

# **NEW YORK CITY FIRE DEPARTMENT**

## **Notice of Adoption**

### **Repeal of Two Fire Department Rules**

**3 RCNY §113-02, entitled**

**“Fire Safety Director Certificates of Fitness” and**

**3 RCNY §113-03, entitled**

**“Fire Safety/EAP Director Certificates of Fitness”**

### **Adoption of Two New Fire Department Rules**

**3 RCNY §113-02, entitled**

**“Fire and Life Safety Director Certificate of Fitness”**

**3 RCNY §113-06, entitled**

**“Active Shooter and Medical Emergency Preparedness Training Courses”**

### **Amendment of Five Fire Department Rules**

**3 RCNY §§ 113-01, 113-04, 113-05, 113-06 and 4601-01**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Fire Commissioner of the City of New York pursuant to Sections 113 and 401.4 of the New York City Fire Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department has adopted the above final rule.

The public hearing was held on September 19, 2016. The rule shall take effect on December 1, 2016.

The Notice of Adoption, final rule and the Statement of Basis and Purpose of Final Rule, will be available on the Fire Department’s website ([www.nyc.gov/fdny](http://www.nyc.gov/fdny)) and NYCRULES ([www.nyc.gov/NYCRULES](http://www.nyc.gov/NYCRULES)).

### **Statement of Basis and Purpose of Final Rule**

The Fire Department issues licenses known as certificates of fitness authorizing qualified persons to serve as Fire Safety and Emergency Action Plan (Fire Safety/EAP) Directors in office buildings, and Fire Safety Directors in hotels and in other buildings that have voluntarily installed fire alarm systems with two-way voice communication. Fire Safety/EAP Directors and Fire Safety Directors train building occupants in the building’s emergency procedures in case of fire, and implement those procedures when there is a fire.

The 2014 Fire Code (incorporating amendments enacted by Local Law No. 148 of 2013) replaced these two certificates of fitness with a single certificate of fitness for a Fire and Life Safety (FLS) Director in both types of occupancies. This rule implements the new Fire Code requirements by repealing the two rules relating to Fire Safety Director (3 RCNY §113-02) and

Fire Safety/EAP Director (3 RCNY §113-03) and replacing them with a new Section 113-02 for FLS Director.

The 2014 Fire Code was also updated to cover non-fire emergencies, such as situations involving active shooters and medical emergencies. This rule requires persons applying for an FLS Director certificate of fitness to obtain training in these areas.

In response to public comment, the timeframe for implementation of these Fire Code requirements has been extended.

Beginning March 1, 2020, all occupancies currently required to be staffed by a Fire Safety/EAP Director or Fire Safety Director are required to be staffed instead by a person holding an FLS Director certificate of fitness.

This rule sets forth the procedure and timeframes by which current Fire Safety/EAP Directors and Fire Safety Directors must transition to the new FLS Director certificate of fitness:

- Fire Safety/EAP Directors, who have been trained in non-fire emergencies, must complete an active shooter and medical emergency training course from an accredited training school (based on a curriculum recently developed by the Fire Department and the New York City Police Department) by the earlier of September 4, 2017 or the date of expiration of the Fire Safety/EAP Director certificate of fitness, in order to obtain their new FLS Director certificate of fitness. No Fire Department written or on-site (practical) examination will be required for active Fire Safety/EAP Directors who timely complete the active shooter and medical emergency training course.
- Fire Safety Directors, who do not hold the EAP certificate of fitness and have not been trained in non-fire emergencies, must complete an active shooter and medical emergency training course by the earlier of September 4, 2017 or the date of expiration of the Fire Safety Director certificate of fitness. Fire Safety Directors must thereafter complete a full course in non-fire emergencies by the earlier of September 3, 2018 or the date of expiration of the Fire Safety Director certificate of fitness. Fire Safety Directors may, if they wish, take the full course (which includes training in active shooter and medical emergencies) by the earlier of September 4, 2017 or the date of expiration of the Fire Safety Director certificate of fitness, instead of the two courses. Upon completion of the full course, Fire Safety Directors must apply for the new FLS Director certificate of fitness and complete the necessary written examination by the earlier of March 1, 2020 or the date of expiration of the Fire Safety Director certificate of fitness.

The certificates of fitness for Fire Safety/EAP Directors and Fire Safety Directors who do not comply with these requirements, or who fail the applicable FLS Director written examination, will be suspended and the holder may be required to apply as a new applicant.

First-time certificate of fitness applicants must comply with the new FLS Director certificate of fitness requirements, including attending and successfully completing an accredited course that

includes fire safety and non-fire emergency training, and passing written and practical Fire Department examinations.

