerning the length of time records or reports, or both, need to be kept available and documented in a records retention schedule. [See Figure B.1(m) for a sample schedule.]
- 7.1.3.2 Documents should be maintained for a period of time as specified by law or as required by certain agencies and organizations.

- 7.1.4 Most training records should be maintained in their entirely in a computerized from, thus greatly reducing the amount of paper that needs to be stored.
- 7.1.4.1 Some training records should be maintained in their original hard-copy form, as required by certain agencies and organizations.
- 7.1.4.2 Computerized records should be backed up periodically and stored in an off-site location to avoid destruction.
- 7.2 **Record Keeping and Risk Management.** Agencies that conduct multijurisdictional training should have a signed release from for those individuals who participate in certain training activities.



Information Links:

Texas State Library and Archives Commission

Website: https://www.tsl.texas.gov/slrm

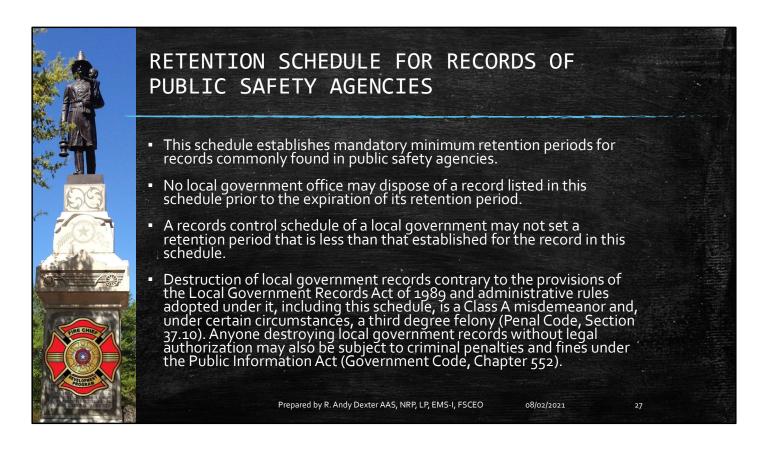
Local Retention Schedules affecting Training in the Fire Service:

Local Schedule GR - Retention Schedule for Records Common to All Local Governments

Website: https://www.tsl.texas.gov/slrm/recordspubs/gr.html

LOCAL SCHEDULE PS - RETENTION SCHEDULE FOR RECORDS OF PUBLIC SAFETY AGENCIES

Website: https://www.tsl.texas.gov/slrm/recordspubs/ps.html



TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE PS

(FourthEdition)
RETENTION SCHEDULE FOR RECORDS OF PUBLIC SAFETY
AGENCIES

This schedule establishes mandatory minimum retention periods for records commonly found in public safety agencies. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period that is less than that established for the record in this schedule. Original paper records listed in this schedule may be disposed of prior to the expiration of their minimum retention periods if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters.

Actual disposal of such records by a local government is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under it, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third-degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Government Code, Chapter 552).

P. O. Box 12927 • Austin, Texas • 78711-2927 • (512) 421-7200

Introduction

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the Commission. If applicable, the wording of the records series will match that of any federal or state law, rule of court, or regulation, and citation to law, rule, or regulation will be provided in the Remarks section.

Retention periods listed in this schedule apply to records in any medium. If records are stored electronically, they must remain available and accessible until the expiration of the retention period assigned by this schedule, along with any hardware or software required to access or read them. Electronic records may include electronic mail (e-mail), websites, electronic publications, or any other machine-readable format. Paper or microfilm copies may be retained in lieu of electronic records.

The use of social media applications may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media application may be considered records, and should be managed appropriately. The retention of social media records is based on content and function. Local governments will need to consult the relevant records retention schedule for the minimum retention periods.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period applies only to an official record, as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record, and in which of its divisions or departments it will be maintained. Local

governments should establish policies and procedures in their records management programs to provide for the systematic disposal of copies.

A local government record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated; its destruction shall not occur until the completion of the action and the resolution of all issues that arise from it.

A local government record whose retention period expires during any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record may not be destroyed until the completion of the action and the resolution of all issues that arise from it.

If a record described in this schedule is maintained in a bound volume of a type in which pages were not meant to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is less than permanent may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is permanent in this schedule, authority to dispose of the damaged record must be obtained from the Director and Librarian of the Texas State Library and Archives Commission. A Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described.

Use of Asterisk (*)

The use of an asterisk in this edition of Local Schedule PS indicates that the record is either new to this edition, the retention period for the record has been changed, or amendments have been made to the description of or remarks concerning the record. An asterisk is not used to indicate minor amendments to grammar or punctuation.

ABBREVIATIONS USED IN THIS SCHEDULE

AV – As long as administratively valuable

TAC – Texas Administrative Code

CE – Calendar year end CFR – Code of Federal Regulations FE – Fiscal year end LA – Life of asset USC – United State Code US – Until Superseded

RETENTION SCHEDULE FOR RECORDS COMMON TO ALL LOCAL GOVERNMENTS						
Record Number	Record Title	Record Description	Retention Period	Remarks		
GR1050-12	EMPLOYEE SERVICE RECORDS	Summary employment history record for each employee maintained on one or more forms, containing the following minimum information: name; sex; date of birth; social security number; positions held with dates of hire, promotion, transfer, or demotion; dates of leaves of absence or suspension that affect computation of length of service; wage or salary rate for each position held, including step or merit increases within grades; most recent public access option form; and date of separation.	Date of separation + 75 years.	Retention Notes: a) This schedule does not require the creation of an employee service record of the type described, but the creation of the record is strongly recommended to allow frequent disposal of documents from which information has been summarized. If an employee service record is not maintained, documents (e.g., employment applications, personnel action forms) containing the prescribed information must be retained date of separation + 75 years. More than one document providing the same element of required information need not be retained.		

