§ 209-w. Permanent appointment of fire fighters; completion of training program. 1. Notwithstanding the provisions of any general, special, or local law or charter to the contrary, no person shall, after the effective date of regulations adopted by the state fire administrator pursuant to section one hundred fifty-eight of the executive law, receive an original appointment on a permanent basis as a fire fighter of any county, city, town, village, or fire district unless such person has previously been awarded a certificate by the state fire administrator attesting to his or her satisfactory completion of an approved fire basic training program; and every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a fire fighter of any county, city, town, village or fire district shall forfeit his or her position as such unless he or she previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the state fire administrator pursuant to section one hundred fifty-eight of the executive law, satisfactorily completes, a fire basic training program for temporary or probationary fire fighters and is awarded a certificate by the state fire administrator attesting thereto.

2. The term fire fighter, as used in this section, shall mean a member of a fire department whose duties include fire service as the phrase fire service is defined in paragraph d of subdivision eleven of section three hundred two of the retirement and social security law.

3. Nothing in this section shall be construed to exempt any fire fighter or other officer or employee from the provisions of the civil service law.

4. The provisions of this section shall not prevent the establishment of more restrictive local requirements for appointment of fire fighters.

5. Any person whose name was on an eligible list for appointment in the competitive class of the civil service as a fire fighter on the effective date of any rules and regulations promulgated by the state fire administrator pursuant to section one hundred fifty-eight of the executive law shall continue to remain eligible for permanent

appointment from such list during the life of such list without satisfying the requirements set forth in subdivision one of this section, provided he or she would otherwise have remained eligible for permanent appointment from such list if this section had not been enacted.

6. The provisions of this section shall not apply to appointments made by any county, city, town, village or fire district which employs five or fewer fire fighters.