Public comment was mixed in response to the Fire Department's proposal to establish a minimum of one year of qualifying experience for the FLS Director certificate (as opposed to the current requirement of three years for a Fire Safety Director). Some supported the change as a beneficial expansion of the pool of qualified applicants; others were concerned that one year was insufficient qualifying experience. After further consideration, the Fire Department has determined to strike a balance by retaining the current requirement of 3 years of qualifying experience, but accepting as an alternative qualification 18 months of qualifying experience that includes 6 months of continuous employment at one work location. In the Fire Department's judgment, continuous employment at one location deepens an applicant's understanding of building operations and/or increases the likelihood of exposure to the types of incidents and emergencies that an FLS Director will encounter.

This rule also amends and expands the existing rule for the Fire Safety Director training course (3 RCNY §113-05) to cover all requirements for FLS Director training courses, including the requirements in the existing rule for Fire Safety/EAP Director training courses (3 RCNY §113-06).

New Section 113-06 sets forth the requirements for courses for active shooter and medical emergency training. In response to public comment, the rule has been revised to make clear that FLS Directors are neither expected nor required to personally provide patient care.

Active shooter and medical emergency training have been added as a component of the FLS Director training course, but the requirements have also been set forth in a separate section to allow accredited educators and educational institutions to offer it as a separate training course for emergency preparedness staff and other building staff not seeking an FLS Director certificate. In response to public comment, the curriculum for the medical emergency training course will make clear that:

- FLS Directors are neither expected nor required to personally provide patient care, as their duties as FLS Director require them to remain at the fire command center during an emergency.
- A building owner is not required to establish or train an emergency medical response team, but only to invite CPR-trained or other qualified persons working at the premises to volunteer to be contacted in the event of a medical emergency on the premises, and to establish a procedure by which they can be notified (such as a text or call).
- The volunteer's unavailability, untimely response, or unwillingness to respond to a notification of a medical emergency does not constitute a breach of the owner's or the emergency preparedness staff's obligations under this rule.

Also, in response to public comment, the qualifications for conducting the active shooter and medical emergency training have been revised to include instructors experienced in fire safety

and non-fire emergency (EAP) training. (One of the instructor qualification provisions, inadvertently marked for deletion, has been restored.)

Conforming terminology changes have been made to the general certificate of fitness rule (3 RCNY §113-01), the training course accreditation rule (3 RCNY §113-04) and the Fire Code fee schedule (3 RCNY §4601-01).

This rule also:

- Requires verifiable proof of qualifications or fitness to serve as an FLS Director or other certificate of fitness.
- Codifies the current practice of allowing applicants who fail the Fire Department-accredited training course examination to take the examination a second time. Applicants who fail a second time must re-take the training course.
- Establishes an original application fee of \$25, test fee of \$25, and a practical (on-site) examination fee of \$750 for the new FLS Director certificate of fitness. These amounts reflect the consolidation of the existing fees for Fire Safety Director and EAP Director certificates of fitness. The renewal fee of \$5 remains unchanged.
- Establishes an original application fee of \$2,940 (and a renewal fee of \$420) for an application for accreditation of the new active shooter and medical emergency course. These fees are identical to the fees currently charged for Fire Department accreditation of other training courses, including emergency preparedness-related training courses.

Terms used in the rule that are defined in the Fire Code or elsewhere in the Fire Department's rules are indicated by *italics*.

Text that has been deleted is indicated by [brackets]. Text that has been added is underlined.

Guidance with respect to the interpretation of the Fire Code and Fire Department rules may be obtained using the Public Inquiry Form on the Fire Department's website, <http://www1.nyc.gov/site/fdny/about/resources/code-and-rules/nyc-fire-code.page>.

Section 1. The table of contents of Chapter 1 of Title 3 of the Rules of the City of New York is amended to read as follows:

## **CHAPTER 1 ADMINISTRATION**

|         |  |
|---------|--|
| §101    | Reserved                               |
| §102-01 | Pre-Existing Facilities and Conditions |
| §103    | Reserved                               |
| §104-01 | Appeals                                |

|          |   |
|----------|---|
| §104-02  | Professional Certification of Fire Alarm System Installations   |
| §104-03  | Disposal of Contraband Materials  |
| §105-01  | Approval of Fire Alarm System Installations   |
| §106-108 | Reserved  |
| §109-01  | Notice of Violation, Certification of Correction and Stipulation Procedures   |
| §109-02  | Consolidation of Provisions of the Administrative Code for Enforcement Purposes   |
| §110-111 | Reserved  |
| §112-01  | Certificates of Approval  |
| §113-01  | Certificates of Fitness and Certificates of Qualification   |
| §113-02  | [Fire Safety Director Certificates of Fitness] <u>Fire and Life Safety Director Certificate of Fitness</u>                              |
| §113-03  | [Fire Safety/EAP Director Certificates of Fitness] <u>Reserved</u>  |
| §113-04  | Accreditation of Training Courses   |
| §113-05  | Fire and Life Safety Director Training Courses  |
| §113-06  | [Fire Safety/Emergency Action Plan Director Training Courses] <u>Active Shooter and Medical Emergency Preparedness Training Courses</u> |
| §113-07  | Refrigerating System Operating Engineer Training Courses  |
| §113-08  | Commercial Cooking Exhaust Systems Certificate of Fitness   |
| §113-09  | Non-Production Laboratory Certificate of Fitness  |
| §113-10  | Construction Site Fire Safety Manager Training Course   |
| §113-11  | Construction Site Fire Safety Manager Certificate of Fitness  |
| §113-12  | Building Operation, Maintenance and Recordkeeping Training Course   |
| §114-01  | Certificates of License   |
| §115-01  | Company Certificates  |
| §116-01  | Expeditor Registration  |
| §117     | Reserved  |

