



WEST VIRGINIA SECRETARY OF STATE

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ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Fire Commission

RULE TYPE: Legislative

TITLE-SERIES: 87-11

RULE NAME: SPECIALIZED MEMBERSHIP

CITE AUTHORITY: W. Va. Code §15A-11-8.

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Brandolyn N Felton-Ernest -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 87
LEGISLATIVE RULE
STATE FIRE COMMISSION**

**SERIES 11
SPECIALIZED MEMBERSHIP**

§87-11-1. General.

1.1. Scope. -- This rule establishes the parameters for specialized, non-fire fighter, membership of a fire department.

1.2. Authority. -- W. Va. Code §15A-11-8.

1.3. Filing Date. -- ~~May 5, 2022.~~

1.4. Effective Date. -- ~~August 1, 2022.~~

1.5 Sunset Provision. – This rule shall terminate and have no further force or effect on August 1, ~~2027~~ 2032.

§87-11-2. Specialized Membership.

2.1. Any Volunteer Fire Department wishing to allow a person to join its ~~department~~ Department, in any specialized role, and not as a fire fighter, must inform the Commission of:

2.1.a. The person's full name;

2.1.b. The person's specialized skill;

2.1.c. The person's training obtained to be able to perform the specialized skill, including:

2.1.c.1. What training was completed;

2.1.c.2. Where the training was received;

2.1.c.3. The name of the provider;

2.1.c.4. The dates of the training; and,

2.1.c.5. a statement as to how the training is sufficient to perform the specialized function

2.2. The Department shall include with the information listed in subdivision 2.1. a notarized affirmation by the Chief of the Department that the Specialized member will not be permitted to participate in firefighting, or other activity in which that person is not trained appropriately.

2.3. All Departments must maintain a listing of specialized membership, and what each person's specialization is at all times, and have it available for review at any inspection or evaluation that is conducted.

2.4. If a person is already a specialized member, and that person wishes to have more than one specialization for the Department, the Department must complete the steps listed in this section for each specialization for each non-fire fighter member.

§87-11-3. Review and Approval or Denial of Specialized Members.

3.1. The Commission, when it receives notice from a ~~fire department~~ Department as described in section 2 of this rule, shall review the materials presented for completeness. Following this review, the Commission shall determine the following:

3.1.a. If there is an applicable NFPA standard for the specialized training, the Commission shall review the training to ensure that the training met the applicable standard. The Commission may contact the training entity for any information it deems necessary to make this determination.

3.1.b. If there is not an applicable NFPA standard for the specialized training, the Commission shall make any inquiries it deems necessary to determine if the training satisfies the minimum standard for that specialization.

3.2. If the Commission believes that the information submitted is sufficient, and that the training completed reaches the acceptable recognized standard, the Department will be notified that membership for that person is allowed to join the ~~department~~ Department as a specialized member with that specialty.

3.3. ~~If~~ If the Commission believes that the information submitted is not sufficient to cause the ~~commission~~ Commission to believe that the training received reaches the acceptable recognized standard, the Department will be notified that the membership for that person is not allowed as a specialized member with that specialty.

3.4. Any Decision made pursuant to subdivision 3.2. or 3.3. of this section is the sole discretion of the Commission ~~and is not subject to review by any other means, and no appeal is available.~~ The Commission shall provide written notice to the Department stating the basis for an adverse decision. A Department may submit a written request for reconsideration to the Commission within 30 calendar days of the receipt of the written notice of an adverse decision.