



NATIONAL VETERANS AFFAIRS COUNCIL

American Federation of Government Employees, Affiliated with the AFL-CIO

Out of Many/**One Union**
AFGE NVAC/AFL-CIO

NATIONAL GRIEVANCE NG-7/9/2021

Date: July 9, 2021

To: Ophelia A. Vicks
Acting Executive Director
Office of Labor-Management Relations
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420
Ophelia.Vicks@va.gov
Sent via electronic mail only

From: Shalonda Miller, Staff Counsel, National Veterans Affairs Council (#53) (“NVAC”),
American Federation of Government Employees, AFL-CIO (“AFGE”)

RE: **National Grievance against the Department of Veterans Affairs for violating VA policy and failing to notify and bargain over a change in conditions of employment concerning the accreditation requirements for VA firefighter training programs**

STATEMENT OF CHARGES

Pursuant to the provisions of Article 43, Section 11 of the Master Agreement Between the Department of Veterans Affairs and the American Federation of Government Employees (2011) (“MCBA”), American Federation of Government Employees/National Veterans Affairs Council (“the Union”) is filing this National Grievance against you and all other associated officials and/or individuals acting as agents on behalf of the Department of Veterans Affairs, Veterans Health Administration (the “Department” or “VHA”) for violating VA policy and failing to notify and bargain with the Union over a change in conditions of employment when it unilaterally required VA firefighters to receive training from an internationally-accredited certification program, despite the fact that VA policy permits VA firefighters to obtain the requisite training through other programs. To date, the Department has failed to remedy this violation, and as such, continues to violate the MCBA and federal law.

Specifically, the Department violated Articles 2, 3, 47, and 49 of the MCBA, 5 U.S.C. § 7116(a), VA Directive 7718 and VA Handbook 7701, and any and all other relevant articles, laws, regulations, and past practices not herein specified. The Union specifically reserves the right to supplement this grievance based upon the discovery of new evidence or information of which it is not presently aware, or otherwise, as necessary.

STATEMENT OF THE CASE

Background

On June 16, 2021, the NVAC was notified that Chief Franklin True, the VA Fire Department Program Manager, had unilaterally changed the accreditation requirement for training and degree programs utilized by VA firefighters. Specifically, Chief True required that incumbent and newly-hired VA Firefighters receive training from an International Fire Service Accreditation Congress (“IFSAC”) accredited program.¹ The new accreditation requirement changed the standards for qualification for bargaining unit employees at the twenty (20) fire departments throughout the Department and would require most, if not all, incumbent firefighters to be retrained.

Chief True sent an email informing VA firefighters at the Bath (NY) VA Fire Department that the new accreditation requirement was mandatory and would be applied nationwide. However, the new accreditation requirement is contrary to the plain language of VA Directive 7718, *Fire Department Services at VA Medical Facilities and Domiciliaries*,² and its companion policy, VA Handbook 7701, which require that “[t]raining, education, and professional development programs [must be] in accordance with applicable NFPA standards.” The NFPA—the National Fire Protection Association—is a global institution upon which firefighter codes and safety standards are based. The NFPA is accredited by the American National Standards Institute.³ Moreover, VA Handbook 7701, attached as Exhibit B, specifically states, in relevant part, that: “[t]o be eligible for employment as a VA firefighter, each potential employee must have received Certification as Firefighter II in accordance with NFPA 1001.” Notably, IFSAC relies on NFPA standards in issuing its accreditation to colleges, universities, and training facilities. *See* footnote 1, *infra*.

It is undisputed that the changes at issue in this matter were made at the national level and impacted AFGE bargaining unit employees at multiple facilities across the country. Changing the training and accreditation requirements for VA firefighters constitutes a change in conditions of employment triggering a duty to notify and bargain with the Union. The Federal Labor Relations Authority has held that the obligation of an agency to give notice of proposed changes to a union includes the requirement that the notice be directed to the individual designated by the union, *U.S. Dep’t of the Air Force, 913th Air Wing, Willow Grove Air Reserve Station, Willow Grove, Pennsylvania*, 57 FLRA 852, 855 (2002). Additionally, it is well-settled that purely procedural proposals and appropriate arrangements which concern training are negotiable. *See e.g., NFFE, Council of VA Locals and VA*, 31 FLRA 360, 442 (1988); *POPA and U.S. Dep’t. of Commerce, PTO*, 56 FLRA 69, 85 (2000). Chief True claims to have notified

¹ From the IFSAC website: The IFSAC Certificate Assembly provides accreditation to entities that certify the competency of and issue certificates to individuals who pass examinations **based on National Fire Protection Association** (NFPA) fire service professional qualifications and other standards approved by the Assembly. The accreditation is made at the state, provincial, federal government, or territorial level for fire fighter certification programs....The IFSAC Degree Assembly accredits fire science or related academic programs at colleges and universities. (emphasis added). Available at <https://ifsac.org>. Last accessed June 30, 2021.

² Attached to this grievance as Exhibit A.

³ See the NFPA website, available at <https://www.nfpa.org/overview>. Last accessed June 30, 2021.

the Union of the proposed change but the Department has provided no evidence that he notified the President of the NVAC, or her designee, as required by Article 47 of the MCBA. Here, the new accreditation requirement constituted a change in conditions of employment and therefore necessitated timely pre-implementation notice to, and bargaining with, the Union.

Violations

The Department's actions violate the plain language of VA policy. VHA Directive 7718 and VA Handbook 7701 require only that training and education programs be NFPA-compliant. Further, by refusing to notify, consult, and negotiate in good faith with the Union prior to implementing the new training accreditation requirements, the Department committed an unfair labor practice under 5 U.S.C. § 7116(a)(1), (5) and (8). Additionally, Article 2 of the MCBA requires that the Department comply with applicable federal statutes and regulations in the administration of matters covered by the MCBA. Therefore, in violating 5 U.S.C. § 7116, as set forth above, the Department also failed to comply with Article 2. Further, Article 3 encourages the parties to maintain a cooperative labor-management relationship that is based on mutual respect, open communication, consideration of each other's views, and minimizing collective bargaining disputes. By failing to notify, consult, and negotiate with the Union prior to implementing the new consult process, the Department renounced its commitments under Article 3 of the MCBA and necessitated further collective bargaining disputes. Finally, the Department violated Articles 47 and 49, which set forth the parties' responsibilities regarding mid-term bargaining at the national level.

Remedy Requested

The Union asks that, to remedy the above situation, the Department agrees to the following:

- To cease and desist the further implementation of the revised national requirement that VA firefighters receive training from an IFSAC-accredited program;
- To return to the *status quo* until bargaining obligations are met;
- To bargain with the Union on the development of training policies which have a substantial impact on VA firefighters' conditions of employment;
- To fully comply with its contractual obligations under Articles 2, 3, 47, and 49 of the MCBA and its statutory obligations under 5 U.S.C. §7116(a);
- To fully comply with VA policy; specifically, VA Directive 7718 and VA Handbook 7701;
- To distribute an electronic notice posting to all bargaining unit employees concerning the Department's failure to properly notify the Union of the new accreditation requirement in violation of the MCBA and law;
- To make-whole any bargaining unit employee adversely effected by the improper implementation of the new accreditation requirement; and,
- To agree to any and all other remedies appropriate in this matter.

Time Frame and Contact

This is a National Grievance, and the time frame for resolution of this matter is not waived until the matter is resolved or settled. If you have any questions, please contact the undersigned at the AFGE Office of the General Counsel.

Submitted by,



Shalonda Miller
Staff Counsel, National VA Council
Office of the General Counsel
AFGE, AFL-CIO
80 F Street, NW
Washington, DC 20001
Tel: 202-639-6424
Fax: 202-379-2928
shalonda.miller@afge.org

cc: Alma L. Lee, President, AFGE/NVAC
William Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC
Thomas Dargon, Jr., Supervisory Attorney, AFGE/NVAC

Exhibit A

FIRE DEPARTMENT SERVICES AT VA MEDICAL FACILITIES AND DOMICILIARIES

- 1. REASON FOR ISSUE:** This Veterans Health Administration (VHA) directive establishes policy for fire department services at Department of Veterans Affairs (VA) medical facilities and domiciliaries.
- 2. SUMMARY OF MAJOR CHANGES:** Major changes include expanding the responsibilities section, see paragraph 4.
- 3. RELATED ISSUES:** VHA Directive 7712, Fire Protection Code Reviews of Delegated Construction Projects, dated February 10, 2017; VHA Directive 7701, Comprehensive Occupational Safety and Health Program, dated May 5, 2017; VHA Directive 7711, Fire Incident Reporting, dated August 17, 2017; and VHA Directive 7717, Planning for Fire Response, dated January 2, 2018.
- 4. RESPONSIBLE OFFICE:** The VHA Office of Occupational Safety and Health (10NA5B) is responsible for the contents of this directive. Questions may be directed to 202-632-7888.
- 5. RESCISSIONS:** VHA Handbook 7701.02, Fire Department Services at VA Medical Centers and Domiciliaries, dated December 29, 2015, is rescinded.
- 6. RECERTIFICATION:** This VHA directive is scheduled for recertification on or before the last working day of **June 2025**. This VHA directive will continue to serve as national VHA policy until it is recertified or rescinded.

**BY THE DIRECTION OF THE UNDER
SECRETARY FOR HEALTH:**

/s/ Renee Oshinski
Assistant Under Secretary
for Health for Operations

NOTE: All references herein to VA and VHA documents incorporate by reference subsequent VA and VHA documents on the same or similar subject matter.

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CONTENTS

FIRE DEPARTMENT SERVICES AT VA MEDICAL FACILITIES AND DOMICILIARIES

1. PURPOSE..... 1

2. DEFINITIONS 1

3. POLICY 1

4. RESPONSIBILITIES 1

5. CRITERIA AND REQUIREMENTS FOR VA FIRE DEPARTMENTS..... 7

6. CRITERIA AND REQUIREMENTS FOR NON-VA FIRE DEPARTMENTS..... 15

7. EVALUATION OF VA FIRE DEPARTMENTS AND NON-VA FIRE DEPARTMENTS
..... 15

8. TRAINING 15

9. RECORDS MANAGEMENT..... 16

10. REFERENCES..... 16

APPENDIX A

SAMPLE MUTUAL AID AGREEMENTA-1

FIRE DEPARTMENT SERVICES AT VA MEDICAL FACILITIES AND DOMICILIARIES**1. PURPOSE**

This Veterans Health Administration (VHA) directive establishes criteria and requirements for fire department services at Department of Veterans Affairs (VA) medical facilities and domiciliaries. **AUTHORITY:** Title 38 United States Code (U.S.C.) 7301(b).

2. DEFINITIONS

a. **National Fire Protection Association.** The National Fire Protection Association (NFPA) is a global self-funded nonprofit organization, established in 1896, devoted to eliminating death, injury, property and economic loss due to fire, electrical, and related hazards. NFPA delivers information and knowledge through more than 300 consensus codes and standards, research, training, education, outreach and advocacy; and by partnering with others who share an interest in furthering their mission. Their mission is to help save lives and reduce loss with information, knowledge and passion.

b. **Non-VA Fire Department.** A fire department that is not a VA fire department.

c. **VA Fire Department.** A Federal fire department that is funded and operated by VA.