PART 3: PERSONNEL AND PAYROLL RECORDS

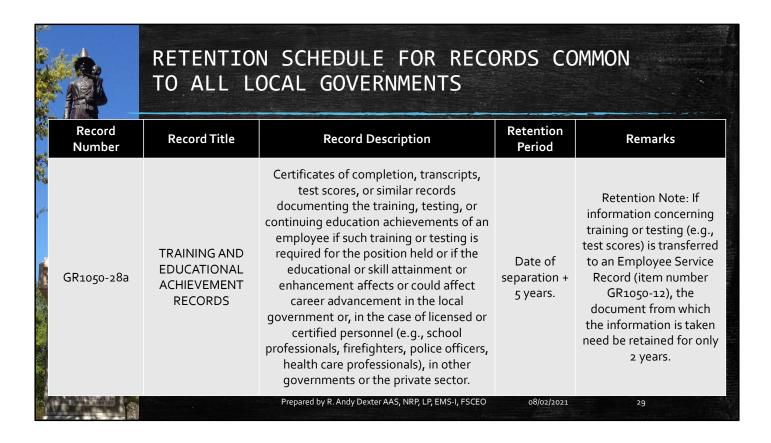
Retention Notes:

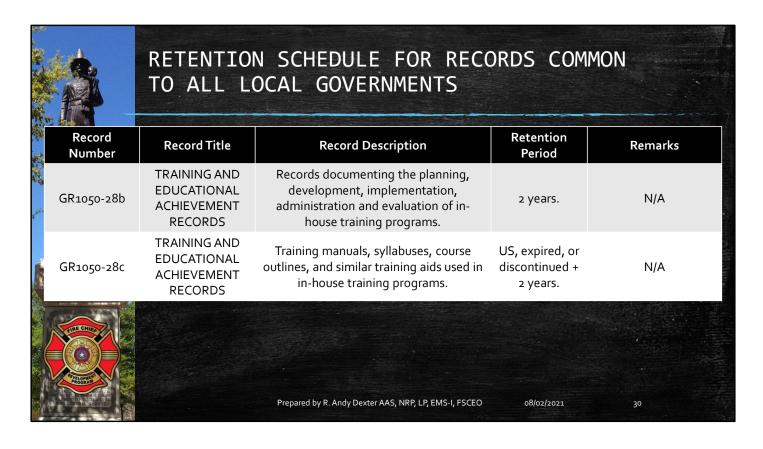
a) FEDERAL RETENTION REQUIREMENTS - Federal retention periods for personnel and payroll records arise principally from the administration of the Civil Rights Act of 1964, Title VII; the Age Discrimination and Employment Act of 1967; the Equal Pay Act; the Fair Labor Standards Act; the Federal Insurance Contribution Act; and the Federal Unemployment Tax Act.

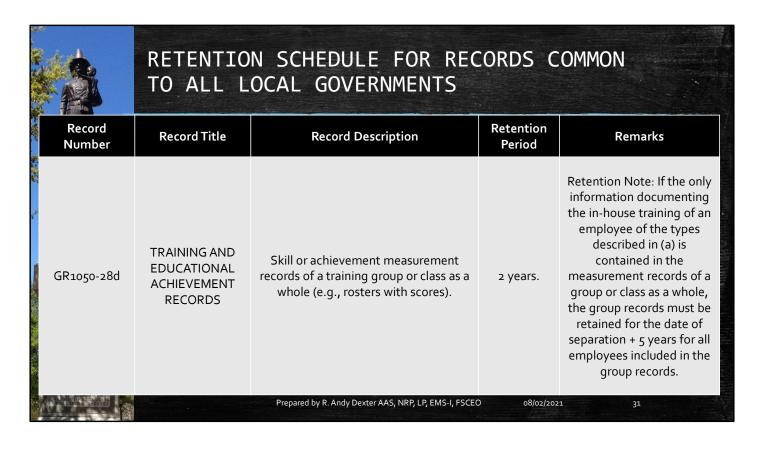
Various federal agencies or departments of agencies administer these acts and, because retention periods are set to enable each agency to carry out its particular oversight authority, different retention periods are often established for the same record. In compiling Schedule GR, the longest applicable federal retention period is cited as authority for the retention period indicated. A federal regulation is not cited if a state law or regulation requires a longer retention period. A federal retention period is also not cited if a Texas statute of limitations makes a longer retention period advisable. For example, the federal retention requirement for employment contracts [see item number GR1050-15(a)] is given as 3 years from the last effective date of the contract in 26 CFR 516.5, but suits in Texas may be brought by either party to such a contract within four years of the occurrence of an alleged breach; therefore a retention period of 4 years from the last effective date of the contract is

set in this schedule. All retention periods in this part apply, by authority of this schedule, to all local governments, although some of them may be otherwise exempt from the federal requirement cited. This provision does not require the creation by exempted local governments of any special documentation demonstrating compliance with federal regulations that may be required of non-exempted governments.

- **b) PERSONNEL FILES** The individual employee personnel file is not scheduled as a unit in this section; documents normally placed in such files are scheduled separately.
- c) TERMINATED EMPLOYEES Notwithstanding any retention periods in this part, all personnel records existing on the date of termination of an involuntarily terminated employee must be retained for 2 years from the date of termination [29 CFR 1602.31, 1602.40, and 1602.49].
- d) JTPA AND CETA EMPLOYEES Any records maintained on applicants for or holders of positions paid in whole or in part from Comprehensive Employees' Training Act (CETA) funds or affirmative action apprenticeship program funds administered by the U. S. Department of Labor must be retained for 5 years from the date of enrollment in the program [29 CFR 30.8(e)]. This 5-year retention period is extended by authority of this schedule to comparable records on applicants for or holders of positions paid in whole or in part from Job Training Partnership Act (JTPA) funds.
- **e) DEFINITION OF EMPLOYEE** For the purposes of this part, the term "employee" also includes elected or appointed officials of a local government who are paid wages or a salary from any funds of the local government and anyone voluntarily working or not receiving payment or compensation for working.









