

Selection Criteria
for the
New York State
Fallen Firefighters
Memorial

Table of Contents

Introduction	3
Selection Committee	3
Definitions	4
Nomination for Inclusion	4
Documentation	4
Exclusion from Consideration	5
Review and Consideration	5
Approval for Inclusion	6
Appeal Process	6
Exceptions and Clarifications	7
Non-Reciprocal	7
Attachment 1	8

SELECTION CRITERIA FOR THE NEW YORK STATE FALLEN FIREFIGHTERS MEMORIAL

Introduction

The creation of a permanent, official New York State Memorial to honor the memory and heroism of NYS firefighters who died in the line of duty became a reality on October 5, 1999. The Memorial stands as an enduring tribute to the fire service of New York State to whom we all owe immeasurable thanks and prayers. It will forever remain a symbol of the gratitude of New York's citizens - a tribute to valor and courage that exemplifies the finest of New York's bravest.

The inclusion of names to the Memorial must be seriously considered and held to a specific standard. The criteria for inclusion is three-fold. First, the potential Nominee must be a firefighter, as defined herein. Second, the potential Nominee must have been engaged in a line-of-duty activity at the time of death or suffer an illness, as specified herein. Third, the potential Nominee's death must have been a direct and proximate result of the line-of-duty injury.

In order to ensure long-term continuity and consistency in the selection of those firefighters to be honored, the following procedures, definitions, and requirements shall apply to each potential Nominee.

Selection Committee

The New York State Fallen Firefighters Memorial Selection Committee shall be comprised of 11 members. The membership breakdown is as follows:

- The Deputy State Fire Administrator or the State Fire Administrator's designee from the Office of Fire Prevention and Control, who shall serve as Chair;
- 2 representatives from the New York State Professional Firefighters Association;
- 1 Representative from the New York City Uniformed Firefighters Association;
- 1 Representative from the New York City Uniformed Fire Officers Association;
- 1 Representative from the Albany FD;
- 1 Representative from the Firemen's Association of the State of New York;
- 1 Representative from New York State Association of Fire Chiefs;
- 1 Representative from New York State Association of Fire Districts;
- 1 Representative from New York State County Fire Coordinators Association;
- and
- 1 Representative designated by the State Fire Administrator.

Each Organization with authorized representation shall submit a letter to the Deputy State Administrator by January 15, of each year, designating its voting representative for that year and up to two alternates that are authorized to attend meetings and vote on behalf of the Organization in the absence of the designated representative.

The Selection Committee shall meet at least annually, and other times as necessary, to carry out their responsibility of determining which names will be placed on the Memorial

Wall.

Definitions

For the purposes of the selection criteria, the terms listed herein, shall have the following meanings:

1. "Firefighter" means a person who is involved in the prevention and suppression of fire and/or explosions; or the enforcement of federal, state, county or municipal laws/codes concerning fire prevention, suppression or arson; and who is employed by, or is a member of, a volunteer, municipal, county, state or federal department that is duly authorized and empowered to engage in fire suppression and prevention activities.
2. "Line of Duty" means any action which is required, authorized or recognized in law, rule, regulation, condition of employment, or by virtue of association in a duty to act and is directly related to the protection of life and or property. This term shall include responding to, operating at, or returning from an emergency incident and participation in authorized fire prevention or fire investigation activities directly related to an emergency incident. Line of duty activity does not include participation in any administrative social or civic activities, such as training, meetings, social events, fundraising or parades.
3. "Died in the line-of-duty" means death occurs as a direct or proximate result of a personal injury sustained while engaged in a "line-of-duty" activity, or which arose out of and as a result of such person's performance of a "line-of-duty" activity. This term shall also include a death related to an illness (non-trauma) attributable to a specific "line of duty" activity directly related to an emergency incident (not cumulative exposures over time), with the onset of such illness occurring within twenty-four hours, or shortly thereafter, of the incident.

Nomination for Inclusion

Nominations for inclusion on the New York State Fallen Firefighters Memorial must be in writing and satisfy the guidelines in the documentation section. Nominations will be accepted from the potential Nominee's fire department, surviving family member(s) or other representative.

Documentation

Prior to being considered for inclusion on the New York State Fallen Firefighters Memorial, the following written documentation must be filed with the New York State Fallen Firefighters Memorial Selection Committee.

Fallen Firefighter Information

1. Fallen firefighter's name
2. Status (career, volunteer, paid on call, etc.)

3. Age
4. Date of incident
5. Date of death and, if known, date of funeral
6. Description of incident/cause of death. Provide known facts.
Do not speculate.

Department Information

1. Name of Chief, Manager, or Contact Person
2. Name of Department/Agency
3. Address of Department/Agency
4. Department Phone and Fax numbers
5. E-mail address (if available)

Surviving Family Member or Representative Information

1. Name
2. Relationship
3. Address
4. Phone number

The nomination shall be submitted with the submission form (Attachment 1) as the cover sheet.

In addition to the required information listed above, documentation may include but is not limited to death certificates, police reports, coroner or medical examiner reports, newspaper articles, sworn statements or affidavits submitted by persons having firsthand knowledge or pertinent facts and circumstances, historical records, or other supporting written documentation.

Exclusion from Consideration

Deaths excluded from consideration are those that do not meet the definitions of "Line of Duty" or "Died in the Line of Duty", as defined herein, or occurred while the individual was engaged in illegal activity. Deaths attributed to alcohol or controlled substance abuse, deaths caused by gross negligence or misconduct by the firefighter, and deaths caused by the deceased's intention to bring about his or her own death are also excluded.