3. POLICY

It is VHA policy that fire department services are provided at VA medical facilities and domiciliaries in accordance with this directive.

4. RESPONSIBILITIES

a. **Under Secretary for Health.** The Under Secretary for Health is responsible for:

(1) Ensuring a safe and healthful environment for Veterans, other individuals visiting VHA facilities, VHA employees, and volunteers.

(2) Implementing Occupational Safety and Health (OSH) requirements contained in Federal laws and regulations, VA and VHA policies, and OSH articles of national collective bargaining agreements.

(3) Ensuring overall VHA compliance with this directive.

(4) Establishing performance standards for management officials in program offices under the Under Secretary for Health's supervision.

b. **Assistant Under Secretary for Health for Operations.** The Assistant Under Secretary for Health for Operations is the Authority Having Jurisdiction (AHJ) for fire department services and is responsible for:

(1) Communicating the contents of this directive to each Veterans Integrated Service Network (VISN).

(2) Ensuring that each VISN Director has the sufficient resources to implement this directive in all VA medical facilities within that VISN.

(3) Providing oversight of VISNs to ensure compliance with this directive, relevant standards, and applicable regulations.

c. **Assistant Under Secretary for Health for Support Services.** The Assistant Under Secretary for Health for Support Services is responsible for:

(1) Establishing and overseeing the VHA Office of Occupational Safety and Health.

(2) Overseeing the development and implementation of the VA fire department program.

(3) Ensuring that adequate funds are available to support the operations and equipment needs of the VA fire departments.

d. **Deputy to the Assistant Under Secretary for Health for Support Services.** The Deputy to the Assistant Under Secretary for Health for Support Services is responsible for:

(1) Overseeing policy development as it is related to VA fire department services and operations.

(2) Ensuring that the evaluation report completed one time every three years for each VA fire department is reviewed and forwarded to the appropriate VISN for distribution to their respective VA medical facilities.

e. **Director, VHA Office of Occupational Safety and Health.** The Director, VHA Office of Occupational Safety and Health is responsible for:

(1) Ensuring the appointment of a VA Fire Department Program Manager.

(2) Ensuring that adequate funds are available to support the activities of the VA Fire Department Program Manager.

(3) Providing policy recommendations to the Deputy to the Assistant Under Secretary for Health for Support Services regarding VA fire department services and operations.

(4) Reviewing and approving findings of evaluation from the VHA Fire Department Program Manager and distributing to the VISNs and VA medical facilities.

(5) Overseeing the procurement of funds pertaining to replacement and additional primary fire-fighting apparatus and other high cost support equipment.

f. **Director, VHA Office of Enterprise Support Services.** The Director, VHA Office of Enterprise Support Services, is responsible for:

(1) Ensuring that the Fire Incident Reporting database is maintained on the Office of Enterprise Support Services Web site:

<http://vaww.ceosh.med.va.gov/01FS/Pages/FireIncidentReporting.shtml>. **NOTE:** *This is an internal VA Web site not available to the public.*

(2) Ensuring that the Fire Department Resource and Compliance Tool (FDRCT) database is maintained on the Office of Enterprise Support Services Web site:

<http://vaww.ceosh.med.va.gov/01FS/Pages/FireIncidentReporting.shtml>. **NOTE:** *This is an internal VA Web site not available to the public.*

g. **VHA Fire Department Program Manager.** The VHA Fire Department Program Manager is responsible for:

(1) Evaluating each VA fire department, not less than once every 3 years. The evaluation must include a review of:

(a) The effectiveness of the occupational safety and health program within the VA fire department.

(b) Interior and exterior timed drills conducted on each shift.

(2) Reporting the findings of the evaluation to the Director, Office of Occupational Safety and Health.

(3) Reviewing the plan for corrective actions from each VA fire department for each deficiency identified during the evaluation and tracking the progress of corrections for all identified deficiencies. Providing periodic updates on progress on deficiencies as requested.

(4) Reviewing the semi-annual report on staffing, equipment, training, and operations provided by the VA Fire Chief on the Enterprise Support Services Web site.

(5) Overseeing the planning for and procurement processes for replacement and additional primary fire-fighting apparatus and other high cost support equipment. Procurement action will be initiated based on prioritized needs and availability of funding (local and national).

(6) Planning and developing logistics for an annual training session for VA Fire Chiefs. See paragraph 8 for training information.

(7) Approving the disposal of apparatus or other fire suppression equipment. See paragraph 5.i. for additional information.

h. **Veterans Integrated Service Network Director.** The VISN Director is responsible for:

(1) Ensuring that all VA medical facilities within the VISN comply with this directive.

(2) Ensuring that the findings of the evaluation of VA fire departments performed by the VHA Fire Department Program Manager are reviewed by appropriate VISN staff (such as the VISN Safety or Fire Protection staff).

i. **VA Medical Facility Director.** The Director of the VA medical facility or domiciliary is responsible for:

(1) Providing oversight to ensure that VA medical facility staff comply with this directive.

(2) Overseeing the hiring of a qualified VA Fire Chief.

(3) Ensuring the VA medical facility or domiciliary has a signed written mutual aid agreement (see Appendix A).

(4) Ensuring the bargaining unit representative for the VA fire department is notified of the scheduled date of the evaluation of the VA fire department.

(5) Ensuring that the bargaining unit representative for the VA fire department is released from duty to attend all fire department evaluation activities.

(6) Providing to the bargaining unit representative for the VA fire department a copy of the evaluation of VA fire departments performed by the VA Fire Department Program Manager and all VA medical facility responses.

(7) Ensuring that the VA fire department has ready access to a stand-alone (i.e., not connected to the VA network) computer capable of running current fire department computer-based training.

(8) Providing training opportunities by recognized and certified professional training sources (e.g., certification program, Occupational Safety and Health Administration, Confined Space, Elevator Rescue, live burn training) for VA fire department staff.

(9) Ensuring that a plan for correction is developed to address each deficiency cited in the evaluation, as applicable.

(10) Ensuring that the VA Fire Chief or designee attends the annual VA Fire Chief Training Session. See paragraph 8 for training information.

(11) Developing a plan for correction for submission to the AHJ with a request for approval, in the event that a provision of this directive cannot be met. The VA medical facility Director must secure the approval of the VISN Director and the Director of Occupational Safety, Health, and GEMS Programs prior to submission to the AHJ.

(12) Approving non-firefighting duties as listed in paragraph 5.g.

(13) Designating a VA medical facility medical control as noted in paragraph 5.k.(7).

(14) Approving VA fire departments to operate a patient transport ambulance service off-campus for eligible persons, following the criteria established in paragraph 5.c.(6).

j. **VA Fire Chief.** The VA Fire Chief is responsible for:

(1) Overseeing the hiring and scheduling of fire personnel.

(2) Ensuring the fire department staff are appropriately trained and proficient per National Fire Protection Association (NFPA) standards. This includes:

(a) Ensuring training materials are available and providing the necessary support and opportunity to allow individual firefighters to complete their course work and testing. See paragraph 8 for training information.

(b) Providing a minimum of 100 hours of structured fire protection, prevention, suppression and fire safety training to all fire department personnel each year. **NOTE:** *The 100 hours includes both classroom and hands-on training. For new hires, the number of hours for the first year will be prorated from the employment start date.*

(c) Maintaining proficiency throughout all functional areas of the department.

(d) Ensuring a monthly training schedule is developed and posted at each operational fire station. **NOTE:** *Schedules will include the date, subject, reference material, and training aids required.*

(e) Approving all lesson plans.

(3) Administering the department and developing and maintaining operational guidelines for the safe and efficient provision of fire prevention and firefighting services.

(4) Ensuring that, in the absence of the shift supervisor or lead firefighter, an adequately trained person is on duty at all times with responsibility for the management of the on-duty crew.

(5) Developing and implementing a written mutual aid agreement (see Appendix A).

(6) Ensuring organizational statement and procedures are available for inspection.

(7) Developing a comprehensive, written risk management plan in accordance with National Fire Protection Association (NFPA) 1500, Section 4.2. **NOTE:** *For the full name of NFPA codes and standards referenced herein, see paragraph 10.*

(8) Ensuring the VA fire department provides an occupational safety and health program for fire department personnel that complies with NFPA 1500, Section 4.5.

(9) Developing and enforcing specific rules and procedures relating to the operation of fire department apparatus in an emergency mode, including guidelines to establish when emergency response is authorized.

(10) Establishing and enforcing standard operating guidelines for safely driving fire department apparatus during non-emergency travel and emergency response and must include, but not be limited to, specific criteria for apparatus speed, crossing intersections, traversing railroad grade crossings, the use of emergency warning devices, and the backing of fire apparatus.

(11) Creating and documenting in writing a preventive maintenance program in accordance with NFPA 1911. This preventive maintenance program must ensure that ground ladders are inspected and service tested in accordance with the applicable requirements of NFPA 1932.

(12) Establishing a preventive maintenance program in writing to ensure that all fire hoses are inspected and service tested in accordance with the applicable requirements of NFPA 1962.

(13) Developing a preventive maintenance program in writing to ensure that all fire extinguishers are inspected and tested in accordance with the applicable requirements of NFPA 10.

(14) Developing a preventive maintenance program in writing to ensure that all fire department powered rescue tools meets the requirements of NFPA 1936.

(15) Providing a semi-annual report on staffing, equipment, training, and operations to the VA Fire Department Program Manager. **NOTE:** *The FDRCT, is available on the CEOSH Web site at <http://vaww.ceosh.med.va.gov/01FS/Pages/VAFireDepartment.shtml>. This is an internal VA Web site that is not available to the public.*

(16) Ensuring that all fire incidents are reported to the CEOSH Web site (<http://vaww.ceosh.med.va.gov/01FS/Pages/VAFireDepartment.shtml>) in accordance with VHA Directive 7711, Fire Incident Reporting, dated, August 17, 2017. **NOTE:** *This is an internal VA Web site that is not available to the public.*

k. **VA Fire Department Personnel.** VA fire department personnel are responsible for:

(1) **Certifications.** All fire department personnel must maintain their level of certification through ongoing training and education in accordance with this directive.

(2) **Uniforms.** Each firefighter must maintain a high standard of personal hygiene and uniform appearance. Uniforms must be neat, clean, and well pressed.

(3) **Cleaning.** Uniforms and equipment contaminated with body fluids or chemicals must be decontaminated and cleaned in accordance with NFPA 1581, Chapter 8.

(4) **Facial Appearance.** Each firefighter must ensure that facial hair is maintained to meet the requirements of this paragraph. OSHA regulations (29 CFR 1910.134(g)(1)(i)) prohibit the use of Self-Contained Breathing Apparatus (SCBA) by personnel who have facial or other hair that comes between the sealing surface of the face piece and the face or that interferes with valve function; or personnel who have any condition that interferes with the face-to-face piece seal or valve function. **NOTE:** *Facial or other hair that might be a problem includes, but is not limited to, beards, sideburns, mustaches, “ponytails” and bangs.*

(5) **Medical and Physical Requirements.** Prior to employment and annually thereafter, all firefighters (GS-0081) must be certified by a qualified physician as meeting (a) and (b) and (c) and (d):

- (a) Medical and physical requirements for performing their assigned duties;
- (b) Requirements of NFPA 1582;
- (c) Requirements of NFPA 1583; and,
- (d) Requirements of NFPA 1500, Chapter 10.