PART 4: RECORDS OF FIRE FIGHTING AND EMERGENCY MEDICAL SERVICE AGENCIES

Retention Note: The term "local policy" as used in this part means an ordinance, order, or resolution of the governing body of a local government or an administrative regulation of a fire fighting or emergency medical services department whose authority derives from the ordinance, order, or resolution.

SECTION 4-2: FIRE PREVENTION AND INSPECTION RECORDS

	RETENTION SCHEDULE FOR RECORDS OF PUBLIC SAFETY AGENCIES				
Record Number	Record Title	Record Description	Retention Period	Remarks	
PS4525-01	EMERGENCY MEDICAL SERVICE TRAINING RECORDS	Records relating to the training (including continuing education) of emergency medical personnel sufficient to document who was trained and when, in what subject, and by whom; scores received in academic achievement and performance tests (including copies of all written tests), and similar records of the training and achievement of individual students.	5 years.	Retention Note: It is an exception to the retention periods given in this record group that records documenting the training and educational achievement of employees as described in item number GR1050-28(a) must be retained for date of separation + 5 year for emergency medical personnel employed by the lock government that conducts the training.	

SECTION 4-4: TRAINING RECORDS

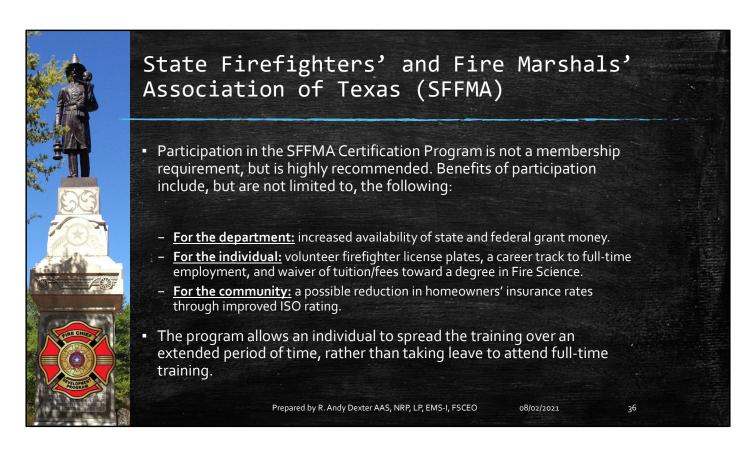
Retention Note: This part supplements and should be used in conjunction with Part 3 of Local Schedule GR (Records Common to All Governments).



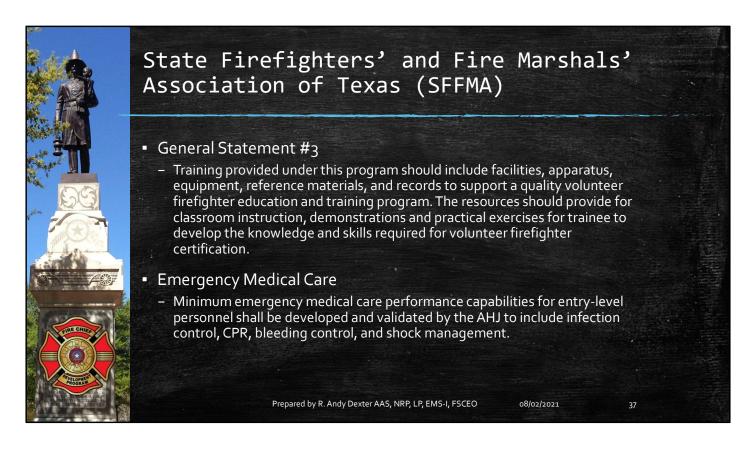


SFFMA Certification Program Website:

https://www.sffma.org/SFFMA/Certification/SFFMA/Certification/Certification Main.aspx?hkey=34a0b19c-e828-47fb-a703-9030c4245206



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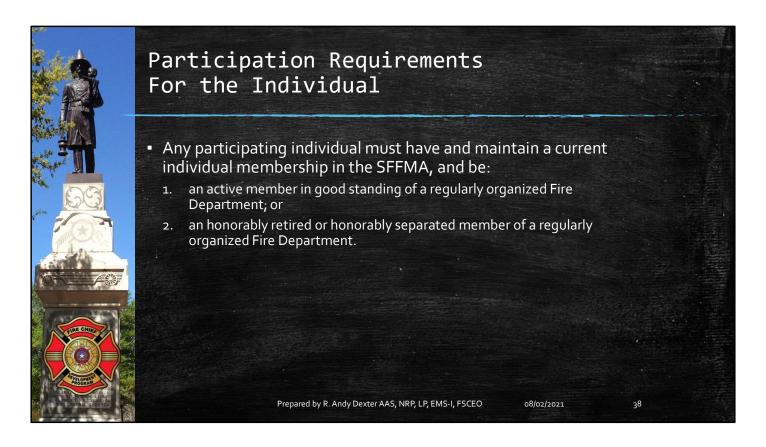


General Statement #3 – Page 6 at Website:

https://www.sffma.org/SFFMAPages/Certification/2015/Intro 00 Introduction 150 2.pdf