§2. Paragraph (1) of subdivision (b) of section 113-01 of Title 3 of the Rules of the City of New York is amended to read as follows:

- (1) Minimum qualifications and general requirements. Applicants for [certificates of fitness] *certificates of fitness* and [certificates of qualification] *certificates of qualification* shall meet the minimum qualifications and comply with the general requirements set forth in FC113 and this section. Holders of certificates of fitness and certificates of qualification shall maintain all qualifications and comply with all requirements throughout the term of the certificate.
  - (A) Applicants for *certificates of fitness* for [fire safety] FLS director shall additionally comply with the requirements set forth in R113-02.
  - (B) Applicants for *certificates of fitness* [for fire safety/EAP director] to inspect and clean commercial cooking exhaust systems shall additionally comply with the requirements set forth in [R113-03] R113-08.

(C) Applicants for *certificates of fitness* for construction site fire safety manager shall additionally comply with the requirements set forth in R113-11.

§3. Paragraph (5) of subdivision (d) of section 113-01 of Title 3 of the Rules of the City of New York is amended to read as follows:

- (5) An applicant who fails to obtain a passing grade on a written, practical, or practical (on-site) examination may re-take the examination, subject to the availability of [Department] *Department* resources and appointments. The required fee must be paid by the applicant each time he or she is administered an examination. An applicant for a *certificate of fitness* that requires successful completion of a *Department*-accredited training course may be given two (2) opportunities to pass each written and practical examination for the certificate. An applicant who fails to obtain a passing grade after the second examination will be required to re-take and successfully complete the training course in its entirety and re-apply for the *certificate of fitness*.

§4. Paragraph (1) of subdivision (e) of section 113-01 of Title 3 of the Rules of the City of New York is amended to read as follows:

- (1) In addition to general application requirements set forth in R113-01(c), applicants for a certificate of fitness shall submit the following proof of qualifications and fitness and such other information and documentation as the [Department] *Department* may require[:]. The *Department* will not accept such proof if its validity cannot be satisfactorily verified.

§5. Sections 113-02 and 113-03 of Title 3 of the Rules of the City of New York are REPEALED.

§6. Chapter 1 of Title 3 of the Rules of the City of New York is amended by adding a new Section 113-02, to read as follows:

**§113-02 Fire and Life Safety Director Certificate of Fitness**

- (a) Scope. This section sets forth standards, requirements and procedures for issuance of a *certificate of fitness* to perform the duties of an *FLS* director, including the process by which holders of a *certificate of fitness* for fire safety director or fire safety/EAP director may obtain a *certificate of fitness* for *FLS* director.
- (b) General Provisions. Applicants for *FLS* director *certificates of fitness* shall meet the minimum qualifications and comply with the general requirements for a *certificate of fitness* set forth in FC113 and R113-01.
- (c) Qualifications. In addition to the qualifications set forth in FC113 and R113-01, and except as otherwise provided in R113-02(f), applicants for an *FLS* director *certificate of*

fitness shall possess and demonstrate to the satisfaction of the Department the following qualifications:

- (1) At least three (3) years' full-time work experience in one or more of the following fields (in any combination thereof), OR 18 months' full-time work experience in one or more of the following fields (in any combination thereof) that includes at least six (6) months of continuous employment at one work location:
  - (A) firefighting or other public safety emergency response employment;
  - (B) any fire safety-related employment, including code enforcement, fire safety inspection, fire prevention or emergency preparedness;
  - (C) the design, installation, operation or maintenance of building fire protection, electrical, plumbing, heating, ventilation, or air conditioning systems, or other building system regulated by the construction codes; or
  - (D) equivalent experience acceptable to the Department;
- (2) Successful completion of an FLS director training course accredited by the Department pursuant to R113-04 and R113-05;
- (3) Receipt of a passing grade on each of the Department's written examinations for an FLS director certificate of fitness, which tests the applicant's knowledge of matters having a bearing on the duties of an FLS director. The Department will issue a certificate of completion to each applicant who meets the requirements set forth in R113-01(c)(1) and (c)(2) and receives a passing grade on the written examinations. Such certificate of completion shall be included in the practical (on-site) examination application;
- (4) Receipt of a passing grade on the practical (on-site) examination administered by the Department, which tests the applicant's knowledge of the characteristics and occupancy of each work location in which the applicant is to serve as FLS director (as set forth in R113-02(e)), including knowledge of the following information:
  - (A) FLS plan provisions and Building Information Card;
  - (B) Certificate of occupancy provisions;
  - (C) Height, area, construction and occupancy classification;
  - (D) Number, type and location of exits;
  - (E) Number, type and location of areas of refuge, if any;
  - (F) Number, type and location of elevators and escalators;