5. CRITERIA AND REQUIREMENTS FOR VA FIRE DEPARTMENTS

a. **Function.** The responsibilities of each VA fire department include emergency services, fire protection, fire prevention, fire suppression, and fire safety.

b. **Organization.** The organizational structure of a VA fire department consists of:

- (1) One VA Fire Chief.
- (2) One shift supervisor or lead firefighter per shift.
- (3) One or more driver/operator per shift.

(4) The number of firefighters per shift required to meet staffing levels is listed in paragraph 5.c.

c. **Staffing.** VA fire department staffing models are provided in paragraph 5.d, “Work Schedule” (see Table 1 below). Minimum VA fire department staffing levels must be in accordance with Table 1 in paragraph 5.d.(1).

(1) Minimum required on-duty staffing must consist of one shift supervisor or lead firefighter or designee, one driver/operator, and two firefighters, except as provided in paragraph 5.c.(5). **NOTE:** *This is not intended to circumvent minimum staffing requirements.*

(2) A minimum of four trained firefighters must be maintained on duty at all times, 24 hours per day, regardless of absences for sick leave or annual leave or staffing shortages.

(3) VA firefighters responding to an advanced interior fire are restricted to defensive tactics and exterior attack until additional firefighters arrive on the scene in accordance with OSHA standard 29 CFR 1910.134(g)(4). If the VA Fire Chief does not meet the requirements of paragraph 5.d.(1) and is placed in an administrative position, the VA Fire Chief must not be counted toward the staffing for complying with the “two-in and two-out” rule.

(4) VA Fire Chiefs whose positions are administrative only will not be counted toward on-duty staffing requirements.

(5) In the absence of the shift supervisor or lead firefighter, the VA Fire Chief will ensure that a competent person is on duty at all times with responsibility for the management of the on-duty crew.

(6) VA fire department staffing at VA medical facilities that provide off-campus ambulance transport by the fire department, must include personnel trained to the level of Emergency Medical Technician Basic (EMT-B) or Emergency Medical Technician Paramedic (EMT-P). These personnel must not be counted toward meeting the minimum required on-duty staffing in accordance with 5.d.(1).

d. Work Schedule

(1) The typical tour of duty for a VA fire department must consist of a 56-hour average work week. However, 60-hour or 72-hour work weeks are permitted in lieu of the 56-hour tour (see Table 1). The typical tour of duty for VA Fire Chief consists of a 56-hour work week. However, 40- or 60- hour work weeks are permitted for the VA Fire Chief.

Table 1. Tours of Duty for VA Fire Departments.

Tour of Duty	56 Hour Work Week	60 Hour Work Week	72 Hour Work Week
Minimum VAFD Staffing Levels	14 personnel plus fire chief	14 personnel plus fire chief	11 personnel plus fire chief

(2) The minimum staffing levels described above must be maintained and available for emergency response at all times.

(3) At the discretion of the VA medical facility Director, fire department personnel are permitted to be engaged in non-fire suppression duties at the VA medical facility, provided that the required minimum number of on-duty personnel are readily able to immediately disengage and respond to an emergency.

(4) All firefighters performing tasks away from the fire station must be provided with two-way radio communication with the fire station or fire apparatus and must be provided with transportation to enable them to meet the responding apparatus at the scene of any emergency on station.

(5) Duty hours between 2200 hours and 0600 hours are considered down time. Down time hours may be suspended for emergency response or house watch, and at the call of the VA Fire Chief, supervisor, lead firefighter or designee. **NOTE:** *It is intended that, except for emergency response, house watch and ambulance transports, suspension of down time will be a rare occurrence.*

e. **Facilities.**

(1) All VA fire department facilities must comply with the most recent edition of NFPA 101 Life Safety Code except as identified by (a) and (b) below:

(a) Smoke detectors connected to a fire alarm control unit must be installed inside every sleeping area and in the immediate vicinity of the bedrooms and on all levels of the station, including basements. When activated, these detectors must sound an alarm throughout the fire station.

(b) All existing and new VA fire department facilities must have carbon monoxide detectors installed in locations in sleeping and living areas, such that any source of carbon monoxide would be detected before endangering the members.

(2) Facilities for disinfecting, cleaning, and storage in accordance with NFPA 1581 must be provided.

(3) A vehicle exhaust source capture and removal system must be provided to prevent exposure of firefighters and contamination of living and sleeping areas by exhaust emissions.

(4) All VA fire department facilities must be designated smoke free.

(5) The VA Fire Chief must be provided with a copy of all inspection findings related to VA Fire Department facilities.

f. **Emergency Operations.** An incident management system must be established with written standard operating guidelines applying to emergency operations.

g. **Non-Fire Fighting Duties.**

(1) The VA fire department typically constitutes the single largest, mobile force on duty during non-administrative hours. As such, the VA fire department serves as the Emergency Response Unit for the VA medical facility. **NOTE:** *For the purpose of this directive, an emergency is any unusual occurrence which adversely affects the ability of the VA medical facility to perform its mission.*

(2) In addition to fire suppression duties, VA fire department personnel are permitted to perform fire safety and fire protection related functions, as well as operate an on-campus emergency patient transport ambulance service, provided that contingency plans are in place that will allow the firefighters so engaged to immediately disengage from their activities and respond to an emergency. **NOTE:** *On-campus refers to within the boundaries of the VA medical facility.*

(3) If approved by the VA medical facility Director, VA fire departments are permitted to operate a patient transport ambulance service off-campus for eligible persons, following the criteria established in paragraph 5.c.(6). **NOTE:** *Off-campus refers to beyond the boundaries of the VA medical facility.*

(4) All VA firefighters must be trained to and respond at a minimum of Hazardous Materials Operations Level in accordance with the requirements of NFPA 472, Chapter 5 and OSHA regulations at 29 CFR 1910.120(q). **NOTE:** *Operational Level Firefighters respond to releases or potential releases of hazardous materials as part of the initial response for the purpose of protecting nearby persons, the environment, and property from the effects of the release. They are also expected to respond in a defensive fashion to control the release from a safe distance and keep it from spreading.*

(5) If approved by the VA medical facility Director, VA fire departments are permitted to respond to hazardous materials incidents at the level of Hazardous Materials Technician in accordance with NFPA 472, Chapter 7 and OSHA regulations at 29 CFR 1910.120(q). **NOTE:** *Hazardous Materials Technicians respond to releases or potential releases of hazardous materials for the purpose of controlling the release using specialized personal protective equipment (PPE) and control equipment.*

(6) VA Fire officers are expected to act as Hazardous Materials Incident Commanders and must be trained to meet the competencies for the level of Incident Commander in accordance with NFPA 472, Chapter 8.

(7) If approved by the VA medical facility Director, VA fire departments are permitted to operate a technical rescue program. Fire department members who are expected to respond to technical rescue incidents must be trained to the applicable requirements of NFPA 1670.

(8) The VA fire department is permitted to use established automatic mutual aid or mutual aid agreements to provide support for hazardous materials spill response and other technical rescue incidents (see paragraph 5.h.).

h. Mutual Aid.

(1) All VA medical facilities operating a VA fire department must attempt to enter into a mutual aid agreement with local fire department(s) to ensure additional fire suppression resources are in-place for the VA medical facility should these resources be required. See Appendix A for a sample of a mutual aid agreement template.

(2) VA fire departments are permitted to respond to mutual aid requests from fire departments with which they have an agreement in place, as well as to requests for assistance from other fire departments when the rendering of such assistance is in the best interest of the U.S. Government. Mutual aid requests from an outside community will be answered with requested resources, if available. A minimum of two VA firefighters and the primary firefighting apparatus must remain at the VA medical facility. Fire department personnel remaining at the VA medical facility will immediately initiate a mandatory call back of off-duty VA personnel and a call for mutual aid standby in order to ensure that any incident at the VA medical facility will be dealt with promptly.

(3) All VA fire departments must have in place a written standard operating procedure calling for the automatic summoning of mutual aid assistance by the VA fire department officer in charge whenever any fire beyond or threatening to go beyond the incipient stage is encountered. VA firefighters responding to an advanced interior fire are restricted to defensive tactics and exterior attack until additional firefighters arrive on the scene in accordance with OSHA standard (29 CFR 1910.134(g)(4)).

i. Fire Department Vehicle Apparatus.

(1) All primary VA firefighting apparatus must be no more than 15 years old. All new apparatuses must be equipped with a 1,250 gallons per minute (GPM) or larger pump, diesel engine, and automatic transmission and must meet the minimum requirements of the current edition of NFPA 1901.

(2) Whenever a new fire apparatus is obtained, a VA medical facility must retain a fire apparatus in a reserve capacity.

(3) Apparatus or other fire suppression equipment must not be disposed of in any manner without the prior approval of the VA Fire Department Program Manager. The VA Fire Department Program Manager will coordinate the transfer of such equipment between VA medical facilities to ensure that all VA needs are met prior to the disposal of any such equipment.

(4) Fire Department apparatus must be operated only by firefighters who have successfully completed an approved driver training program in accordance with NFPA 1002, and commensurate with the type of apparatus the firefighter will operate, or by trainee drivers who are under the supervision of a qualified driver who has completed the driver training program in accordance with NFPA 1002.

j. Certifications.

(1) The presence of a quality training program is a key component in ensuring that VA fire departments retain the ability to promptly and effectively deal with incidents at VA medical facilities. Accordingly, all VA fire departments must participate in an accredited certification program.

(2) The following criteria will apply to VA fire department members who apply for or begin employment after the date of publication of this directive:

(a) To be eligible for employment as a VA firefighter, each potential employee must have received Certification as Firefighter II in accordance with NFPA 1001, and must have received Certification as Operations Level Responders in accordance with Chapter 5, Core Competencies of, in NFPA 472.

(b) Newly employed VA firefighters must obtain Fire Inspector II in accordance with NFPA 1031 within 24 months of employment.

(c) To be eligible for employment as, or promotion to, a VA driver/operator, each employee must have received certification as driver/operator in accordance with NFPA 1002.

(d) To be eligible for employment as, or promotion to, a Lead Firefighter, each employee must have received certification as Fire Officer I in accordance with NFPA 1021 and certification as Fire Inspector II in accordance with NFPA 1031.

(e) To be eligible for employment as, or promotion to, a VA supervisory fire officer, each employee must have received certification as Fire Officer II in accordance with NFPA 1021 and certification as Fire Inspector II in accordance with NFPA 1031.

(f) To be eligible for employment as, or promotion to, a VA Fire Chief, each employee must have received certification as Fire Officer IV in accordance with NFPA 1021 and certification as Fire Inspector II in accordance with NFPA 1031 and certification as Hazardous Materials Incident Commander in accordance with NFPA 472.