Emergency Medical Care – Page 3 at Website:

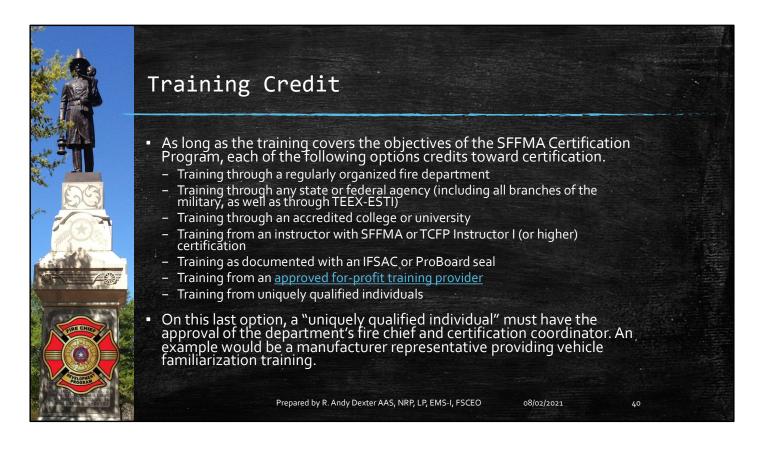
https://www.sffma.org/SFFMAPages/Certification/2015/Intro 00 Introduction 150 2.pdf



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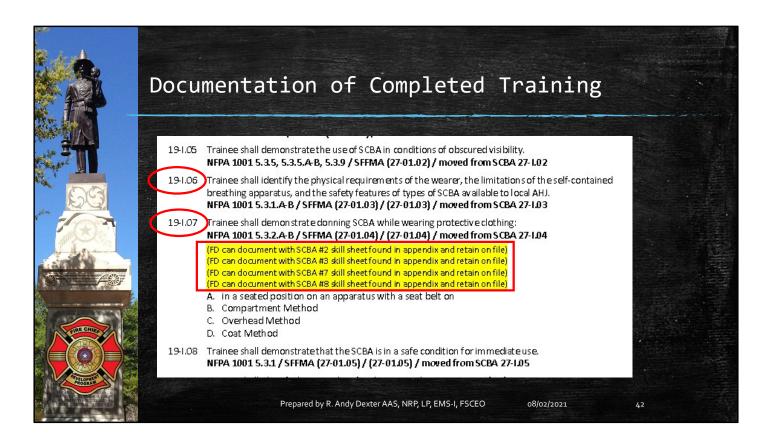


https://www.sffma.org/SFFMA/Certification/Certification Main.aspx?WebsiteKey=6 5a2a6d5-cf92-4d26-8251-b69cdeecaa68&hkey=34a0b19c-e828-47fb-a703-9030c4245206&Start Here Categories=6#/Start Here Categories

List of Approved For-Profit Training Providers:

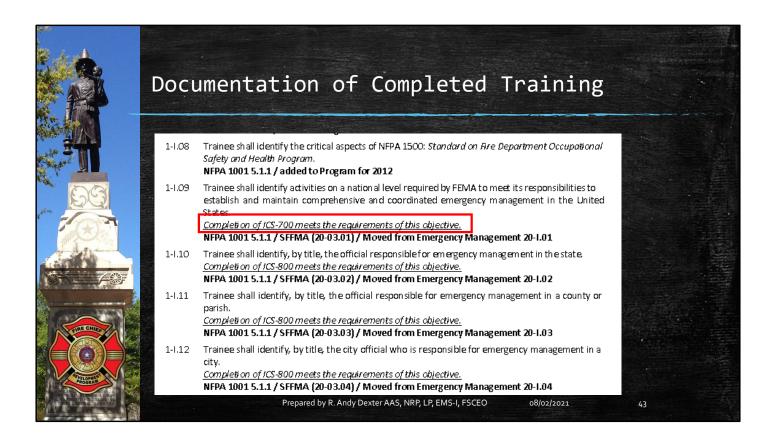
https://www.sffma.org/SFFMA/Certification/Certification Main.aspx?Start Here Categories=7#/Start Here Categories





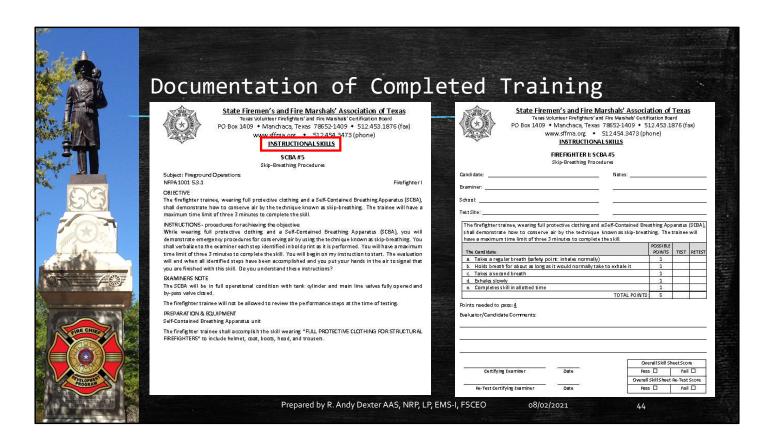
View of objectives from SECTION 19 FIREFIGHTER PPE & SCBA (Effective February 2015). Objectives are denoted in the following format universally across the SFFMA Firefighting Certification Program: Section – Firefighter I or II. Objective #. The Objective will then presented as intended by NFPA 1001. The following bold script explains the objectives longevity within the SFFMA Certification Program to include the NFPA reference. Associated skills sheets will then be denoted as associated with the objective.

