

Fire Policy Committee Minutes

May 22, 2019

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on, May 22, 2019 at 9:00 a.m. in the Boardroom at the Oregon Public Safety Academy located at 4190 Aumsville Hwy SE, Salem, Oregon. The meeting was called to order at 9:01 a.m.

Committee Members:

James Oeder, Chair, Oregon Vol. Fire Fighters Association
Jim Walker, Vice Chair, Oregon State Fire Marshal
Darren Bucich, Oregon Fire Chiefs Association
Mark Kreutzer, Oregon Fire Dist. Directors Association
Paula Simone, Community College Fire Programs
Richard Cearns, Oregon Fire Instructors Association
Kevin Larson, Oregon State Fire Fighters Council (phone)
John Rinier, Oregon Fire Marshals Association
Patricia Connolly, Non-Management Fire Fighter (phone)

Absent Members:

Ron Graham, Forest Protection Agencies
Reverend Dr. Deborah Brown, Public Member

Guests:

Tom Williams, Portland Fire & Rescue

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Julie Olsen, Fire Program Manager
Jennifer Howald, Rules Coordinator
Kayla Ballrot, Fire Program Compliance Specialist
Brooke Bell-Uribe, Fire Program Certification Specialist



1. Introductions

Introductions of members and staff were presented.

2. *Minutes

Approve February 27, 2019 meeting minutes.

- *Paula Simone moved that the committee approve the minutes of the February 27, 2019 Fire Policy Committee (FPC) meeting. Richard Cearns seconded the motion. The motion passes with the majority in favor and two voting members abstaining.*

3. *Proposed Rule Changes for OAR 259-009-0120 – Clarifying Amendments to Definition of Discharge for Cause and Discretionary Misdemeanor Convictions.

Presented by Jennifer Howald

First, the clarification of categories under the current standard for Discharge for Cause applies to conduct that occurred while acting under the color of office and involves any of the following categories of behavior:

- Interference in a Fire Investigation;
- Theft or Fraud;
- Corruption;
- Neglect of Duty;
- Cheating;
- Mistreatment Due to Bias;
- Sexual Abuse; and
- Use of Illegal drugs

The category of sexual abuse does not include a definition of disqualifying behavior which is problematic in determining which behaviors are grounds for Discharge for Cause. To address this staff proposed rule language to replace sexual abuse with two separate categories for harassment and abuse. Both categories include behavior that is sexual in nature but is not limited to sexual harassment or sexual abuse.

Second, the use of Class A and Class B classification language in the process of Revocation and Denial of certification. The use of Class A and Class B language has been an issue when working with out of state jurisdictions that do not use these classifications for misdemeanor convictions. To address this issue staff proposed rule language to replace the classifications with terms of imprisonment identified in Oregon law for Class A/B misdemeanor convictions. This will allow staff to apply the standard to misdemeanor convictions regardless of the jurisdiction where the conviction occurred.

- *John Rinier recommended to the Board to approve the proposed rule changes to OAR 259-009-0120 with the Secretary of State as a permanent rule if no comments are received. Jim Walker seconded the motion. The motion passes unanimously.*
- *By consensus the FPC approved the fiscal impact statements prepared by staff.*

4. Review of Public Comment for Proposed Rule Changes for OAR 259-009-0062: – Fire Ground Leader Certification

Presented by Jennifer Howald

On September 24th, 2018, the FPC reviewed the Fire Ground Leader Task for recommendation to sunset the Oregon-specific Fire Ground Leader certifications. The Task force recommended DPSST stop issuing Fire Ground Leader Certifications on December 31st, 2019. Any currently active Fire Ground Leader certifications would then lapse on December 31st, 2020. The FPC voted unanimously

to approve the recommendations made by the Fire Ground Leader task force but due to the receipt of comments the rule was not forwarded to the Board for consideration.

After public comment was received the Fire Ground Leader Task Force reaffirmed with a 3-1 vote their original recommendation to sunset the Fire Ground Leader certification.

The main concerns expressed by FPC members were that this certification provides hands on training especially in more rural areas where the trainings are not as widely available. Director Gabliks and Program Manager Julie Olsen addressed these concerns by pointing out that the number of fire service professionals seeking Fire Ground Leader Certification has dwindled and that the certification is outdated and therefore does not align well with current NFPA standards. It was also noted that many of the courses required for Fire Ground Leader certification will still be available in order for valuable hands on experience to be obtained.

In the three public comments received the main concerns to sunsetting the Fire Ground Leader certification were focused on the importance that it holds in rural and volunteer fire departments throughout the state serving as necessary hands on experience, as well as an integral part of their officer path. These comments expressed a desire to have the certification updated rather than ended.