(3) VA fire department personnel who became employed prior to the date of the publication of this directive and who lack certifications required for their positions are required to attend accredited courses and obtain certifications for their positions listed in paragraphs 6.j.(3) through 6.j.(8). All costs associated with accredited training will be borne by the VA medical facility.

k. Training and Education.

(1) Training, education, and professional development programs in accordance with applicable NFPA standards will be provided as needed to support the minimum qualifications and certifications expected of VA fire department personnel.

(2) Members will practice assigned firefighting skill sets on a regular basis but not less than quarterly.

(3) Live fire training, when used, must be in accordance with NFPA 1403.

(4) All training and exercises must be conducted under the direct supervision of a qualified instructor in accordance with NFPA 1041.

(5) All fire department personnel who are involved in Emergency Medical Services must meet the following requirements:

(a) Emergency Medical Technician certification in the state in which the VA fire department is located or the national registry certification.

(b) Compliance with the applicable protocols established by the VA medical facility medical control. **NOTE:** *The facility medical control could be the Chief of Staff, VA Medical Director, Medical Officer of the Day, Urgent Care physician, or any other person designated by the VA medical facility director.*

(6) Fire department personnel must be trained in the care, use, inspection, maintenance, and limitations of the protective clothing and protective equipment that they are expected to use.

(7) Fire department personnel must meet the infection prevention and control training requirements as outlined in NFPA 1581.

(8) Fire department personnel are expected to have detailed information concerning the location and operation of shut-off controls for all utility systems on station.

(9) All departments will assign one member as the fire service training officer, as defined in NFPA 1041 at the instructor II level.

(10) Technical Rescue Operations Training.

(11) The VA fire department must provide advanced training to members specific to technical rescue operations to be performed.

(12) Members expected to perform hazardous materials mitigation activities must meet the training requirements of operations/technician level as outlined in NFPA 472 and in accordance with OSHA 1910.120(q).

(13) Members expected to perform technical operations at the technician level as defined in NFPA 1670 must meet the training requirements specified in NFPA 1006.

I. **Maximum Entry/Mandatory Retirement Age.** The maximum entry age and mandatory retirement age for firefighters in the GS-0081 series in Veterans Health Administration must be in accordance with VA Handbook 5005, Staffing.

m. **Standards of Appearance and Safety.**

(1) Appropriate personal protective equipment meeting NFPA 1500, Chapter 7 must be worn on all responses. This includes, but is not limited to, emergency medical, technical rescue, and hazardous materials responses.

(2) Appropriate personal protective equipment, including clothing as well as Self-Contained Breathing Apparatus (SCBA), meeting NFPA 1500, Chapter 7, must be worn on all fire responses.

(3) The VA fire department must have a personal protective equipment program that complies with OSHA regulations 29 CFR 1910.132 through 29 CFR 1910.138.

n. **Uniforms.**

(1) Uniforms must meet the requirements of NFPA 1975.

(2) The following standard uniform must be worn during the normal day-to-day operations of the fire department:

(a) **Badge.** Facility issued gold finish for VA Fire Chiefs, silver finish for all others.

(b) **Cap Emblem.** Same as above.

(c) **Collar Devices.** All officers must wear appropriate collar devices designating rank.

(d) **Name Plate/Tag.** Indicating name and fire department rank.

(e) **Shoulder Patch.** Facility issued VA type cloth patch.

(f) **Shirt.** Uniform type with badge holder, short or long sleeve (seasonal), NFPA 1975 compliant. Color: Light blue for firefighters, white for chiefs and captains.

(g) **Trousers.** Plain front uniform type, no cuffs. NFPA 1975 Compliant. Color: Navy blue.

(h) **Cap.** Regulation fire department eight-point crown or bell type, Navy Blue. VA Fire Chief's cap same except white.

(i) **Tie.** Black or navy blue (seasonal).

(j) **Shoes.** Black safety shoes or boots that comply with American National Standards Institute (ANSI) Z41-1991.

(k) **Work Uniform.** Some of the routine, non-suppression, tasks VA firefighters perform are labor intensive and are conducted in extreme temperatures or dirty environments. For these tasks, an optional work uniform, as approved by the local facility, may be worn. This would include fire department T-shirts, polo shirts, sweatshirts/sweaters, or coveralls. Any such adopted work uniform must be standardized for the entire VA medical facility fire department.

(l) **Cap (optional).** Baseball-type caps may be approved locally as optional headgear. When adopted, such caps must bear a fire department logo and must be standardized for the entire VA medical facility fire department.

6. CRITERIA AND REQUIREMENTS FOR NON-VA FIRE DEPARTMENTS

a. To be considered adequate for the protection of a VA medical facility in which patients are housed overnight, a non-VA fire department must:

(1) Provide a fire station within 3.5 miles travel distance of an entrance to the VA medical facility.

(2) Respond with at least one pumper fire apparatus with a minimum capacity of 1,000 GPM that is equipped with hoses and other accessories complying with NFPA 1901.

(3) Respond to the VA medical facility with a minimum of four trained, full time professional firefighters on duty. **NOTE:** *The firefighters are permitted to arrive on more than one vehicle; however, the first four responding firefighters must be located within the 3.5-mile travel distance as stated in paragraph 6.a.(1).*

(4) Have adequate staff and equipment to respond to a second alarm.

b. Whenever a VA medical facility is located within the corporate limits of a political sub-division (e.g., municipality, county, or tax-supported district) having legal responsibility for providing public firefighting services, it is expected that such services will be utilized, provided that the municipal fire department meets the response distance and staffing requirements established under paragraph 6.a.

c. If municipal firefighting service is not available in accordance with paragraph 6.a, a contract for such services may be entered into with any fire department or firefighting organization which meets the requirements of paragraph 6.a.

d. When firefighting services, as described in paragraph 6.b and 6.c are not available, the VA medical facility must establish, train, and maintain a VA Fire Department.

7. EVALUATION OF VA FIRE DEPARTMENTS AND NON-VA FIRE DEPARTMENTS

a. **VA Fire Departments.** Each VA fire department must be evaluated not less than once every 3 years by the VHA Fire Department Program Manager as specified in paragraph 4.f (1).

b. **Non-VA Fire Departments.** Each non-VA fire department that provides services to a VA medical facility in accordance with paragraph 6 must be evaluated not less than annually by facility safety personnel. The findings of these evaluations must be reviewed not less than annually by VISN Safety or Fire Protection personnel.

8. TRAINING

a. The following training is required by all VHA fire department personnel: All VA firefighters must be trained to and respond at a minimum of Hazardous Materials

Operations Level in accordance with the requirements of NFPA 472, Chapter 5 and OSHA regulations at 29 CFR 1910.120(q). **NOTE:** *Operational Level Firefighters respond to releases or potential releases of hazardous materials as part of the initial response for the purpose of protecting nearby persons, the environment, and property from the effects of the release. They are also expected to respond in a defensive fashion to control the release from a safe distance and keep it from spreading.*

b. Additional training opportunities may be provided by recognized and certified professional training sources (e.g., certification program, Occupational Safety and Health Administration, Confined Space, Elevator Rescue, live burn training) for VA fire department staff.

9. RECORDS MANAGEMENT

All records regardless of format (paper, electronic, electronic systems) created in this directive shall be managed per the National Archives and Records Administration (NARA) approved records schedules found in VA Records Control Schedule 10-1. Questions regarding any aspect of records management should be addressed to the appropriate Records Manager or Records Liaison.

10. REFERENCES

a. Executive Order 12196, *Occupational Safety and Health Programs for Federal Employees*, 45 FR 12769, dated: February 26, 1980.

b. VA Directive 7700, Occupational Safety and Health (OSH), dated February 11, 2009.

c. VHA Directive 5019, Employee Occupational Health Service, dated March 25, 2015.

d. VHA Directive 7701, Comprehensive Occupational Safety and Health Program, dated, May 5, 2017.

e. NFPA 10, Standard for Portable Fire Extinguishers.

f. NFPA 101 NFPA 101(R), Life Safety Code ®.

g. NFPA 472, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents.

h. NFPA 1001, Standard for Fire Fighter Professional Qualifications.

i. NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications.

j. NFPA 1006, Standard for Technical Rescuer Professional Qualifications.

- k. NFPA 1021, Standard for Fire Officer Professional Qualifications.
- l. NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiner.
- m. NFPA 1041, Standard for Fire and Emergency Services Instructor Professional Qualifications.
- n. NFPA 1403, Standard on Live Fire Training Evolutions.
- o. NFPA 1500, Standard on Fire Department Occupational Safety, Health, and Wellness Program.
- p. NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety.
- q. NFPA 1581, Standard on Fire Department Infection Control Program.
- r. NFPA 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments.
- s. NFPA 1583, Standard on Health-Related Fitness Programs for Fire Department Members.
- t. NFPA 1670, Standard on Operations and Training for Technical Search and Rescue Incidents.
- u. NFPA 1901, Standard for Automotive Fire Apparatus.
- v. NFPA 1911, Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles.
- w. NFPA 1932, Standard on Use, Maintenance, and Service Testing of In-Service Fire Department Ground Ladders.
- x. NFPA 1936, Standard on Rescue Tools.
- y. NFPA 1962, Standard for the Care, Use, Inspection, Service Testing, and Replacement of Fire Hose, Couplings, Nozzles, and Fire Hose Appliances.
- z. NFPA 1975, Standard on Emergency Services Work Apparel.

SAMPLE MUTUAL AID AGREEMENT

**DEPARTMENT OF VETERANS AFFAIRS MUTUAL FIREFIGHTING ASSISTANCE
AGREEMENT**

1. PREAMBLE

a. Municipalities and other governmental or political subdivisions have a legal duty to extinguish fires within their boundaries, rendering rescue, aid, and assistance in carrying out such duties. The United States Government has no legal obligation to compensate or reimburse such entities for firefighting and related services rendered in connection with a fire at a Government installation located within a political entity's limits.

b. Regardless, Title 42 United States Code (U.S.C.) 1856a(a) allows the United States to expend federal funds for such firefighting services where the Federal Government enters into a Mutual Firefighting Aid Agreement (MFAA) with local fire organizations while such Agreements are in effect. Given that [Jurisdiction] and the Federal Government at [VA Medical Facility Name] each maintains fire suppression equipment and personnel in their respective jurisdictions and areas and wish to augment the fire protection available in their various establishments, districts, agencies and municipalities in the event of large fires or conflagrations, both the parties here concur that it is beneficial and desirable for each to render assistance to the other in accordance with the terms of this MFAA.

2. MUTUAL FIREFIGHTING ASSISTANCE AGREEMENT TERMS AND CONDITIONS

a. This MFAA authorizes a senior officer (Fire Chief, Fire Suppression Officer) of a fire department or fire suppression unit belonging to either party to this agreement, or the senior officer of any such fire department actually present at any fire to request firefighting assistance from the other party under the terms of this agreement. The senior officer on duty of the fire department receiving the request must immediately take the following actions:

(1) Determine what apparatus and personnel are available for dispatch.

(2) Determine the exact mission to be assigned based on the requesting party's described need and according to the detailed plans and procedures of operation developed by the parties to implement this agreement.

