



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

June 27, 2024

Mark Lampton, Esq.
Attorney, Mississippi Fire Personnel Minimum Standards and Certification Board
Post Office Box 79
Jackson, Mississippi 39205

Re: Fire Fighter Certification Time Requirement

Dear Mr. Lampton:

The Office of the Attorney General has received your request for an official opinion.

Questions Presented

1. Does the termination of a fire fighter from employment and subsequent rehire of the fire fighter restart the time limitation for the fire fighter employee to become certified by the Mississippi Fire Personnel Minimum Standards and Certification Board (“FPMSCB”)?
2. Does the amount of time between termination of the fire fighter employee and his or her rehire into the same fire department make a difference in determining whether the certification timeline starts over?
3. Does it make a difference if the fire fighter is terminated from one fire department and then hired into a position at a different fire department?
4. Does Mississippi Code Annotated Section 45-11-203(1), by specifically barring employment without certification beyond a “cumulative time exceeding two thousand eight hundred compensated hours,” prohibit the uncertified employee to whom this timeline applies from ever being rehired into the position of fire fighter within the State of Mississippi?

Brief Response

1. Since January 1, 1991, unless an extension has been granted, a person working as a full-time fire fighter can only be employed for a period exceeding one year or a *cumulative* period of employment exceeding two thousand eight hundred (2,800) compensated hours if the individual has been certified as having completed the mandatory training. Miss. Code

Ann. § 45-11-203(1) (emphasis added). Therefore, being terminated and re-hired does not restart the time limitation for certification.

2. No. See our response to question 1.
3. No. See our response to question 1.
4. Unless an extension has been granted by the FPMSCB, a fire fighter who has been “employed as a full-time fire fighter by any local government fire fighting unit for a period exceeding one (1) year, [or] for a cumulative time exceeding two thousand eight hundred (2,800) compensated hours” may not be rehired or employed “unless that person is certified as completing the mandatory training requirements in subsection (2).” Miss. Code Ann. § 45-11-203(1).

Applicable Law and Discussion

The Mississippi Fire Personnel Minimum Standards and Certification Board has the statutory responsibility to “[e]stablish minimum educational and training standards for fire personnel” and to certify persons as being qualified to be fire personnel. Miss. Code Ann. § 45-11-253(a)-(b). Section 45-11-203 establishes uniform minimum training standards for fire fighters:

(1) After January 1, 1991, no person shall be employed as a full-time fire fighter by any local government fire fighting unit for a period exceeding one (1) year, nor for a cumulative time exceeding two thousand eight hundred (2,800) compensated hours, unless that person is certified as completing the mandatory training requirements in subsection (2). Any state agency or political subdivision that employs a person as a fire fighter who does not meet the requirements of subsection (2) of this section is prohibited from paying the salary of such person, and any person violating this subsection shall be personally liable for making such payment. The Mississippi Fire Personnel Minimum Standards and Certification Board may grant an extension to individuals employed within the guidelines as established by the board not to exceed an additional year. Fire fighters serving as full-time employees prior to January 1, 1991, in a local fire fighting unit shall not be required to meet the minimum requirements in subsection (2).

(2) The uniform training standards for all paid fire fighters shall consist of satisfactory completion of a training program administered by the State Fire Academy or local governments that have the proper facilities and have been certified by the Mississippi Fire Personnel Minimum Standards and Certification Board which shall utilize National Fire Protection Association fire service professional qualification standards.

(emphasis added).

You first ask if a break in employment because of termination and the subsequent rehiring restarts the time limitation period for certification. The statute states that unless an extension is granted,

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an individual may only work full-time without certification for a period not exceeding a year or two thousand eight hundred cumulative compensated hours. Miss. Code Ann. § 45-11-203(1). Cumulative is defined as “[i]ncluding all the amounts previously added.” *Cumulative*, BLACK’S LAW DICTIONARY (11th ed. 2019). The statute specifically states the two thousand eight hundred compensated hours are cumulative, so the sum total of all the compensated hours worked by the fire fighter shall be used to determine whether the fire fighter requires certification to be employed as a full-time fire fighter in Mississippi. There is no “restart” of the timeline if the individual is terminated and rehired, regardless of the department(s) doing the terminating and rehiring.

Accordingly, if the total number of compensated hours worked by a full-time fire fighter exceeds two thousand eight hundred, and no extension has been granted, then the fire fighter must be certified in accordance with subsection (2) of Section 45-11-203 in order to continue employment as a full-time fire fighter in Mississippi. It follows that if a fire fighter has not been granted an extension, has exceeded two thousand eight hundred compensated hours, and has not received his or her certification, the fire fighter may not be employed as a full-time fire fighter in Mississippi.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Abigail C. Overby

Abigail C. Overby
Special Assistant Attorney General

OFFICIAL OPINION