Review and Consideration

The New York State Office of Fire Prevention and Control, with its main office at 99 Washington Avenue, Suite 500, Albany, N.Y. 12231, will collect and disseminate completed nominations and forward the information to the Selection Committee for review and consideration.

Nominations must be received by March 1st to ensure that such nomination(s) will be considered for the upcoming Memorial. Nominations received after March 1st, but before

the Selection Committee meeting on the decisions related to the submitted nominations, may be considered for inclusion for the current year's Memorial. Nominations received thereafter will be carried over to the following year. Year of death does not preclude eligibility.

The Selection Committee will review the pertinent facts and circumstances to determine if sufficient documentation exists to satisfy the criteria. All decisions of the Selection Committee shall be by majority vote. Every present member, or their present alternate, shall have one vote, with the exception of the Chair, who may only vote in the case of a tie.

Once the Selection Committee has made a final determination, written notification will be made, by registered or certified mail, to the Nominee's fire department and the contact surviving family member or representative, if one has been identified.

Approval for Inclusion

The Selection Committee will consider all recommendations for inclusions submitted through the New York State Office of Fire Prevention and Control. The Committee may, at its discretion, approve, deny, or remand the submission for additional documentation. The Selection Committee may request additional information/documentation. Such requests shall be in writing and sent by registered or certified mail. In order to be considered part of the review, additional information/documentation must be received by the Office of Fire Prevention and Control within 60 days of receipt of Memorial Selection Committee's request.

Appeal Process

The decision of the Selection Committee is appealable within 90 days of the date notification was received. An appeal may be made by the Nominee's fire department, surviving family member or other representative. The request for appeal shall be in writing and received by the Office of Fire Prevention and Control within 90 days of written notification of the Selection Committee's denial.

The appeal will be considered by the Appeals Committee, which is comprised of the State Fire Administrator, who shall serve as Chair, and one representative of the Firemen's Association of the State of New York and one representative of the New York State Professional Firefighters Association. The State Fire Administrator, the Firemen's Association of the State of New York and the New York State Professional Firefighters Association shall designate up to two alternates to consider appeals and vote in their absence. The State Fire Administrator's designee and the Organizational representatives shall not be the individuals serving on, as a member or an alternate, the Selection Committee.

The appeal needs to identify the basis and/or reasons that the Selection Committee's determination should be reconsidered. Any additional information that the fire department, surviving family member or representative put forth for consideration must

be included in the appeal request.

The Appeals Committee shall review all submitted documentation and consider the record of the Selection Committee's action on the nomination. The Appeals Committee may utilize the staff from the Office of Fire Prevention and Control to gather additional information. The Appeals Committee must base its decision on the selection criteria and render a ruling, by majority vote, within 90 days of receipt of the Appeal.

The ruling of the Appeals Committee shall be considered the final determination.

Exceptions and Clarifications

When the criteria is otherwise satisfied, the following issues shall be considered irrelevant to the selection process and shall not prevent the inclusion of that person.

1. The issue of full-time employment versus part-time employment shall not constitute a basis for denial of inclusion. The issue is whether the person was acting in an official capacity as a firefighter at the time of death or injury.
2. The issue of paid versus non-paid employment shall not constitute a basis for denial of inclusion. In this regard, volunteer firefighters are not compensated for their services, but nonetheless perform their duties in an official capacity.
3. The issue of "on-duty" versus "off-duty" shall not constitute a basis for denial of inclusion. Personnel in the fire service have a duty to act and are frequently called upon and expected to respond to emergencies and/or requests for assistance while they are technically "off-duty".
4. Firefighters on military leave activated into the National Guard or for military deployment to respond to a war, civil disorder, or natural or technological disasters and die as a result of these military activities are eligible for consideration.

Non-Reciprocal

The determination that a potential Nominee is entitled to indemnification, workers' compensation, disability, health, or any other privilege or benefit from such person's public or private employer or the State of New York does not entitle such person to inclusion on the New York State Fallen Firefighters Memorial. Conversely, the determination that a firefighter died in the line of duty, and the facts and circumstances associated with the incident satisfy the criteria for inclusion on the New York State Fallen Firefighters Memorial shall have no bearing and shall not be considered in the determination of such benefits and/or privileges.

Attachment 1

**Submission Procedures of a Firefighter Death
for Consideration of Inclusion on the**

**New York State Fallen Firefighters
Memorial**

Documentation Requirements

Prior to being considered for inclusion to the New York State Fallen Firefighters Memorial, the following Written documentation must be filed with the New York State Fallen Firefighters Memorial Selection Committee.

Required Fallen Firefighter Information

Fallen firefighter's name
Status (career, volunteer, paid on call, etc.)
Age
Date of incident
Date of death and, if known, date of funeral
Detailed official description of the incident, circumstances and occurrences that contributed to the death and cause of death. Provide known facts and do not speculate.
Department Information
Name of Chief/Manager
Name of Contact person
Name of Department/Agency
Address of Department/Agency
Department Phone and Fax numbers
E-mail address (if available)

Required Surviving Family Member or Representative Information

Name
Relationship
Address
Phone number

Additional Documentation may include but is not limited to:

Death certificates
Police reports
Coroner or medical examiner reports
Newspaper articles
Documents that evidence the payment of death benefits
Sworn statements or affidavits submitted by persons having firsthand knowledge or pertinent facts and circumstances
Historical records
Or, other supporting written documentation

Submit Documentation/Direct Questions to:

The New York State Fallen Firefighters Memorial
c/o NYS Office of Fire Prevention and Control
99 Washington Ave, Suite 500
Albany, NY 12231-0001
Phone: (518) 474-6746 • fax: (518) 474-3240 •
E-mail: wlamb@dos.state.ny.us • web: <http://www.dos.state.ny.us/fire/firewww.html>