(3) Dispatch such apparatus and personnel as the senior fire suppression official or Fire Chief deems available and appropriate along with mission instructions and guidance according to this MFAA.

b. Providing help under this MFAA is mandatory. Regardless, the party receiving the request for assistance should immediately inform the requesting service if, for any reason, assistance cannot be rendered.

c. Each party to this agreement waives all claims against the other party for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of this agreement, pursuant to 42 U.S.C. 1856a(a). However, the waiver does not preclude fire organizations from filing claims for firefighting costs and losses pursuant to 15 U.S.C. 2210; beneficiaries from filing claims for the death of firefighters and other public safety officers pursuant to 42 U.S.C.3796; and individuals, other than the parties and their employees to this agreement, from filing claims against the United States pursuant to 28 U.S.C. 1346(b) and 2671-2680. The liability, if any, of the United States for injury or loss of property, or personal injury or death must be governed exclusively by the provisions of the Federal Tort Claims Act as noted above.

d. All services performed under this agreement must be rendered without reimbursement of either party or parties.

e. The Fire Chief of the fire department or Fire Suppression Officer of the requesting service must assume full charge of the operations, but if that Fire Chief specifically requests a senior officer of a fire department furnishing assistance to assume command, the Fire Chief will not, by relinquishing command, be relieved of responsibility for the operation, provided, that the apparatus, personnel and equipment of the agency rendering assistance will be under the immediate supervision of and will be the immediate responsibility of the senior officer of the fire department rendering assistance. Services performed by Federal employees under this agreement are performed in the line of duty for the United States. Services performed by other persons must not constitute such individual an officer or employee of the United States (42 U.S.C. 1856c).

f. The Chief Fire Officers and personnel of the fire departments of both parties to this agreement will, on a reciprocal basis, frequently visit each other's activities for guided familiarization tours consistent with local security requirements and, as feasible, jointly conduct pre-fire planning inspections and drills.

g. The Fire Chiefs of the fire departments of the parties to this agreement are authorized and directed to meet and draft any detailed plans and procedures of operation necessary to implement this agreement. Such plans and procedures of operations will become effective when the parties memorialize their concurrence by signing such agreements. This may be done via a Memorandum of Agreement (MOA).

h. **Amendments.** Amendments to this MFAA must be bilaterally executed in writing, signed by authorized representatives of both agencies. No oral or unilateral amendments will be effective. Only terminations done in accordance with the terms of this agreement may be done unilaterally.

i. **Disputes.** Should disagreement arise as to the interpretation of the provisions of this agreement that cannot be resolved between the parties, each partnering entity will reduce the areas of disagreement to writing and present it to the authorized representative of the other entity for resolution. If resolution cannot be reached at this level, the disagreement will be raised to the next level in accordance with parties' internal procedures for final resolution.

j. **Termination.** This Agreement may be terminated with ten (10) days' written notice sent to the authorized representative of the non-terminating party.

This MFAA will become effective upon the date both parties sign hereof and must remain in full force and effect until cancelled or terminated according to the terms herein.

IN WITNESS HERETO, the undersigned have executed this MFAA as follows:

For [Name of Fire Organization, or City or County]

_____	_____
[Title of Signatory]	DATE
For VA Fire Department	

_____	_____
Chief, VA Fire Department	DATE
For [Name of VA Medical Facility Director]	

_____	_____
Director, [Name of VA Medical Facility]	DATE
For VISN [#] Logistics Service [Enter correct name of	

_____	_____
Contracting Officer	DATE
VISN Contracting Authority]	

Exhibit B

**FIRE DEPARTMENT SERVICES AT VA MEDICAL CENTERS AND
DOMICILIARIES**

- 1. REASON FOR ISSUE:** This Veterans Health Administration (VHA) Handbook establishes criteria and requirements for fire department services at VA medical centers and domiciliaries.
- 2. SUMMARY OF MAJOR CHANGES:** This Handbook replaces Department of Veterans Affairs (VA) Manual MP-3, Part III, paragraphs 34.04, 34.05, 34.06, and 34.07.
- 3. RELATED ISSUES:** VHA Directive 7701.
- 4. RESPONSIBLE OFFICE:** The Office of Occupational Safety and Health (OSH), Green Environmental Management System (GEMS) Programs is responsible for the contents of this VHA Handbook. Questions may be directed to 202-632-7888.
- 5. RESCISSIONS:** This handbook replaces portions of Department of Veterans Affairs (VA) Manual MP-3, Part III, dated October 31, 1983. Specifically, Chapter 4, Fire Prevention and Suppression, and Appendices 4A, 5A, 5B, 5C, 5D, 5E, 5F, 5G, and 5I are rescinded.
- 6. RECERTIFICATION:** This VHA Handbook is scheduled for recertification on or before the last working day of December 2020.

David J. Shulkin, MD
Under Secretary for Health

DISTRIBUTION: Emailed to the VHA Publications Distribution List 12/30/2015.

CONTENTS

**FIRE DEPARTMENT SERVICES AT VA MEDICAL CENTERS AND
DOMICILIARIES**

1. PURPOSE 1

2. BACKGROUND 1

3. SCOPE 1

4. RESPONSIBILITIES 1

5. CRITERIA AND REQUIREMENTS FOR VA FIRE DEPARTMENTS 7

6. CRITERIA AND REQUIREMENTS FOR NON-VA FIRE DEPARTMENTS 16

7. EVALUATION OF VA FIRE DEPARTMENTS AND NON-VA FIRE
DEPARTMENTS 17

8. AUTHORITY HAVING JURISDICTION: 17

9. REFERENCES 17

APPENDIX A

SAMPLE OF MUTUAL AID AGREEMENTA-1

FIRE DEPARTMENT SERVICES AT VA MEDICAL CENTERS AND DOMICILIARIES

1. PURPOSE

This Veterans Health Administration (VHA) Handbook establishes criteria and requirements for fire department services at VA medical facilities and domiciliaries.

AUTHORITY: 38 U.S.C. 7301(b), 29 U.S.C. 668, and 29 CFR part 1960.

2. BACKGROUND

Standards for fire department services at VA medical facilities and domiciliaries were provided in paragraphs 34.04, 34.05, 34.06, and 34.07 of Manual MP-3, Part III. The majority of this Manual was rescinded in 1998 with the publication of VA Directive 7700. This Handbook replaces the remaining portions of MP-3 Part III that address fire department services.

3. SCOPE

This Handbook applies to all VA medical centers and domiciliaries, and provides standards for fire department services at these facilities. It does not apply to community-based outpatient clinics (CBOC) or other facilities that do not provide overnight stays. For purposes of this Directive, the term “medical facility” refers only to VA medical centers and domiciliaries.

4. RESPONSIBILITIES

a. **Under Secretary for Health.** The Under Secretary for Health is responsible for:

(1) Ensuring a safe and healthful working environment for VHA employees and volunteers.

(2) Implementing OSH requirements contained in Federal laws and regulations, VA and VHA Directives and Handbooks, and OSH articles of national collective bargaining agreements.

(3) Promoting and ensuring the implementation of this Handbook.

(4) Establishing OSH performance standards for management officials in program offices under the Under Secretary for Health’s supervision.

b. **Deputy Under Secretary for Health for Operations and Management.** The Deputy Under Secretary for Health for Operations and Management is responsible for:

(1) Overseeing the development and implementation of the VA fire department program.

(2) Ensuring that the evaluation report for each VA fire department is reviewed and forwarded to the appropriate Veterans Integrated Service Network (VISN).

c. **Assistant Deputy Under Secretary for Health for Administrative Operations.**

The Assistant Deputy Under Secretary for Health for Administrative Operations is responsible for:

(1) Establishing and overseeing the Office of Occupational Safety, Health, and Green Environmental Management System (GEMS) Programs.

(2) Ensuring that adequate funds are available to support the operations and equipment needs of the VA fire departments.

d. **Director, VHA Office of Occupational Safety, Health, and Green Environmental Management System Programs.** The Director, Office of Occupational Safety, Health, and Green Environmental Management System (GEMS) Programs is responsible for:

(1) Ensuring the appointment of a VA Fire Department Program Manager.

(2) Ensuring that adequate funds are available to support the activities of the VA Fire Department Program Manager.

(3) Providing policy recommendations to the Assistant Deputy Under Secretary for Health for Administrative Operations regarding fire department services and operations.

e. **Director, VHA Center for Engineering and Occupational Safety and Health.**

The Director, Center for Engineering and Occupational Safety and Health (CEOSH) is responsible for:

(1) Ensuring that the Fire Incident Reporting database is maintained on the CEOSH Web site: <http://vaww.ceosh.med.va.gov/01FS/Pages/FireIncidentReporting.shtml>.

NOTE: *This is an internal VA Web site not available to the public.*

(2) Ensuring that the Fire Department Resource and Compliance Tool (FDRCT) database is maintained on the CEOSH Web site:

<http://vaww.ceosh.med.va.gov/01FS/Pages/FireIncidentReporting.shtml>. **NOTE:** *This is an internal VA Web site not available to the public.*

f. **VA Fire Department Program Manager.** The VA Fire Department Program Manager is responsible for:

(1) Evaluating each VA fire department not less than once every 3 years. The evaluation must include a review of:

(a) The effectiveness of the occupational safety and health program within the VA fire department; and

(b) Interior and exterior timed drills conducted on each shift.

(2) Reporting the findings of the evaluation to the Director, Office of Occupational Safety, Health, and GEMS Programs.

(3) Reviewing the plan for correction from each VA fire department for each deficiency identified during the evaluation, and tracking the progress of corrections for all identified deficiencies.

(4) Overseeing the planning for and procurement processes for replacement and additional primary fire-fighting apparatus and other high cost support equipment. Procurement action will be initiated based on prioritized needs and availability of funding (local and/or national).

(5) Planning and developing logistics for an annual training session for VA Fire Chiefs.

g. **Veterans Integrated Service Network Director.** The VISN Director is responsible for:

(1) Ensuring that the findings of the evaluation of VA fire departments performed by the VA Fire Department Program Manager are reviewed by appropriate VISN staff (e.g., VISN Safety or Fire Protection staff).

(2) Ensuring that the findings of the annual evaluation of non-VA fire departments performed by the VA medical facility safety personnel are reviewed by appropriate VISN staff (e.g., VISN Safety or Fire Protection staff) and that the progress of corrections for all identified deficiencies are tracked.

h. **VA Medical Facility Director.** The Director of the VA medical facility or domiciliary is responsible for:

(1) Ensuring the bargaining unit representative for the VA fire department is notified, in a timely manner, of the scheduled date of the evaluation of the VA fire department;

(2) Ensuring that the bargaining unit representative for the VA fire department is released from duty to attend all fire department evaluation activities;

(3) Providing to the bargaining unit representative for the VA fire department a copy of the evaluation report and all facility responses.

(4) Ensuring that the VA fire department has ready access to a stand-alone (i.e., not connected to the VA network) computer capable of running current fire department computer based training.

(5) Providing training opportunities by recognized and certified professional training sources (e.g., certification program, Occupational Safety and Health Administration, Confined Space, Elevator Rescue, live burn training, etc.) for VA fire department staff.