- (G) Interior fire alarms and other *fire alarm systems* or communication systems;
  - (H) *Standpipe system* components and operation;
  - (I) *Sprinkler system* components and operation, including fire pumps;
  - (J) *Fire extinguishing system* components and operation;
  - (K) Number of persons normally employed in building;
  - (L) Number of persons normally visiting the building;
  - (M) Plan for *drills* (fire and non-fire emergencies);
  - (N) Table of organization for drills and for *FLS* staff;
  - (O) Operation of building service equipment, including electrical, lighting, heating, ventilating, air-conditioning and firefighting equipment, and trash compactors;
  - (P) Operation of elevators, including firefighter emergency service and other elevator service modes;
  - (Q) Alterations and repair operations and the protective and preventive measures necessary to safeguard such operations, with particular attention to *hot work* operations and the storage, *handling* and use of *flammable liquids, combustible liquids* and *flammable gases*;
  - (R) Other occupancies in the building and the proper protection and maintenance thereof including but not limited to day care facilities and places of assembly, and
  - (S) Procedures for assisting persons with special needs.
- (5) Physical ability to perform the duties of the position; and
- (6) At the time of renewal of an *FLS* director *certificate of fitness*, receipt of a passing grade on a practical (on-site) examination administered by the *Department*, when required by R113-02(e)(3).
- (d) Application Procedures. Applicants must complete each of the following steps in order to be eligible for an *FLS* director *certificate of fitness*:

- (1) Secure the experience necessary to satisfy the minimum qualifications for the certificate;
  - (2) Attend and successfully complete an *FLS* director training course accredited by the *Department* pursuant to R113-04 and R113-05;
  - (3) Within nine (9) months of successfully completing the *FLS* director training course, apply for and receive a passing grade on the fire safety component of the *FLS* director written examination administered by the *Department*. An applicant need not be currently employed as an *FLS* director to take the written examination;
  - (4) Within nine (9) months of receiving a passing grade on the fire safety component of the *FLS* director written examination, apply for and receive a passing grade on the non-fire emergency component of the *Department's* written examination. An applicant need not be currently employed as an *FLS* director to take the examination. Upon receiving a passing grade on the non-fire emergency component of the *FLS* director written examination, the *Department* will issue a certificate of completion; and
  - (5) Within one (1) year of obtaining a certificate of completion, apply for and receive a passing grade on the *Department's* practical (on-site) examination at the work locations in which the applicant is to serve as an *FLS* director. An applicant who has received a certificate of completion may perform the duties of a *FLS* director on an interim basis (as set forth in R113-02(f)(6)), pending administration of the practical (on-site) examination.
- (e) Registration of Work Locations. The *FLS* director *certificate of fitness* must be registered for each work location at which the holder of such certificate will be performing the duties of a *FLS* director. A *FLS* director *certificate of fitness* authorizes the holder of such certificate to perform such duties only at those work locations registered with the *Department* and at no other work location. Registration of multiple work locations shall not be construed to authorize performance of the duties of a *FLS* director at more than one (1) work location at the same time.
- (1) Limitation on work locations. An *FLS* director *certificate of fitness* may be registered by the *Department* for one (1) or two (2) work locations. Special approval is required to register for more than two (2) work locations, and shall only be granted upon a determination that the holder is capable of demonstrating and maintaining proficiency at each work location. Approval to register for more than one (1) work location shall be subject to administration of practical (on-site) examinations at each work location, as set forth in R113-02(e)(3), and such other terms and conditions as the *Department* may require to assure that proficiency is maintained. In determining the holder's ability to maintain proficiency at multiple work locations, considerations may include:

- (A) the number of hours to be regularly worked at each location; and
  - (B) similarities in building configuration and building systems at the work locations (such as may be the case with an office building complex or hotel chain).
- (2) Submission. To register a work location, an *FLS* director *certificate of fitness* applicant or holder shall submit a letter from each employer for whom he or she will be performing the duties of an *FLS* director. Such letter shall be on business letterhead, and signed by an appropriate principal or officer of the employer, and provide such information and documentation as may be required by the *Department*.
- (3) Practical (on-site) examinations. The *Department* will administer, at the time of application, a separate practical (on-site) examination for a second work location that an *FLS* director *certificate of fitness* applicant or holder seeks to register, and each additional work location for which special approval is required from the *Department* in accordance with R113-02(e)(1). The *Department* may require the holder to submit to an additional practical (on-site) examination at time of renewal of the certificate, or such other time as the *Department* may specify, upon a determination that such examination is necessary to demonstrate the holder's continuing qualifications and fitness to serve as an *FLS* director in more than one work location. The *Department* may give priority to first-time applicants in the scheduling of practical (on-site) examinations.
- (4) Change in Work Location. A change in work location must be immediately reported to the Licensing Unit of the *Bureau of Fire Prevention*, and application made for a practical (on-site) examination at the new work location prior to commencing work at such location.
- (5) Certificate not in use. The *certificate of fitness* of an *FLS* director who has no work location registered with the *Department* shall be deemed "Not In Use" (inactive) and is not valid to perform the duties of an *FLS* director. An *FLS* director *certificate of fitness* that is in "Not In Use" status may be renewed only once.
- (f) Transition to *FLS* Director from Fire Safety Director and Fire Safety/EAP Director
  - (1) Transition timeframe. Effective March 1, 2020, an *FLS* director *certificate of fitness* or, as set forth in R113-02(f)(6), a certificate of completion allowing the applicant to perform the duties of an *FLS* director on an interim basis, will be required in all occupancies currently required to be staffed by a fire safety/EAP director or fire safety director. Fire safety/EAP director *certificates of fitness* and fire safety director *certificates of fitness* will not satisfy the Fire Code requirement for an *FLS* director and will not be renewed upon expiration.

- (2) Application for FLS director certification. All persons holding a fire safety director or fire safety/EAP director *certificate of fitness* must apply to the *Department* for an *FLS director certificate of fitness* no later than December 1, 2018, or the expiration of their *certificate of fitness*, whichever is sooner. An *FLS director certificate of fitness* will be issued to each such person who possesses and demonstrates to the satisfaction of the *Department* the qualifications set forth in R113-02(f)(3) or (4), as applicable. A person who, without good cause, fails to timely fulfill the requirements for the *FLS director certificate of fitness* may be required to submit an original *application* for such *certificate of fitness*.
- (3) Transition requirements for fire safety/EAP directors. Not later than September 4, 2017, or the expiration of the *certificate of fitness*, whichever is sooner, all persons holding a fire safety/EAP director *certificate of fitness* must attend and successfully complete a training course accredited by the *Department* pursuant to R113-04 and R113-06 that addresses active shooter and medical emergencies.
- (4) Transition requirements for fire safety directors. All persons holding a fire safety director *certificate of fitness* but not an EAP director *certificate of fitness* shall undertake and successfully complete the following requirements.
- (A) Not later than September 4, 2017, or the expiration of their *certificate of fitness*, whichever is sooner, attend and successfully complete a training course accredited by the *Department* pursuant to R113-04 and R113-06 that addresses active shooter and medical emergencies, which may be a training course in non-fire emergencies accredited pursuant to R113-04 and R113-05 that includes training in active shooter and medical emergencies;
- (B) Not later than September 3, 2018, or the expiration of their *certificate of fitness*, whichever is sooner, attend and successfully complete a training course accredited by the *Department* pursuant to R113-04 and R113-05 that addresses non-fire emergencies generally (commonly referred to as Emergency Action Plan training);
- (C) Not later than December 1, 2018, or the expiration of their *certificate of fitness*, whichever is sooner, apply to the *Department* for an *FLS director certificate of fitness*;
- (D) Not later than March 1, 2019, receive a passing grade on the non-fire emergency component of the *Department's* written examination. (Employment or the promise of employment as an *FLS* director in a particular building is not required to take such examination.) Upon receiving a passing grade on the non-fire emergency component of the written examination, the *Department* will issue a certificate of completion. An applicant who has received a certificate of completion may serve as an

FLS director on an interim basis, as set forth in R113-02(f)(6), pending administration of the practical (on-site) examination; and

(E) Not later than one year from obtaining a certificate of completion, apply for and receive a passing grade on the Department's practical (on-site) examination at the work location in which the applicant is to serve as an FLS director.

(5) Transition requirements for certificates not in use. Any person holding a fire safety director or fire safety/EAP director certificate of fitness that is in "not in use" status must timely complete the transition requirements applicable to the FLS director certificate of fitness, as set forth in R113-02(f)(3) or (4), as applicable, or its "not in use" status will lapse on December 1, 2018, or the expiration of their certificate of fitness, whichever is sooner.