Proper documentation of the completion of an objective should be reflected on the training report created for the class. If a skills sheet is indicated for the specific objective, a completed copy of the skills sheet should be completed, per participant, as a definitive record of the completion of the objective.

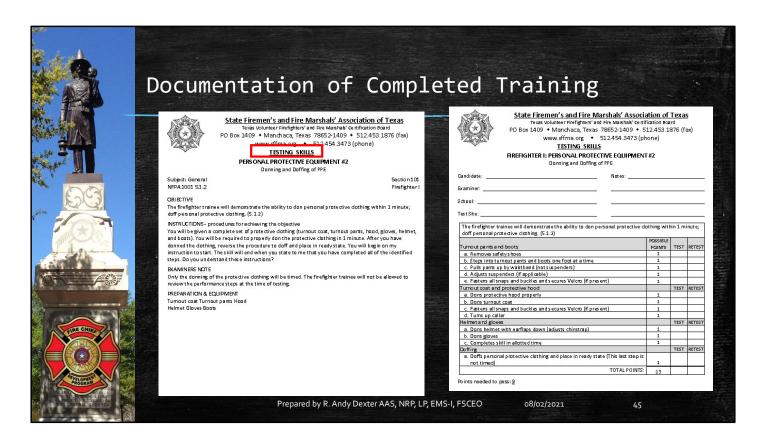


View of objectives from SECTION 1 ORIENTATION & FIRE SERVICE HISTORY (Effective February 2015). Objectives are denoted in the following format universally across the SFFMA Firefighting Certification Program: Section – Firefighter I or II. Objective #. The Objective will then presented as intended by NFPA 1001. The following bold script explains the objectives longevity within the SFFMA Certification Program to include the NFPA reference. Associated skills sheets will then be denoted as associated with the objective.

Proper documentation of the completion of an objective should be reflected on the training report created for the class. At times the completion of a specified course will prove the completion of one or more objectives. A copy of the course completion certificate should be obtained and filed as verification of the completion of this or these objectives.

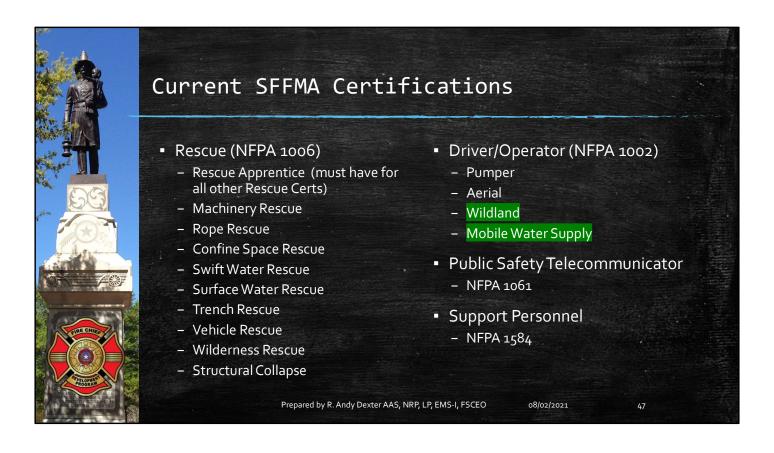


Instructional Skills are to be used for instructional use only. Completion of the skills sheet and the filing of the completed skills sheet will prove completion of the associated SFFMA Objective. This skills sheet should be completed per participant. Instructional Skills sheets will not appear in the official SFFMA Skills Test for Firefighter I and/or Firefighter II Certification.



Testing Skills are to be used for instructional use as well as testing use. Completion of the skills sheet and the filing of the completed skills sheet will prove completion of the associated SFFMA Objective. This skills sheet should be completed per participant. Testing Skills sheets will appear in the official SFFMA Skills Test for Firefighter I and/or Firefighter II Certification. As a note, there will be only three (3) randomly selected Skills Test for Firefighter I and/or Firefighter II Certification.

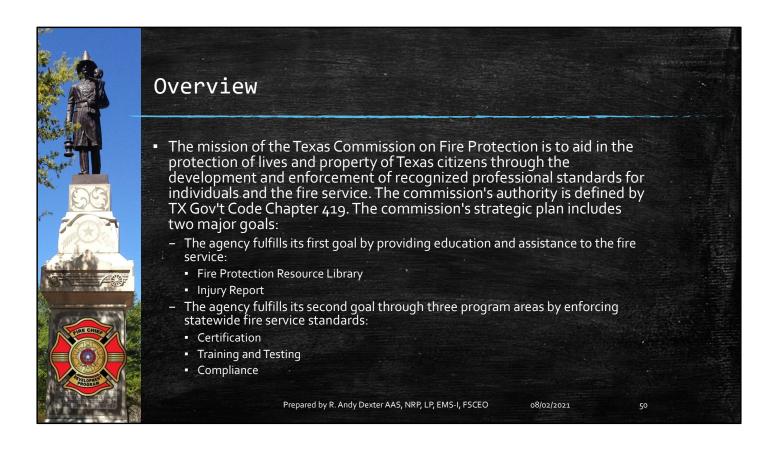








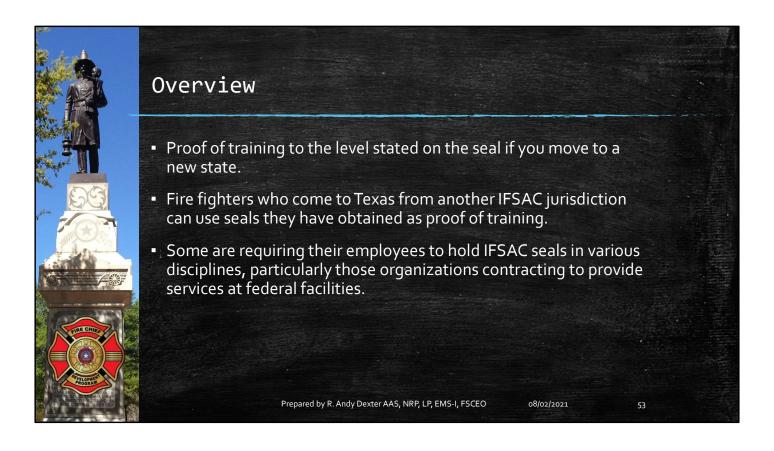
https://www.tcfp.texas.gov/Services/Index