(6) Ensuring that a plan for correction is developed to address each deficiency cited in the evaluation specified in paragraph 8.a or 8.b, as applicable.

(7) Ensuring that the Fire Chief or designee attends the annual VA Fire Chief Training Session.

i. **VA Fire Chief.** VA Fire Chiefs are responsible for:

(1) **Training.**

(a) Ensuring training materials are requested in a timely manner, and providing the necessary support and opportunity to allow individual firefighters to complete their course work and testing.

(b) Providing a minimum of 100 hours of structured fire protection, prevention, suppression and fire safety training to all fire department personnel each year. **NOTE:** *The 100 hours includes both classroom and hands-on training. For new hires, the number of hours for the first year will be prorated from the employment start date.*

(c) Maintaining proficiency throughout all functional areas of the department.

(d) Ensuring a monthly training schedule is developed, and posted at each operational fire station.

NOTE: *Schedules will include the date, subject, reference material, and training aids required.*

(e) All lesson plans must be approved by the Fire Chief or designee.

(2) **VA Fire Department Organization and Staffing.**

(a) Preparing and maintaining a statement or policy that establishes the organization of the fire department, the services the fire department is authorized and expected to perform, and the basic organizational structure.

(b) Preparing and maintaining written policies and standard operating guidelines that include, but are not limited to:

1. The types of standard evolutions (standard operating procedures) that are expected to be performed and the evolutions that must be performed simultaneously or in sequence for different types of situations;

2. The minimum number of firefighters who are required to perform each function (task or assignment) or evolution and the manner in which the function is to be performed;

3. The number and types of apparatus and the number of personnel that will be dispatched to different types of incidents; and

4. The procedures that will be employed to initiate and manage operations at the scene of an emergency incident.

(c) Developing and implementing a written mutual aid agreement (see paragraph 5.i.).

(d) Ensuring organizational statement and procedures are available for inspection.

(e) Developing a comprehensive, written risk management plan in accordance with National Fire Protection Association (NFPA) 1500, Section 4.2.

NOTE: For the full name of NFPA codes and standards referenced herein, see the References section of this Handbook.

(f) Ensuring the fire department provides an occupational safety and health program for its members that complies with NFPA 1500, Section 4.5.

(3) Administration.

(a) Establishing written standard operating guidelines for a personnel accountability system that is in compliance with NFPA 1561.

(b) Ensuring that in an incident involving an environment that is Immediately Dangerous to Life or Health (IDLH), a minimum of four firefighters are required, consisting of two individuals working as a crew in the IDLH area and two individuals present outside the hazardous area readily available for assistance or rescue, in accordance with NFPA 1500, Section 8.5.7 and 29 CFR 1910.134.

(c) Establishing standard operating guidelines for procedures regarding safe emergency operations for traffic incidents in accord with NFPA 1500, Section 8.7.

NOTE: When members are operating at an emergency incident and their assignment places them in potential conflict with motor vehicle traffic, all efforts must be made to protect the members.

(d) Establishing standard guidelines that outline a systematic process for the rehabilitation of firefighters in accordance with NFPA 1500, Section 8.9.

(e) Establishing standard operating guidelines for post-incident analysis of significant incidents or those that involve serious injury or death to a firefighter in accordance with NFPA 1500, Section 8.11.

(f) Establishing standard operating guidelines that specify the roles and responsibilities of the fire department and the authorized functions of members responding to hazardous materials emergency incidents shall be developed.

(4) Firefighter Proficiency.

(a) Ensuring that a system is in place to monitor and measure training progress and activities in accordance with applicable NFPA Standards.

(b) Performing an annual skills check to verify minimum professional competencies of its members and effectiveness of the training program shall be conducted.

(5) Reporting.

(a) Provide a semi-annual report on staffing, equipment, training, and operations to the VHA Fire Department Program Manager.

NOTE: *The Fire Department Resource and Compliance Tool (FDRCT), is available on the Center for Engineering and Occupational Safety and Health (CEOSH) Web site at <http://vaww.ceosh.med.va.gov/01FS/Pages/VAFireDepartment.shtml>. This is an internal VA Web site not available to the public.*

(b) Ensuring that all fire incidents are reported to the CEOSH Web site in accordance with VHA Directive 2009-039 (or subsequent issue).

j. **VA Fire Department Personnel.** VA fire department personnel are responsible for:

(1) **Certifications.** All fire department personnel must maintain their level of certification (see paragraph 5.k. of this Handbook) through ongoing training and education in accordance with local policy and this handbook.

(2) **Uniforms.** Each firefighter must maintain a high standard of personal hygiene and uniform appearance. Uniforms must be neat, clean, and well pressed.

(3) **Cleaning.** Uniforms and equipment contaminated with body fluids or chemicals must be decontaminated and cleaned in accordance with NFPA 1581, Chapter 8.

(4) **Facial Appearance.** Each firefighter must ensure that facial hair is maintained to meet the requirements of this paragraph.

(a) OSHA regulations (29 CFR 1910.134(g)(1)(i)) prohibit the use of Self-Contained Breathing Apparatus SCBA by personnel who have facial or other hair that comes between the sealing surface of the face piece and the face or that interferes with valve function; or personnel who have any condition that interferes with the face-to-face piece seal or valve function.

NOTE: *Facial or other hair that might be a problem includes, but is not limited to, beards, sideburns, mustaches, "pony tails" and bangs.*

(b) Hair styles are to be neatly trimmed on the back and sides to the degree that long, loose hair is not exposed creating a hazard when wearing the protective helmet.

5. CRITERIA AND REQUIREMENTS FOR VA FIRE DEPARTMENTS

a. **Function.** The responsibilities of each VA fire department shall include emergency services, fire protection, fire prevention, fire suppression, and fire safety.

b. **Organization.** The organizational structure of a VA fire department consists of:

(1) One Fire Chief;

(2) One shift supervisor or lead firefighter per shift;

(3) One or more driver/operator per shift; and

(4) The number of firefighters per shift required to meet staffing levels in paragraph 7.c.

c. **Staffing.** VA fire department staffing models are provided in paragraph 5.d, "Work Schedule" (see Table 1 below). Minimum VA fire department staffing levels shall be in accordance with Table 1 in paragraph 5.d.(1).

(1) Minimum required on-duty staffing shall consist of one shift supervisor or lead firefighter or designee, one driver/operator, and two firefighters, except as provided in paragraph 5.c.(5). **NOTE:** *This is not intended to circumvent minimum staffing requirements.*

(2) A minimum of 4 trained firefighters shall be maintained on duty at all times, 24 hours per day, regardless of absences for sick leave or annual leave or staffing shortages.

(3) VA firefighters responding to an advanced interior fire are restricted to defensive tactics and/or exterior attack until additional firefighters arrive on the scene in accordance with OSHA standard 29 CFR 1910.134(g)(4). If the Fire Chief does not meet the requirements of paragraph 5.o.(1) and is placed in an administrative position, the chief shall not be counted toward the staffing for complying with the "two-in and two-out" rule.

(4) Fire Chiefs whose positions are administrative only will not be counted toward on-duty staffing requirements (see paragraph 5.o.(3)).

(5) In the absence of the shift supervisor or lead firefighter, the Fire Chief shall ensure that a competent person is on duty at all times with responsibility for the management of the on-duty crew.

(6) VA fire department staffing at VA medical facilities that provide off-campus ambulance transport by the fire department, must include personnel trained to the level of Emergency Medical Technician Basic (EMT-B) or Emergency Medical Technician Paramedic (EMT-P). These personnel shall not be counted toward meeting the minimum required on-duty staffing in accordance with 5.c.(1).

d. **Work Schedule.**

(1) The typical tour of duty for a VA fire department shall consist of a 56 hour average work week. However, 60-hour or 72-hour work weeks are permitted in lieu of the 56-hour tour (see Table 1). The typical tour of duty for VA Fire Chief shall consist of a 56-hour work week. However, 40- or 60- hour work weeks are permitted for the Fire Chief.

Table 1. Tours of Duty for VA Fire Departments

Tour of Duty	56 Hour Work Week	60 Hour Work Week	72 Hour Work Week
Minimum VAFD Staffing Levels	14 personnel plus fire chief	14 personnel plus fire chief	11 personnel plus fire chief

(2) The minimum staffing levels described above shall be maintained and available for emergency response at all times.

(a) At the discretion of the VA medical facility Director, fire department personnel shall be permitted to be engaged in non-fire suppression duties at the VA medical facility, provided that the required minimum number of on-duty personnel are readily able to immediately disengage and respond to an emergency.

(b) All firefighters performing tasks away from the fire station must be provided with two-way radio communication with the fire station or fire apparatus, and must be provided with transportation to enable them to meet the responding apparatus at the scene of any emergency on station.

(3) Duty hours between 2200 hrs and 0600 hrs are considered down time. Down time hours may be suspended for emergency response or house watch, and at the call of the Fire Chief, supervisor, lead firefighter or designee.

NOTE: *It is intended that, except for emergency response, house watch and ambulance transports, suspension of down time shall be a rare occurrence.*

e. **Facilities.**

(1) All VA fire department facilities shall comply with all local applicable health and safety code requirements.

(2) Facilities for disinfecting, cleaning, and storage in accordance with NFPA 1581 shall be provided.

(3) Smoke detectors shall be installed outside every sleeping area in the immediate vicinity of the bedrooms and on all levels of the station, including basements. When activated, these detectors shall sound an alarm throughout the fire station.

(4) All existing and new fire department facilities shall have carbon monoxide detectors installed in locations in sleeping and living areas, such that any source of carbon monoxide would be detected before endangering the members.

(5) All VA fire department facilities shall comply with the most recent edition of NFPA 101 Life Safety Code.

(6) A vehicle exhaust source capture and removal system shall be provided to prevent exposure of firefighters and contamination of living and sleeping areas by exhaust emissions.

(7) All VA fire department facilities must be designated smoke free.

(8) All VA fire department facilities shall be inspected at least two times per year in accordance with the Deputy Under Secretary for Health for Operations and Management Memorandum of March 5, 2007, titled Environmental Rounds. Inspections must be documented and recorded in accordance with local facility policy. The Fire Chief shall be provided with a copy of all inspection findings related to VA Fire Department facilities.

f. **Pay Grades.** Pay grades shall be in accordance with Office of Personnel Management (OPM) guidelines.

g. **Emergency Operations.** An incident management system must be established with written standard operating guidelines applying to emergency operations.

h. **Non-Fire Fighting Duties.**

(1) The VA fire department typically constitutes the single largest, mobile force on station during non-administrative hours. As such, the VA fire department serves as the Emergency Response Unit for the VA medical facility.

NOTE: For the purpose of this Handbook, an emergency is any unusual occurrence which adversely affects the ability of the VA medical facility to perform its mission.

(2) In addition to fire suppression duties, VA fire department personnel are permitted to perform fire safety and fire protection related functions, as well as operate an on-campus emergency patient transport ambulance service, provided that contingency plans are in place that will allow the firefighters so engaged to immediately disengage from their activities and respond to an emergency.

NOTE: On campus refers to within the boundaries of the VA medical facility.