(6) Interim FLS Directors. When an applicant for an FLS director certificate of fitness is to be employed in a work location that has not yet obtained Department acceptance of its comprehensive fire safety/EAP plan, such applicant may, upon receiving a certificate of completion, perform the duties of an FLS director on an interim basis pending administration of the practical (on-site) examination for a period not to exceed one (1) year from the date of issuance of the certificate of completion or for such other period of time as the Department may grant in its discretion. The presence on the premises of a person holding such a certificate of completion satisfies the requirement for an FLS director during such interim period, as set forth in R113-02(d)(5) and (f)(4). "Perform the duties of an FLS director on an interim basis" means that such person is authorized to implement the provisions of FC Chapter 4 and R404-01 with respect to fire emergencies and to take such actions in response to non-fire emergencies as the owner may authorize, based on the non-fire emergency plan or procedures currently in place.

§7. Subdivisions a and b of section 113-04 of Title 3 of the Rules of the City of New York are amended to read as follows:

#### **§ 113-04 Accreditation of Training Courses**

(a) Scope

(1) This section sets forth general procedures, standards and requirements for the accreditation of training courses by the Department.

(2) Training courses for the [fire safety] *FLS* director certificate of fitness shall [additionally] also comply with the provisions of R113-05.

(3) Training courses for [the fire safety/EAP director certificate of fitness shall additionally] active shooter and medical emergency preparedness shall also comply with the provisions of R113-06.

- (4) Training courses for the refrigerating system operating engineer *certificate of qualification* shall [additionally] also comply with the provisions of R113-07.
- (5) Training courses for the construction site fire safety manager *certificate of fitness* shall also comply with the provisions of R113-10.
- (6) Training courses for building operation, maintenance and recordkeeping shall also comply with the provisions of R113-12.

(b) General Provisions

- (1) Prohibited claims and representations. It shall be unlawful for any educator, educational institution or program or other person or entity to offer a course purporting to train or otherwise qualify an individual for [a *certificate*] the *certificates of fitness* formerly issued by the *Department* for fire safety director or fire safety/EAP director [or], a *certificate of fitness* for *FLS* director, a *certificate of qualification* to direct, control or supervise the operation of a *refrigerating system* or related technology, or a *certificate of fitness* for construction site fire safety manager, or to offer another training course requiring *Department* accreditation pursuant to this section, or to make a similar claim, or purport to be approved by the *Department*, or otherwise make reference to the *Department* in connection with such certificates, prior to receiving *Department* accreditation of such course.
- (2) Term of accreditation. Original and renewal accreditations will be issued for a term of one (1) year, unless a shorter term is specified by the *Department*.

§7. Sections 113-05 and 113-06 of Title 3 of the Rules of the City of New York are amended to read as follows:

**§ 113-05 Fire and Life Safety Director Training Courses**

- (a) Scope. This section sets forth the minimum hours of classroom instruction and topics required for *Department* accreditation of training courses for *certificate of fitness* for [fire safety] *FLS* director.
- (b) General Provisions
  - (1) General accreditation requirements. [Fire safety] *FLS* director training courses shall comply with the general training school accreditation procedures, standards and requirements set forth in R113-04.
  - (2) Instructor qualifications. Instruction in *FLS* director training courses shall be conducted by persons with law enforcement, fire prevention/suppression,

engineering, environmental safety, fire safety director, meteorological, technological experience or expertise, prior experience in fire safety and non-fire emergency (EAP) training, or other appropriate experience or expertise that qualifies them to teach the respective instructional topics of the training course.

(c) Course Structure, Required Hours and Topics of Instruction. FLS director training courses shall be organized and conducted to address general topics and fire safety, followed by non-fire emergencies. FLS director training courses shall provide not less than 31 hours of training, as follows: four (4) hours in general topics, 16 hours in fire safety, and 11 hours in non-fire emergencies (Emergency Action Plan training).

(1) [Training courses shall, at a minimum, provide not less than 20 hours of instructional training, of which not less than two (2) hours shall consist of practical skills exercise/hands-on demonstrations.

(2) Training courses shall provide instruction in the following topics:] General topics. FLS director training courses shall provide instruction in the following general topics:

(A) [Fire safety] FLS director qualifications

(1) Qualifications for *certificate of fitness*

(2) *Department application forms*

(3) *Certificate of fitness* written and practical (on-site) examinations

(B) Building construction and systems

(1) Alarm systems

(2) *Sprinkler systems*

(3) *Standpipe systems*

(4) Smoke detectors

(5) Portable fire extinguishers

(6) Types of alarm systems: office building, hotel/motel, high-rise building, interior fire alarm

(7) [Fire command station] Fire command center

(8) Elevators, including the different modes of elevator operation

- (9) Signs
- (10) Stair pressurization
- (11) Smoke shaft
- (12) Compartmentation
- (13) Construction
- (14) HVAC systems
- (15) Smoke control and purge systems
- (16) History of fatal fires in high-rise [building and hotel fires] office and residential buildings, nursing homes, night clubs and other places of assembly, and other occupancies

[(C) Fire safety]

- (2) Fire safety training. FLS director training courses shall, at a minimum, provide not less than 16 hours of instructional training in fire safety, of which not less than two (2) hours shall consist of practical skills exercise/hands-on demonstrations. FLS director training courses shall provide instruction in the following fire safety topics:

- (A) FLS director duties and responsibilities in fire emergencies

- (1) [Fire safety director/deputy fire safety director] Role of FLS director and deputy FLS director
- (2) [*Fire safety and evacuation plan*] FLS plan format
- (3) *Fire drills* and evacuation
- (4) Training of fire brigade
- (5) Human behavior and personal safety of building occupants
- (6) Communication with *Department* at fire incidents
- (7) Inspection and prevention of fires

- [(D)] (B) Legal requirements

- (1) Local Law Nos. 5 of 1973, 16 of 1984, 41 of 1978, 58 of 1987 and 26 of 2004 [and their impact on the operation of refrigerating systems] and the 2008 and 2014 Fire Codes, including any amendments thereto
- (2) *Owner's* legal responsibilities
- (3) Americans with Disabilities Act of 1990, including any amendments thereto

[(E)] (C) Firematics

- (1) Chemistry of fire
- (2) Properties of fire
- (3) Behavior of fire
- (4) Flame-resistant chemicals and treatments
- (5) Ignition sources
- (6) Heat transfer

[(F)] (D) Practical skills exercise/hands-on demonstration

- (1) Elevator recall
- (2) [Group B *office building fire alarm systems*] *Fire alarm systems in office buildings, hotels, places of assembly and other occupancies, and the features of such systems and capabilities, including [fire command stations] *fire command centers*, announcements, and warden phones*

[(G)] (E) Building operation, maintenance and recordkeeping. Building Code, Fire Code and *rule* requirements for building operation, maintenance and recordkeeping, as set forth in R113-12(c)(2).

[(d)] Course Administration and Completion

- (1) The ratio of students to instructors in practical skills exercise, including practical skills exercise/hands-on demonstrations, shall not exceed 25-to-1.
- (2) Students must attend all training classes to be eligible to take the training course's final examination.

- (3) Students shall be allowed two (2) opportunities to pass the final examination. Students who fail the final examination on the second attempt shall be required to reattend the course in its entirety.

### § 113-06 Fire Safety/Emergency Action Plan Director Training Courses

- (a) Scope. This section sets forth the minimum hours of classroom instruction and topics required for *Department* accreditation of training course for *certificate of fitness* for fire safety/EAP director.
- (b) General Provisions
  - (1) General accreditation requirements. Fire safety/EAP director training courses shall comply with the general training school accreditation procedures, standards and requirements set forth in R113-04.
  - (2) Instructor qualifications. Instruction in fire safety/EAP training courses shall be conducted by persons with law enforcement, fire prevention/suppression, engineering, environmental safety, fire safety director, meteorological, technological or other appropriate experience or expertise that qualifies them to teach the respective instructional topics of the training course.
- (c) Required Hours and Topics of Instruction. Training]
  - (3) Non-fire emergency (Emergency Action Plan) training. FLS director training courses shall, at a minimum, provide not less than [seven (7)] eleven (11) hours of instructional training, of which not less than [six (6)] nine (9) hours shall consist of Category 1 topics and not less than [one (1) hour] two (2) hours shall consist of Category 2 topics.
    - [(1)] (A) Category 1 shall include the following instructional topics, and such other topics as the *Department* may from time to time designate by written notice to accredited training course providers:
      - [(A)] (1) Local Law No. 26 of 2004, [R404-02.] Fire Code Chapter 4 and any amendments or other rules promulgated pursuant thereto;
      - [(B)] (2) Shelter in place, in-building relocation, partial building evacuation and full building evacuation concepts;
      - [(C)] (3) Building communications and announcements;
      - [(D)] (4) Building ventilation options;
      - [(E)] (5) Use of elevators;

- [(F)] (6) Human services, including building occupants with special needs and related mobility and communications issues;
- [(G)] (7) Weapons of mass destruction, including dirty bombs and other radiological weapons;
- (8) Active shooter and medical emergencies, as set forth in R113-06;
- [(H)] (9) *Hazardous material* incidents involving biological agents, including contamination issues;
- [(I)] (10) *Hazardous material* incidents involving chemical agents;
- [(J)] (11) Bombs, bomb threats and suspicious packages;
- [(K)] (12) Weather-related emergencies;
- [(L)] (13) Failure of building utilities, mechanical systems and/or telecommunications systems; and
- [(M)] (14) Training methodology, including application protocols and post drill critiques.

[(2)] (B) Category 2 shall include the following instructional topics, and such other topics as the *Department* may from time to time designate by written notice to accredited training course providers:

- [(A)] (1) Civil disturbances and blackouts;
- [(B)] (2) Familiarization with incident command structure and emergency response operations;
- [(C)] (3) Situational awareness in the context of non-fire emergencies;
- [(D)] (4) Applicable lessons from major incidents including the World Trade Center; and
- [(E)] (5) Practical (on-site) test information as provided by the *Department*.