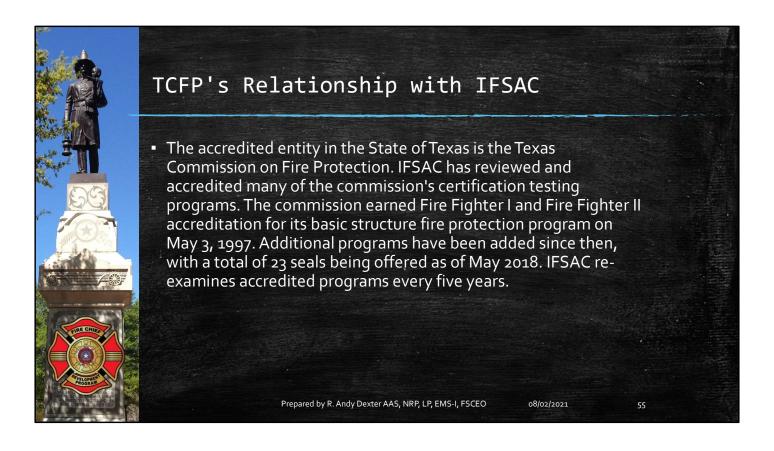




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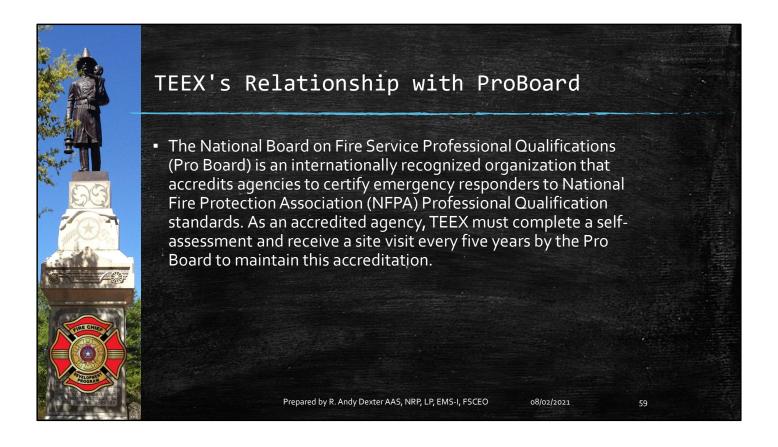


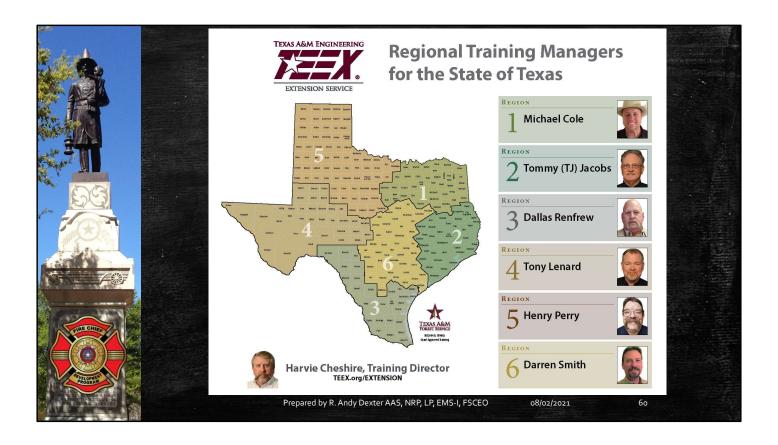


https://theproboard.org/





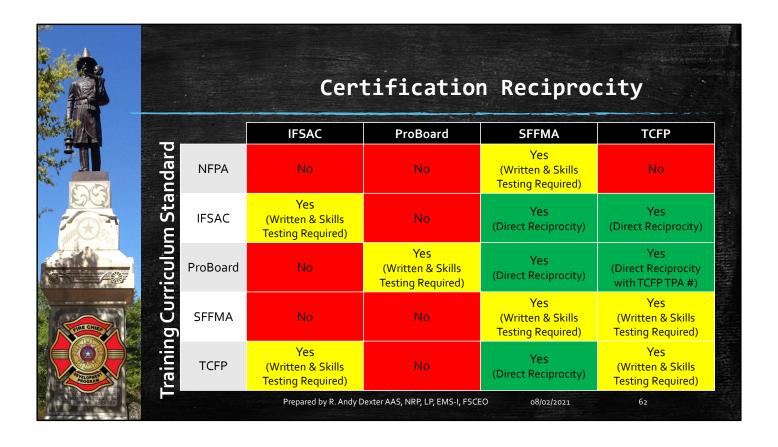






SFFMA Certification Program Website:

https://www.sffma.org/SFFMA/Certification/SFFMA/Certification/Certification Main.aspx?hkey=34a0b19c-e828-47fb-a703-9030c4245206