(3) If approved by the VA medical facility Director, VA fire departments are permitted to operate a patient transport ambulance service off-campus for eligible persons, following the criteria established in paragraph 5.c.(6).

NOTE: *Off-campus refers to beyond the boundaries of the VA medical facility.*

(4) All VA firefighters shall be trained to and respond at a minimum of Hazardous Materials Operations Level in accordance with the requirements of NFPA 472, Chapter 5 and OSHA regulations at 29 CFR 1910.120(q).

NOTE: *Operational Level Firefighters respond to releases or potential releases of hazardous materials as part of the initial response for the purpose of protecting nearby persons, the environment, and property from the effects of the release. They are also expected to respond in a defensive fashion to control the release from a safe distance and keep it from spreading.*

(5) If approved by the VA medical facility Director, VA fire departments are permitted to respond to hazardous materials incidents at the level of Hazardous Materials Technician in accordance with NFPA 472, Chapter 7 and OSHA regulations at 29 CFR 1910.120(q).

NOTE: *Hazardous Materials Technicians respond to releases or potential releases of hazardous materials for the purpose of controlling the release using specialized personal protective equipment (PPE) and control equipment.*

(6) Fire officers are expected to act as Hazardous Materials Incident Commanders and must be trained to meet the competencies for the level of Incident Commander in accordance with NFPA 472, Chapter 8.

(7) If approved by the VA medical facility Director, VA fire departments are permitted to operate a technical rescue program. Fire department members who are expected to respond to technical rescue incidents must be trained to the applicable requirements of NFPA 1670.

(8) The VA fire department is permitted to use established automatic mutual aid or mutual aid agreements to provide support for hazardous materials spill response and other technical rescue incidents (see paragraph 5.i).

i. **Mutual Aid.**

(1) All facilities operating a VA fire department shall attempt to enter into a mutual aid agreement with local fire department(s) to ensure additional fire suppression resources are in-place for the VA medical facility should these resources be required. See Appendix A for a sample of a mutual aid agreement "template".

(2) VA fire departments are permitted to respond to mutual aid requests from fire departments with which they have an agreement in place, as well as to requests for assistance from other fire departments when the rendering of such assistance is in the

best interest of the U.S. Government. Mutual aid requests from an outside community shall be answered with requested resources, if available. A minimum of two VA firefighters must remain at the VA medical facility. Fire department personnel remaining at the VA medical facility will immediately initiate a mandatory call back of off-duty VA personnel and/or a call for mutual aid standby in order to ensure that any incident at the VA medical facility will be dealt with promptly.

(3) All VA fire departments must have in place a written standard operating procedure calling for the automatic summoning of mutual aid assistance by the VA fire department officer in charge whenever any fire beyond or threatening to go beyond the incipient stage is encountered. VA firefighters responding to an advanced interior fire are restricted to defensive tactics and/or exterior attack until additional firefighters arrive on the scene in accordance with OSHA standard (29 CFR 1910.134(g)(4)). If the Fire Chief does not meet the requirements of paragraph 6.p.(1) and is placed in an administrative position, the chief shall not be counted toward the staffing for complying with the “two-in and two-out” rule.

j. **Fire Department Vehicle Apparatus.**

(1) All primary VA firefighting apparatus shall be no more than 15 years old. All new apparatuses shall be equipped with a 1,250 gallons per minute (gpm) or larger pump, diesel engine, and automatic transmission and shall meet the minimum requirements of the current edition of NFPA 1901.

(2) Whenever a new fire apparatus is obtained, a VA medical facility shall retain a fire apparatus in a reserve capacity.

(3) No apparatus or other fire suppression equipment shall be disposed of in any manner without the prior approval of the VHA Fire Department Program Manager. The VHA Fire Department Program Manager will coordinate the transfer of such equipment between VA medical facilities to ensure that all VA needs are met prior to the disposal of any such equipment.

(4) Fire Department apparatus shall be operated only by firefighters who have successfully completed an approved driver training program in accordance with NFPA 1002, and commensurate with the type of apparatus the firefighter will operate, or by trainee drivers who are under the supervision of a qualified driver who has completed the driver training program in accordance with NFPA 1002.

(5) Specific rules and procedures relating to the operation of fire department apparatus in an emergency mode, including guidelines to establish when emergency response is authorized, shall be developed in writing and enforced by the Fire Chief or designee.

(6) Standard operating guidelines shall be developed in writing by the Fire Chief for safely driving fire department apparatus during non-emergency travel and emergency response and shall include, but not be limited to, specific criteria for apparatus speed, crossing intersections, traversing railroad grade crossings, the use of emergency

warning devices, and the backing of fire apparatus. These guidelines shall be enforced by the Fire Chief or designee.

(7) A preventive maintenance program shall be established in writing, implemented, and documented by the Fire Chief or designee in accordance with NFPA 1911.

(8) A preventive maintenance program shall be established in writing, implemented, and documented by the Fire Chief or designee to ensure that ground ladders are inspected and service tested in accordance with the applicable requirements of NFPA 1932.

(9) A preventive maintenance program shall be established in writing, implemented, and documented by the Fire Chief or designee to ensure that all fire hose are inspected and service tested in accordance with the applicable requirements of NFPA 1962.

(10) A preventive maintenance program shall be established in writing, implemented, and documented by the Fire Chief or designee to ensure that all fire extinguishers are inspected and tested in accordance with the applicable requirements of NFPA 10.

(11) A preventive maintenance program shall be established in writing, implemented, and documented by the Fire Chief or designee to ensure that all fire department powered rescue tools meets the requirements of NFPA 1936.

k. **Certifications.**

(1) The presence of a quality training program is a key component in ensuring that VA fire departments retain the ability to promptly and effectively deal with incidents at VA medical facilities. Accordingly, all VA fire departments shall participate in an accredited certification program.

(2) The following criteria shall apply to VA fire department members who apply for or begin employment after the date of publication of this Handbook:

(a) To be eligible for employment as a VA firefighter, each potential employee must have received Certification as Firefighter II in accordance with NFPA 1001, and must have received Certification as Operations Level Responders in accordance with Chapter 5, Core Competencies of, in NFPA 472.

(b) Newly employed VA firefighters, must obtain Fire Inspector II in accordance with NFPA 1031 within 24 months of employment.

(c) To be eligible for employment as, or promotion to, a VA driver/operator, each employee must have received certification as driver/operator in accordance with NFPA 1002.

(d) To be eligible for employment as, or promotion to, a Lead Firefighter, each employee must have received certification as Fire Officer I in accordance with NFPA 1021 and certification as Fire Inspector II in accordance with NFPA 1031.

(e) To be eligible for employment as, or promotion to, a VA supervisory fire officer, each employee must have received certification as Fire Officer II in accordance with NFPA 1021 and certification as Fire Inspector II in accordance with NFPA 1031.

(f) To be eligible for employment as, or promotion to, a VA Fire Chief, each employee must have received certification as Fire Officer IV in accordance with NFPA 1021 and certification as Fire Inspector II in accordance with NFPA 1031 and certification as Hazardous Materials Incident Commander in accordance with NFPA 472.

(3) VA fire department personnel who began employment prior to the date of the publication of this Handbook and who seek promotion during the first 12 months after the date of this Handbook are not required to meet the certifications listed in paragraphs 5.k.(2)(b) through 5.k.(2)(e). Upon appointment to the position, the provisions of paragraph 5.k.(4) apply.

(4) VA fire department personnel who became employed prior to the date of the publication of this Handbook and who lack certifications required for their positions are required to attend accredited courses and obtain certifications for their positions listed in paragraphs 5.k.(2)(a) through 5.k.(2)(e) within 24 months after the publication date of this Handbook. All costs associated with accredited training will be borne by the VA medical facility.

I. Training and Education.

(1) Training, education, and professional development programs in accordance with applicable NFPA standards shall be provided as needed to support the minimum qualifications and certifications expected of fire department personnel.

(2) Members shall practice assigned firefighting skill sets on a regular basis but not less than quarterly.

(3) Live fire training, when used, must be in accordance with NFPA 1403.

(4) All training and exercises must be conducted under the direct supervision of a qualified instructor in accordance with NFPA 1041.

(5) All fire department personnel who are involved in Emergency Medical Services must meet the following requirements:

(a) Emergency Medical Technician certification in the state in which the VA fire department is located or the national registry certification.

(b) Compliance with the applicable protocols established by the VA medical facility medical control.

NOTE: *The facility medical control could be the Chief of Staff, VA Medical Director, Medical Officer of the Day, Urgent Care physician, or any other person designated by the VA medical facility director.*

(6) Fire department personnel must be trained in the care, use, inspection, maintenance, and limitations of the protective clothing and protective equipment that they are expected to use.

(7) Fire department personnel must meet the infection control training requirements as outlined in NFPA 1581.

(8) Fire department personnel are expected to have detailed information concerning the location and operation of shut-off controls for all utility systems on station.

(9) All departments will assign one member as the fire service training officer, as defined in NFPA 1041 at the instructor II level.

m. **Technical Rescue Operations Training.**

(1) The VA fire department must provide advanced training to members specific to technical rescue operations to be performed.

(2) Members expected to perform hazardous materials mitigation activities must meet the training requirements of operations/technician level as outlined in NFPA 472 and in accordance with OSHA 1910.120(q).

(3) Members expected to perform technical operations at the technician level as defined in NFPA 1670 must meet the training requirements specified in NFPA 1006.

n. **Maximum Entry/Mandatory Retirement Age.** The maximum entry age and mandatory retirement age for firefighters in the GS-0081 series in Veterans Health Administration shall be in accordance with VA Handbook 5005, Staffing.

o. **Medical and Physical Requirements.**

(1) Prior to employment and annually thereafter, all firefighters (GS-0081) must be certified by a qualified physician as meeting (a) and (b) and (c) and (d):

(a) Medical and physical requirements for performing their assigned duties,

(b) Requirements of NFPA 1582;

(c) Requirements of NFPA 1583; and

(d) Requirements of NFPA 1500, Chapter 10.

(2) Current firefighters (GS-0081) who fail to meet the requirements of paragraph 5.o.(1) shall be reassigned to duties outside of the fire department.

(3) Fire Chiefs who fail to meet the requirements of paragraph 5.o.(1) will not participate in interior firefighting activities but may participate in all other duties and activities associated with the Fire Chief position, and will not be counted toward the staffing for compliance with OSHA standard 29 CFR 1910.134(g)(4), the “two-in and two-out” rule.

(4) The Fire Chief shall ensure that each VA fire department establishes a physical fitness program in accordance with NFPA 1500, Chapter 10, and NFPA 1583.

p. **Standards of Appearance and Safety.**

(1) Appropriate personal protective equipment meeting NFPA 1500, Chapter 7 must be worn on all responses. This includes, but is not limited to, emergency medical, technical rescue, and hazardous materials responses.

(2) Appropriate personal protective equipment, including clothing as well as Self-Contained Breathing Apparatus (SCBA), meeting NFPA 1500, Chapter 7, must be worn on all fire responses.