- *Jim Walker moved that the committee affirm the Fire Ground Leader Task Force recommendation to sunset the Fire Ground Leader Certification with the amendment that Fire Ground Leader Certification will end on December 31st, 2019 and then the Certification would lapse on December 31st, 2022 and recommends the Board files the rule with the Secretary of State as a permanent rule. Paula Simone seconded the motion. The motion passes unanimously.*

5. *Proposed Rule Changes for OAR 259-009-0005 and 2259-009-0062 – NFPA Fire Fighter
Presented by Kayla Ballrot

On March 19th, 2019 the NFPA Fire Fighter Task Force convened to review and discuss the NFPA 1001 Standard for Fire Fighter Professional Qualifications, 2019 Edition. Currently Oregon Administrative Rule (OAR) for fire related to Fire Fighter refer to the 2013 edition. After thoughtful discussion and review the Task Force made the recommendation to adopt the 2019 Edition of NFPA 1001 into OAR. To implement these changes there will be several semantical updates and small changes to include additional Emergency Medical Service Language, Personal Protective Equipment exposure standards, Incident Management Systems requirements and physical fitness requirements. Updates would also be reflected in the Application for Certification, Task Books, and the creation of a “Suggested Course Guide.”

- *Jim Walker recommended that the Board adopt the recommendations provided by the NFPA Fire Fighter Task Force. Mark Kreutzer seconded the motion. The motion passes unanimously.*

- *Jim Walker recommended that the Board approve filing the proposed rule changes to OAR 259-009-0005 and OAR 259-009-0062 with the Secretary of State as a permanent rule if no comments are received. Richard Cearns seconded the motion. The motion passes unanimously.*
- *By consensus the FPC approved the fiscal impact statements prepared by staff.*

6. *Proposed Rule Changes for OAR 259-009-0005, 259-009-0062, 259-009-0065 – NFPA Fire Fighter and Emergency Services Instructor

Presented by Kayla Ballrot

On March 19th, 2019 the NFPA Fire and Emergency Services Instructor Task Force convened to review and discuss the NFPA 1041 Standard for Fire and Emergency Services Instructor Professional Qualifications, 2019 Edition. Currently OAR for fire related to Fire Instructor refer to the 2012 edition. After thorough and thoughtful discussion the Task Force made the determination to recommend the addition of the 2019 Edition of NFPA 1041 into OAR. The task force acknowledged that while there were some updates and revisions to these levels, many of them were semantical, for example the name update from NFPA Fire Instructor I, II, and III to NFPA Fire and Emergency Services Instructor I, II, and III. The Task force also proposed to adopt into OAR two additional levels of certification in the 2019 Edition of NFPA 1041: Live Fire Instructor and Live Fire Instructor in Charge. These changes will also be implemented through the changes in the Applications for Certification, Task Books, and the creation of a “Suggested Course Guide.”

The FPC suggested the need for a Bachelor’s Degree in Education does not fully align with the requirements within NFPA Fire and Emergency Services Instructor III and therefore should not be added to the suggested course guide for NFPA Fire and Emergency Services Instructor III.

There was discussion as whether to include a Decontamination Sheet within the Live Fire Instructor and Live Fire Instructor In-Charge Task Books as guidance. It was decided that it would be included as a separate document so that there would be no need to distinguish between NFPA and Oregon rule within the task books.

- *Mark Kreutzer recommended that the Board adopt the recommendations provided by the NFPA Fire and Emergency Services Instructor Task Force. Jim Walker seconded the motion. The motion passes unanimously.*
- *Jim Walker recommended that the Board approve filing the proposed rule changes to OAR 259-009-0005, OAR 259-009-0062, and 259-009-0065 with the Secretary of State as a permanent rule if no comments are received. Richard Cearns seconded the motion. The motion passes unanimously.*
- *By consensus the FPC approved the fiscal impact statements prepared by staff.*

7. *Hyde, Christopher M. DPSST # F36178 – NFPA Fire Fighter I; Burns Fire Department

Presented by Kayla Ballrot

Issue: Whether Christopher Hyde’s conduct surrounding his arrest and convictions of two counts of Driving Under the Influence of Intoxicants, Oregon Revised Statutes (ORS) 813.010, should result in the denial of his NFPA Fire Fighter I application for Certification for failure to meet the minimum standards for a Fire Service Professional.