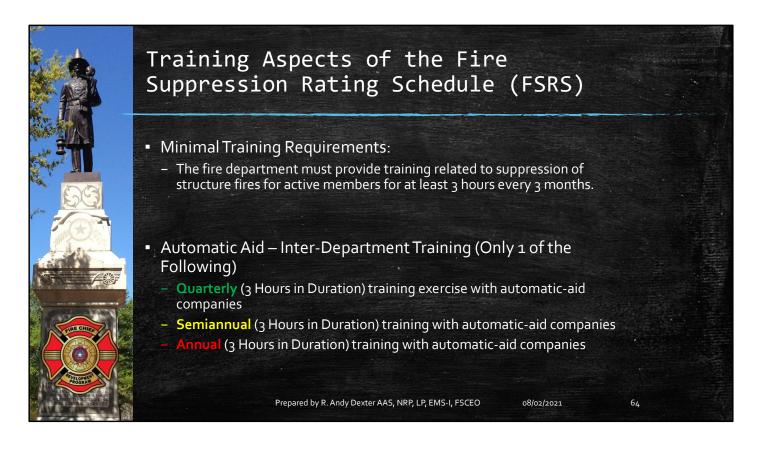
Informational Websites:

ISO's Public Protection Classification (PPCTM) Program

Website: https://firechief.iso.com/FCWWeb/mitigation/ppc0001.jsp

ISO Mitigation

Website: https://www.isomitigation.com/



107 MINIMUM FACILITIES FOR APPLYING THIS SCHEDULE:

To receive a Public Protection Classification other than Class 10, a fire protection area

must meet the following minimum requirements:

A. Organization:

The fire department must be organized under applicable state or local laws. The

organization must include one person responsible for operation of the department, usually with the title of chief.

The fire department must serve an area with definite boundaries. (See Section 103.)

If a fire protection area does not have a fire department operated solely by or for the governing body of that fire protection area, the fire department providing such service must do so under a legal contract or resolution or must demonstrate documented performance for a minimum of one year. When a

fire department's service area includes two or more fire protection areas, the department should execute a contract with each area served.

Governmental authorities may use NFPA 1201, *Standard for Providing Fire and*

Emergency Services to the Public, as a guide to the organization and development of a fire department.

C. Training:

The fire department must provide training related to suppression of structure fires for active members for at least 3 hours every 3 months.

507 AUTOMATIC AID (AAi):

- 4. Inter-department Training
 - a. Quarterly 3-hour training exercises with automatic-aid companies: or
 - b. Semiannual 3-hour training with automatic-aid companies: or
 - c. Annual 3-hour training with automatic-aid companies:



570 EXISTING COMPANY PERSONNEL (ECP):

"Existing company personnel" means the average number of active firefighters and

company officers available for existing companies. The number includes firefighters

assigned to an initial rapid intervention crew (IRIC). Do not include the incident

commander in existing company personnel.

Each person credited must, while on the fireground, have available a protective clothing

ensemble in accordance with the general criteria of NFPA 1001, Standard for Fire

Fighter Professional Qualifications.

Limit the credit for company personnel to the firefighters meeting the general criteria in

Section 580. Evaluate company personnel as follows:

A. On-Duty Firefighters at Fire Stations (ODF):

To evaluate the total number of firefighters on duty with companies at the fire station, take an average over an entire year, considering vacations, holidays, sick leave, and other absences.

If a fire department has a funded hire-back program or equivalent program that will maintain minimum staffing levels, consider all staff as part of the annual average.

Include chiefs' aides in company strength if they participate in firefighting operations. Also include chief officers and fire department administrative personnel if they respond on the initial alarm to all reported structure fires and perform company duties.

In this section, include in company strength firefighters on apparatus not credited under Sections 513 and 549 if they regularly respond on the initial alarm to all reported structure fires to aid engine, ladder, and service companies.

Credit fire department personnel staffing ambulances or fire department apparatus responding on medical calls if those personnel participate in fighting structure fires.

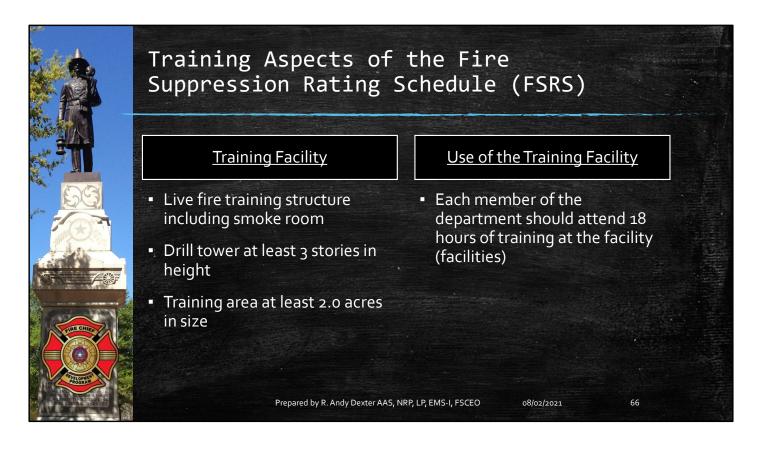
Prorate the credit to reflect the extent to which such personnel are available, respond on the initial alarm to all reported structure fires and perform company duties.

Each person credited in the section must, while on the fireground, have available a protective clothing ensemble in accordance with the general criteria of NFPA 1001, *Standard for Fire Fighter Professional Qualifications*.

C. On-Call and Off-Duty Firefighters (OCF):

Credit on-call, and off-duty firefighters based on the average number of firefighters who staff apparatus and respond on the initial alarm to all reported structure fires. In this section, include chief officers and fire department administrative personnel responding on the initial alarm to all reported structure fires and performing company duties. Credit off-duty firefighters responding on the initial alarm to all reported structure fires on the same basis as on-call firefighters. To account for the time needed for notification, travel, and assembly on the fireground, credit each on-call and off-duty firefighter as one-third of an on-duty firefighter.