(d) Course Administration and Completion

- (1) The ratio of students to instructors in the fire safety practical skills exercise, including practical skills exercise/hands-on demonstrations, shall not exceed 25-to-1.
  - (2) Students must attend all training classes to be eligible to take the [training course's] final examination.
- [2)] (3) Students shall be allowed two (2) opportunities to pass the final examination. Students who fail the final examination on the second attempt [shall be required to reattend] must re-take the course in its entirety.

### **§ 113-06 Active Shooter and Medical Emergency Preparedness Training Courses**

- (a) Scope. This section sets forth the minimum hours of classroom instruction and topics required for *Department* accreditation of training courses for active shooter and medical emergency preparedness.
- (b) General Provisions
  - (1) General accreditation requirements. Active shooter preparedness training courses shall comply with the general training school accreditation procedures, standards and requirements set forth in R113-04.
  - (2) Instructor qualifications. Active shooter preparedness training courses shall be conducted by persons with police, fire, other governmental law enforcement, military, prior experience in fire safety and non-fire emergency (EAP) training, or other appropriate experience or expertise and fire prevention knowledge, that qualifies them to teach the respective instructional topics of the training course.
- (c) Required Hours and Topics of Instruction
  - (1) Training courses shall, at a minimum, provide not less than four (4) hours of live instruction.
  - (2) Training courses shall include instruction in the following active shooter topics:
    - (A) Introduction to active shooter emergencies (including the definition, profile and typical characteristics);
    - (B) Recommended response of building occupants to an active shooter emergency (Avoid, Barricade, Confront);
    - (C) Recommended response of emergency preparedness and building staff to an active shooter emergency (including 911 notification, building occupant notification, use of elevators, use of fire alarm system);

- (D) Notification of New York City 911 System and information to be reported;
  - (E) Response of building occupants and emergency preparedness/building staff to law enforcement emergency responders;
  - (F) Training of building occupants;
  - (G) Emergency preparedness planning for an active shooter situation;
  - (H) Scenarios of active shooter situations and case studies; and
  - (I) Certificate of fitness testing information provided by the Department.
- (3) Training courses shall include instruction in the following medical emergency topics:
- (A) Training of building occupants to notify FLS director or other designated FLS staff of medical emergencies on the premises that have been reported to New York City 911 System;
  - (B) Confirmation that the medical emergency has been reported to the New York City 911 System and additional information to be reported to 911, including the address of the appropriate building entrance or other location at which emergency responders will be met by FLS director or other designated FLS staff;
  - (C) Designation of FLS staff to meet emergency responders, when necessary;
  - (D) Designation of FLS staff to respond to patient location to investigate and report to FLS director;
  - (E) FLS staff notification of CPR-trained volunteers on the premises and request to render assistance (when appropriate);
  - (F) If patient is not on street level, recall of elevator prior to arrival of emergency responders and hold for emergency responder use; and
  - (G) Location of defibrillators or other medical equipment for medical emergencies.
- (d) Course Administration and Completion
- (1) The final examination required for successful completion of the training course shall not be included toward the minimum number of classroom hours required by this section.

(2) Students must attend all training classes to be eligible to take the final examination.

(3) Students shall be allowed two (2) opportunities to pass the final examination. Students who fail the final examination on the second attempt must re-take the course in its entirety.

§8. Subdivisions (c) and (d) of section 4601-01 of Title 3 of the Rules of the City of New York are amended to read as follows:

(c) Certificate Fees (FC A01). FCA01.1 is amended to read as follows:

**3. Certificate of fitness**

|  |                      |
|--|----------------------|
| Original application (including written examination) (for 3 years) <u>(except fire and life safety director)</u>                   | \$ 25.00             |
| <u>Fire and life safety director</u>   |                      |
| <u>Original application (including one written examination) (for 3 years)</u>  | \$ 25.00             |
| <u>Each additional written examination</u>   | \$ 25.00             |
| Practical (on-site) examination for fire <u>and</u> life safety director<br><u>(fire safety and non-fire emergency components)</u> | [\$445.00] \$ 750.00 |
| <u>Practical (on-site) examination (fire safety component only)</u>  | \$ 445.00            |
| Practical (on-site) examination [for fire safety/EAP director]<br><u>(non-fire emergency component only)</u>                       | \$ 305.00            |
| Renewal application (without examination)  | \$ 5.00              |

\* \* \*

(d) Training School Accreditation Fees (FC A02). [Reserved] FCA02.1 is amended to read as follows:

\* \* \*

|  |            |
|--|------------|
| <u>6. Active shooter and medical emergency preparedness training schools</u> |            |
| <u>Original application</u>  | \$2,940.00 |
| <u>Renewal application</u>   | \$420.00   |

fire and life safety director (113-02>113-06/4601-01) (10/26/16)