Vote/Consensus	Second	Vote	Outcome
<p>Jim Walker moved that the FPC adopt the staff report as the record (with the exception of reckless driving) upon which its recommendations are based.</p>	<p>Mark Kreutzer</p>	<p>9 ayes, 0 nays</p>	<p>Motion passes unanimously</p>
<p>Consensus reached that Hyde’s conduct violates the core value of Integrity based on his arrests and convictions from his acts of Driving Under the Influence of Intoxicants two times in less than a month. When arrested for the second incident of Driving Under the Influence of Intoxicants, he was already on supervised probation with a no intoxicants clause stemming from the previous incident. Additionally, based on his lying to the arresting officer and him shoving his ex-girlfriend during the incident.</p> <p>Jim Walker moved that this misconduct, when considered alone, does rise to the level to warrant the denial of Hyde’s application for certification.</p>	<p>Paula Simone</p>	<p>9 ayes, 0 nays</p>	<p>Motion passes unanimously</p>
<p>Consensus reached that Hyde’s conduct violates the core value of Professionalism because his behavior surrounding his arrests and convictions was unbecoming and did not exercise judgement or behavior expected of a fire service professional.</p> <p>Mark Kreutzer moved that this misconduct, when considered alone, does rise to the level to warrant the denial of Hyde’s application for certification.</p>	<p>Darren Bucich</p>	<p>9 ayes, 0 nays</p>	<p>Motion passes</p>

The FPC found as aggravating circumstances that this was his second DUII in less than a month, he violated his probation, he showed violent behavior towards his ex-girlfriend, he lied to the arresting officer, he behaved poorly when he was taken to jail during the first arrest, and he still owes money to the court.			
The FPC found no mitigating circumstances.			
After considering the totality of the case, Jim Walker moved to recommend to the Board that Hyde’s application be denied .	Kevin Larsen	9 ayes, 0 nays	Motion passes unanimously
Consensus reached by the FPC who determined the specific behavior precludes this fire service professional from being certified as a fire service professional in Oregon because he repeated the same offense twice, he violated his probation, and he showed unethical, and unprofessional behavior that violate the standards of Professionalism and Integrity. His behavior is indicative of a pattern of unethical, criminal behavior and the repeated exercise of poor judgement. His conduct impacts his ability to serve as a fire service professional because it demonstrates a lack of core values deemed integral to the fire service profession.			
Mark Kreutzer moved to recommend to the Board a minimum period of ineligibility to reapply for certifications of 7 years.	Paula Simone	7 ayes, 2 nays (Walker, Connolly)	Motion passes

8. *Turner, Jennifer DPSST #F36461 – Firefighter Type 2 (FFT2); Tualatin Valley Fire & Rescue
Presented by Kayla Ballrot

Issue: Whether Jennifer Turner’s conduct surrounding her arrests and Driving Under the Influence of Intoxicants, Oregon Revised Statutes (ORS) 813.010, and Reckless Driving, ORS 811.140 should result in the revocation of her Firefighter Type 2 (FFT2) certification for failure to meet the minimum standards for a Fire Service Professional.

Vote/Consensus	Second	Vote	Outcome
Jim Walker moved that the FPC adopts the staff report as the record upon which its recommendations are based.	Mark Kreutzer	9 ayes, 0 nays	Motion passes unanimously
Consensus reached that Turner’s conduct violates the core value of Integrity based on her arrest and convictions from her acts of Driving Under the Influence of Intoxicants as well as Reckless Driving. Jim Walker moved that this misconduct, when considered alone, does rise to the level to warrant the revocation of Turner’s certification.	Mark Kreutzer	7 ayes, 2 nays (Larsen, Connolly)	Motion passes

<p>Consensus reached that Turner’s conduct violates the core value of Professionalism because her behavior surrounding her arrest and convictions was unbecoming and did not exercise judgement or behavior expected of a fire service professional.</p> <p>Mark Kreutzer moved that this misconduct, when considered alone, does rise to the level to warrant the revocation of Turner’s certification.</p>	John Rinier	7 ayes, 2 nays (Larsen, Connolly)	Motion passes
<p>The FPC found as aggravating circumstances the fact that she still owes money to the court, she was arrested twice for Driving Under the Influence of Intoxicants, she damaged property when she drove recklessly, and that she is still on probation in Washington.</p>			
<p>The FPC found as mitigating circumstances Turner’s submitted mitigation and she has had no convictions since the 2017 incident.</p>			
<p>After considering the totality of the case, Kevin Larson moved to recommend to the Board that Turner’s certification not be revoked.</p>	Tricia Connolly	2 ayes (Larsen, Connelly), 7 nays	Motion fails
<p>Jim Walker moved to recommend to the Board that Turner’s certification be revoked.</p>	John Rinier	7 ayes 2 nays (Larsen, Connelly)	Motion Passes
<p>Consensus reached by the FPC who determined the specific behavior precludes this fire service professional from being certified because Turner has a DUI pending in Washington, a DUI conviction in Oregon, she still owes money to the court and the FPC believes this does not represent the standards of Professionalism and Integrity expected of a fire service professional. Her behavior is indicative of a pattern of unethical, criminal behavior and the repeated exercise of poor judgement. Turner’s conduct impacts her ability to serve as a fire service professional because it demonstrates a lack of core values deemed integral to the fire service profession.</p>			
<p>Jim walker moved to recommend to the Board a minimum period of ineligibility period of 2 years.</p>	Paula Simone	9 ayes, 0 nays	Motion passes unanimously

9. Department Update

Program Manager Julie Olsen and Director Eriks Gabliks presented

- A staffing plan is being developed to strategically fill current gaps in the program.