Volunteer firefighters who are on duty at fire stations according to a predetermined assignment are credited as on-duty firefighters (ODF) for the time they are on duty; otherwise, volunteer firefighters are considered on-call.



580 TRAINING (T):

Fire departments must keep training records in accordance with the general criteria of

NFPA 1401, Recommended Practice for Fire Service Training Reports and Records.

Construction of a fire service training center must be in accordance with the general

criteria of NFPA 1402, Guide to Building Fire Service Training Centers.

All personnel engaged in fire suppression activities must receive training in subjects

related to fighting structure fires. Evaluate training as follows:

A. Training Facilities and Use (T1):

1. Facilities (FA): Maximum Points

Live fire training structure including smoke room 17
Drill tower at least 3 stories in height 10
Training area at least 2.0 acres in size 8
Maximum (FA) = 35

2. Use of Facilities (U):

For full credit under this item, each member of the department should attend 18 hours of training at the facilities credited in Section 580A1.

Multiply the points credit for facilities (FA) by the factor (U) for use of the facilities by all company members:

Maximum 18 hours per member; (U) = number of hours per member ÷ 18 Maximum for factor (U) =1.00

Training at the facilities credited in this section must be in accordance with the general criteria of NFPA 1403, Standard on Live Fire Training Evolutions and NFPA 1410, Standard on Training for Initial Emergency Scene Operations.

		ing Aspects of ession Rating		RS)
Categ	jory	Туре	NFPA Standard	Duration
Company Training		Regular	1001	16 hours per Month
officer Certification		Initial Training	1021	As Required
Certified Officers		Continuing Education	1021 and/or 1521	12 hours per Year
New Driver/Operator		Initial Training	1002 and 1451	6o Hours
Existing Driver/Operator		Continuing Education	1002 and 1451	12 hours per Year
Hazardous Materials		Continuing Education	472 (***1072)	6 hours per Year
Recruit Training		Initial Training	1001 (FF1 and FF2)	240 Hours
OR OF THE PROPERTY.		Prepared by R. Andy Dexter AA	.S, NRP, LP, EMS-I, FSCEO 08/02/21	021 67

B. Company Training Program (T₂):

Company training at fire stations including training using streets, buildings, and open areas, 16 hours per company member per month.

Up

to.......25 points

Firefighter training should be in accordance with the general criteria of NFPA 1001, *Standard for Fire Fighter Professional Qualifications*.

Calculate the points for company training (T₂) as follows Limit credit for company training hours to 16 hours per member per month.

C. Officer Training and Certification Program (T₃):

1. Officer Certification (OC):

Certification of each current officer with responsibilities in

	fire suppression in accordance with the general criteria of NFPA 1021, Standard for Fire Officer Professional Qualifications.
	Up
	o:6 points
2	2. Officer Continuing Education (OE): Continuing education for officer training on- or off-site, 12 hours per year for all officers. Up
t	o:6
1	points
	Officer training should be in accordance with the general criteria of NFPA 1021, Standard for Fire Officer Professional Qualifications; NFPA 1521, Standard for Fire Department Safety Officer; NFPA 1561, Standard on Emergency Services Incident Management System.
	Limit credit for officer continuing education to 12 hours per officer per year.
of NFP	Standard for Fire Apparatus Driver/Operator Professional
	Jp
	5
points	

The New Driver Operator Training Program should be in accordance with the general criteria of NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, and NFPA 1451, Standard for a Fire Service Vehicle Operations Training Program.

Limit credit for new driver/operator training hours to 60 hours per new driver/operator.

E. Exi	sting Driver/Operator Training Program (T₅): 12 hours per year.
	Up
o ooints	5
	Driver and operator training should be in accordance with the general criteria of NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, and NFPA 1451, Standard for a Fire Service Vehicle Operations Training Program.
oer ex	•
	driver/operator per year.
F. Haz	zardous Materials Training Program (T ₆):
year	6 hours per member per1 point
	Hazardous materials training should be at a minimum awareness level in accordance with the general criteria of NFPA 472, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents.
	Limit credit for hazardous materials training hours to 6 hours per member per year.
	cruit Training Program (T ₇): 240 hours per recruit within the first year of employment or tenure (or certification) in accordance with the general criteria of NFPA 1001, Standard for Fire Fighter Professional Qualifications. Up
o ooints	5

Firefighter training should be in accordance with the general criteria of NFPA 1001, *Standard for Fire Fighter Professional Qualifications*. Give credit for class hours spent towards the completion of Firefighter I and Firefighter II training (in accordance with the general criteria of NFPA 1001). Firefighters who obtain the Firefighter I and Firefighter II designation (in accordance with the general criteria of NFPA 1001) before employment or within the first year of employment or tenure meet the intent of Section 580G.

Limit credit for recruit training hours to 240 hours per recruit.



H. Building Familiarization for Pre-Incident Planning Program

Annual pre-incident planning.

Up
to......12
points

The fire department should make building familiarization and pre-incident planning tours of each commercial, industrial, institutional, and other similar building at least annually. Records of the inspections (whether in electronic or other formats) should include complete and up-to-date notes and sketches, which must be available to the responding incident commander.

Building familiarization and pre-incident planning should be in accordance with the general criteria of NFPA 1620, *Standard for Pre-Incident Planning*.

(T₈):

Frequency of Inspections Points

1 year ---- 1.00

2 years ---- 0.83

3 years ---- 0.67

4 years ---- 0.58

5 years ---- 0.42

More than 5 years ---- 0.00