(3) The fire department must have a personal protective equipment program that complies with OSHA regulations 29 CFR 1910.132 through 29 CFR 1910.138.

q. **Uniforms.**

(1) Uniforms must meet the requirements of NFPA 1975.

(2) The following standard uniform must be worn during the normal day-to-day operations of the fire department:

(a) **Badge.** Facility issued gold finish for Fire Chiefs, silver finish for all others.

(b) **Cap Emblem.** Same as above.

(c) **Collar Devices.** All officers shall wear appropriate collar devices designating rank.

(d) **Name Plate/Tag.** Indicating name and fire department rank.

(e) **Shoulder Patch.** Facility issued VA type cloth patch.

(f) **Shirt.** Uniform type with badge holder, short or long sleeve (seasonal), NFPA 1975 compliant. Color: Light blue for firefighters, white for chiefs and captains.

(g) **Trousers.** Plain front uniform type, no cuffs. NFPA 1975 Compliant. Color: Navy blue.

(h) Cap. Regulation fire department eight-point crown or bell type, Navy Blue. Fire Chief's cap same except white.

(i) Tie. Black or navy blue (seasonal).

(j) Shoes. Black safety shoes or boots that comply with American National Standards Institute (ANSI) Z41-1991.

(k) Work Uniform. Some of the routine, non-suppression, tasks VA firefighters perform are labor intensive and are conducted in extreme temperatures or dirty environments. For these tasks, an optional work uniform, as approved by the local facility, may be worn. This would include fire department T-shirts, polo shirts, sweatshirts/sweaters, or coveralls. Any such adopted work uniform shall be standardized for the entire VA medical facility fire department.

(l) Cap (optional). Baseball-type caps may be approved locally as optional headgear. When adopted, such caps shall bear a fire department logo and shall be standardized for the entire facility fire department.

6. CRITERIA AND REQUIREMENTS FOR NON-VA FIRE DEPARTMENTS

a. To be considered adequate for the protection of a VA medical facility in which patients are housed overnight, a non-VA fire department must:

(1) Provide a fire station within 3.5 miles travel distance of an entrance to the VA medical facility.

(2) Respond with at least one pumper fire apparatus with a minimum capacity of 1,000 gpm that is equipped with hoses and other accessories complying with NFPA 1901.

(3) Respond to the VA medical facility with a minimum of four trained, full time professional firefighters on duty.

NOTE: *The firefighters are permitted to arrive on more than one vehicle; however, the first four responding firefighters must be located within the 3.5 mile travel distance as stated in paragraph 6.a.(1).*

(4) Have adequate staff and equipment to respond to a second alarm.

b. Whenever a VA medical facility is located within the corporate limits of a political sub-division (e.g., municipality, county, or tax-supported district) having legal responsibility for providing public firefighting services, it is expected that such services shall be utilized, provided that the municipal fire department meets the response distance and staffing requirements established under paragraph 6.a.

c. If municipal firefighting service is not available in accordance with paragraph 6.a, a contract for such services may be entered into with any fire department or firefighting organization which meets the requirements of paragraph 6.a.

d. When firefighting services, as described in paragraph 6.b and 6.c are not available, the facility shall establish, train, and maintain a VA Fire Department.

7. EVALUATION OF VA FIRE DEPARTMENTS AND NON-VA FIRE DEPARTMENTS

a. **VA Fire Departments.** Each VA fire department shall be evaluated not less than once every 3 years by the VHA Fire Department Program Manager as specified in paragraph 4.f.

b. **Non-VA Fire Departments.** Each non-VA fire department that provides services to a VA medical facility in accordance with paragraph 7 shall be evaluated not less than annually by facility safety personnel. The findings of these evaluations shall be reviewed not less than annually by VISN Safety or Fire Protection personnel.

8. AUTHORITY HAVING JURISDICTION

a. The Authority Having Jurisdiction (AHJ) for fire department services is the Deputy Under Secretary for Health for Operations and Management.

b. In the event that a provision of this Handbook cannot be met, the VA medical Facility Director shall develop a plan for correction that shall be submitted to the AHJ with a request for approval. The plan must have the approval of the VISN Director and the Director of Occupational Safety and Health, and GEMS Programs prior to submission to the AHJ.

9. REFERENCES

The following codes and standards, referenced above, are published by the National Fire Protection Association, Quincy, MA:

a. Executive Order 12196, Occupational Safety and Health Programs for Federal Employees, 45 FR 12769 (Feb. 26, 1980).

b. VA Directive 7700, Occupational Safety and Health.

c. VHA Directive 7701, Occupational Safety and Health (OSH).

d. VHA Directive 5019, Employee Occupational Health Service.

e. NFPA 10, Standard for Portable Fire Extinguishers.

f. NFPA 101 NFPA 101®, Life Safety Code®.

g. NFPA 472, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents.

- h. NFPA 1001, Standard for Fire Fighter Professional Qualifications.
- i. NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications.
- j. NFPA 1006, Standard for Technical Rescuer Professional Qualifications.
- k. NFPA 1021, Standard for Fire Officer Professional Qualifications.
- l. NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiner.
- m. NFPA 1041, Standard for Fire Service Instructor Professional Qualifications.
- n. NFPA 1403, Standard on Live Fire Training Evolutions.
- o. NFPA 1500, Standard on Fire Department Occupational Safety and Health Program.
- p. NFPA 1561, Standard on Emergency Services Incident Management System.
- q. NFPA 1581, Standard on Fire Department Infection Control Program.
- r. NFPA 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments.
- s. NFPA 1583, Standard on Health-Related Fitness Programs for Fire Department Members.
- t. NFPA 1670, Standard on Operations and Training for Technical Search and Rescue Incidents.
- u. NFPA 1901, Standard for Automotive Fire Apparatus.
- v. NFPA 1911, Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Automotive Fire Apparatus.
- w. NFPA 1932, Standard on Use, Maintenance, and Service Testing of In-Service Fire Department Ground Ladders.
- x. NFPA 1936, Standard on Powered Rescue Tools.
- y. NFPA 1962, Standard for the Inspection, Care, and Use of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose.
- z. NFPA 1975, Standard on Station/Work Uniforms for Emergency Services.

APPENDIX A

Sample of Mutual Aid Agreement

DEPARTMENT OF VETERANS AFFAIRS MUTUAL FIREFIGHTING
ASSISTANCE AGREEMENTPREAMBLE:

Municipalities and other governmental or political subdivisions have a legal duty to extinguish fires within their boundaries, rendering rescue, aid, and assistance in carrying out such duties. The United States Government has no legal obligation to compensate or reimburse such entities for firefighting and related services rendered in connection with a fire at a Government installation located within a political entity's limits.

Regardless, 42 U.S.C. §1856a(a) allows the United States to expend federal funds for such firefighting services where the Federal Government enters into a Mutual Firefighting Aid Agreement (MFAA) with local fire organizations while such Agreements are in effect. Given that [Jurisdiction] and the Federal Government at [VA Medical Facility Name] each maintains fire suppression equipment and personnel in their respective jurisdictions and areas and wish to augment the fire protection available in their various establishments, districts, agencies and municipalities in the event of large fires or conflagrations, both the parties here concur that it is beneficial and desirable for each to render assistance to the other in accordance with the terms of this MFAA.

MFAA TERMS & CONDITIONS:

1. This MFAA authorizes a senior officer (Fire Chief, Fire Suppression Officer) of a fire department or fire suppression unit belonging to either party to this agreement, or the senior officer of any such fire department actually present at any fire to request firefighting assistance from the other party under the terms of this agreement. The senior officer on duty of the fire department receiving the request shall immediately take the following actions:

- a. Determine what apparatus and personnel are available for dispatch;
- b. Determine the exact mission to be assigned based on the requesting party's described need and according to the detailed plans and procedures of operation developed by the parties to implement this agreement;
- c. Dispatch such apparatus and personnel as the senior fire suppression official or Fire Chief deems available and appropriate along with mission instructions and guidance according to this MFAA.

2. Providing help under this MFAA is mandatory. Regardless, the party receiving the request for assistance should immediately inform the requesting service if, for any reason, assistance cannot be rendered.

3. Each party to this agreement waives all claims against the other party for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of this agreement, pursuant to 42 U.S.C. §1856a(a). However, the waiver does not preclude fire organizations from filing claims for firefighting costs and losses pursuant to 15 U.S.C. §2210; beneficiaries from filing claims for the death of firefighters and other public safety officers pursuant to 42 U.S.C. §3796; and individuals, other than the parties and their employees to this agreement, from filing claims against the United States pursuant to 28 U.S.C. §1346(b) and §§2671-2680. The liability, if any, of the United States for injury or loss of property, or personal injury or death shall be governed exclusively by the provisions of the Federal Tort Claims Act as noted above.
4. All services performed under this agreement shall be rendered without reimbursement of either party or parties.
5. The Fire Chief of the fire department or Fire Suppression Officer of the requesting service shall assume full charge of the operations, but if that Fire Chief specifically requests a senior officer of a fire department furnishing assistance to assume command, the Fire Chief shall not, by relinquishing command, be relieved of responsibility for the operation, provided, that the apparatus, personnel and equipment of the agency rendering assistance shall be under the immediate supervision of and shall be the immediate responsibility of the senior officer of the fire department rendering assistance. Services performed by Federal employees under this agreement are performed in the line of duty for the United States. Services performed by other persons shall not constitute such individual an officer or employee of the United States (42 U.S.C. §1856c).
6. The chief fire officers and personnel of the fire departments of both parties to this agreement will, on a reciprocal basis, frequently visit each other's activities for guided familiarization tours consistent with local security requirements and, as feasible, jointly conduct pre-fire planning inspections and drills.
7. The fire chiefs of the fire departments of the parties to this agreement are authorized and directed to meet and draft any detailed plans and procedures of operation necessary to implement this agreement. Such plans and procedures of operations shall become effective when the parties memorialize their concurrence by signing such agreements. This may be done via a Memorandum of Agreement (MOA).

8. Amendments: Amendments to this MFAA must be bilaterally executed in writing, signed by authorized representatives of both agencies. No oral or unilateral amendments will be effective. Only terminations done in accordance with the terms of this agreement may be done unilaterally.

9. Disputes: Should disagreement arise as to the interpretation of the provisions of this agreement that cannot be resolved between the parties, each partnering entity will reduce the areas of disagreement to writing and present it to the authorized representative of the other entity for resolution. If resolution cannot be reached at this level, the disagreement will be raised to the next level in accordance with parties' internal procedures for final resolution.

10. Termination: This Agreement may be terminated with ten (10) days' written notice sent to the authorized representative of the non-terminating party.

This MFAA shall become effective upon the date both parties sign hereof and shall remain in full force and effect until cancelled or terminated according to the terms herein.

IN WITNESS HERETO, the undersigned have executed this MFAA as follows:

For [Name of Fire Organization, or City or County]

[Title of Signatory] _____
DATE

For VA Fire Department

Chief, VA Fire Department _____
DATE

For [Name of VA Medical Facility Director]

Director, [Name of VA Medical Facility] _____
DATE

For VISN [#] Logistics Service [Enter correct name of
VISN Contracting Authority]

Contracting Officer _____
DATE