

11. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:

B. Discussion and possible action on proposed amendments, new sections, and repeals as follows:

- 1. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 403, Criminal Convictions and Eligibility for Certification.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 10/27/2016

Agenda Item #: 11B - #1
Agenda Title: Rule language for early reviews of eligibility
Action to be taken: Discussion with possible action for publication

Origin of Item: Staff

1. INTRODUCTION/PURPOSE

The rule language revision better defines the procedure for submittal of early reviews by an individual. The new language clarifies the responsibilities of both the individual submitting the review request, and of the agency.

2. DESCRIPTION/ JUSTIFICATION

The revision is per recommendation by agency counsel

3. BUDGET IMPACT

No budget impact is anticipated

4. TIMELINE CONSIDERATIONS

For possible publication.

5. RECOMMENDATION

Recommend publication as submitted

6. REFERENCES

37 TAC, Chapter 403

Chapter 403

Criminal Convictions and Eligibility for Certification

§403.5 Access to Criminal History Record Information.

- (a) Criminal history record. The commission is entitled to obtain criminal history record information maintained by the Department of Public Safety, or another law enforcement agency to investigate the eligibility of a person applying to the commission for or holding a certificate.
- (b) Confidentiality of information. All information received under this section is confidential and may not be released to any person outside the agency except in the following instances:
- (1) a court order;
 - (2) with written consent of the person being investigated;
 - (3) in a criminal proceeding; or
 - (4) in a hearing conducted under the authority of the commission.
- (c) Early review. A fire department that employs a person regulated by the commission, a person seeking to apply for a beginning position with a regulated entity, a volunteer fire department, or an individual participating in the commission certification program may seek the early review under this chapter of the person's present fitness to be certified. Prior to completing the requirements for certification, the individual may request such a review in writing by **following the required procedure.** [~~submitting the required forms and fee(s).~~] A decision **by the commission** based on an early review does not bind the commission if there is a change in circumstances. **The following pertains to early reviews:**

- (1) The commission will complete its review and notify the requestor in writing concerning potential eligibility or ineligibility within 90 days following receipt of all required and necessary information for the review.**
- (2) A notification by the commission regarding the results of an early review is not a guarantee of certification, admission to any training program, or employment with a local government.**
- (3) A fee assessed by the commission for conducting an early review will be in an amount sufficient to cover the cost to conduct the review process, as provided in §437.19 of this title (relating to Early Review Fees).**
- (4) An early review request will be considered incomplete until the requestor submits all required and necessary information. Early review requests that remain incomplete for 90 days following receipt of the initial request will expire. If the request expires and an early review is still desired, a new request and fee must be submitted.**