- Director Gabliks has asked DPSST staff to evaluate whether the current staffing and deployment model still makes sense in 2019. The availability of on-line courses, meeting participation via technology, and the ability to send training materials as email attachments have all helped change the state fire training landscape. Staff will be evaluating if we are doing the right thing, in the most effective manner possible, and using the right resources, all in order to meet the needs of our more than 300 fire service constituent agencies. This review will take several months but is prudent before we seek to fill current fire training vacancies.
- DPSST recently hosted the *Surviving the Fire Service* conference which was well attended. We have also received the “cancer prevention bags” which will be distributed accordingly.
- The program is prepping for fire season which is forecasted to be July 15th forward, we now have two brush rigs on campus ready to be equipped which will improve our preparedness and training.
- DPSST will be giving away our old Water Tender “as is” as we received a grant to purchase a new one. This will be announced on the Fire Bulletin/Govdelivery.
- DPSST has recently received delivery of its new Mobile Fire Training Unit (MFTU). This new unit was purchased thanks to a grant from the FEMA Assistance to Firefighters Grant (AFG) program. It will become a regional resource to bolster training around the state. The new unit is in final stages of acceptance tests before its deployed. The old MFTU is still in service but as a static unit at the Redmond Fire & Rescue training center in Central Oregon.
- DPSST is hosting a Fall Fire School which will take place Saturday November 2nd and 3rd.
- The Fallen Fire Fighter Memorial is scheduled for September 19th, 2019 at 1:00pm. Though we have no new names to add this year, Portland Fire Local 43 has put together a list of historical potential LODDs that will be presented at the next meeting for assessment.
- Due to high numbers of “no shows” to trainings, DPSST is now implementing a new policy; if an individual signs up for a class and does not show without appropriate notice, they will not be allowed to sign up for another class for a period of one year.
- To help prepare career and volunteer fire agencies around the state, DPSST entered into an agreement with Clackamas Community College Wildfire Training Program which is finishing up delivery of twenty S230 and twenty S330 classes around Oregon. This will help bolster ranks as a large number of retirements are taking place.
- DPSST Fire Training staff will be supporting the upcoming Oregon Volunteer Firefighters Association conference in Central Oregon at the end of June by offering a number of classes at this event.
- Dr. Gavin Horn, the Director of the Fire Research Section at the University of Illinois Fire Service Institute, and who has conducted several studies on firefighter safety and health, will be relocating to Corvallis, Oregon. Dr. Horn will still direct the Illinois program but is hoping to involve Oregon fire agencies in future studies.

- DPSST is anxiously awaiting the scoring of the 2018 FEMA Assistance to Firefighters Grants as it has submitted a request for burn pans to add to the rail car at the Oregon Public Safety Academy, a mobile driving simulator, and a mobile fire pump simulator.
- DPSST has helped to support two FEMA Assistance to Firefighters grants in the Fire Prevention and Safety category. The first is a collaborative effort that includes the Oregon Fire Chiefs Association, Oregon Association for the Deaf, Hillsboro Fire & Rescue, and Western Oregon University that would provide sensory smoke detectors to Oregonians who are deaf or hard of hearing. The second grant is another collaborative effort that includes the Oregon Fire Chiefs Association Safety & Health Section, Central Oregon Fire Chiefs Association, Oregon Military Department Wildland Fire Suppression Division, Grand Ronde Tribal Natural Resources Wildland Fire Suppression Team, Oregon Department of Forestry, Washington State Department of Natural Resources, Oregon Office of State Fire Marshal, and DPSST which will conduct research into the environmental conditions firefighters are exposed to when working on wildland fires around the Pacific Northwest. This study will be done by Oregon State University by having firefighters wear wrist bands that collect information.
- DPSST is working to wrap-up fire training grants that were offered to regional fire training associations around the state by the end of June. The grants have been well received with many effective classes offered and training equipment purchased.
- As the Fire Policy Committee moves forward with the adoption of the new NFPA 1001 Professional Qualifications Standard, DPSST has purchased an IFSTA Essentials training kit for each fire agency in the state so they can perform both Firefighter I and Firefighter II classes in-house.
- DPSST is working with Oregon OSHA and several statewide fire service organizations to evaluate fire agencies in the state that do not have the resources to conduct interior firefighting work. This may be because of a lack of equipment or a lack of personnel. The current Oregon OSHA 2L Standard for Structural Firefighters is currently the only mandatory standard in the state for fire agencies but these organizations cannot meet this standard. The work group is looking at creating a new standard for these agencies who work only from the exterior and are located mostly in frontier communities.
- During the recent Oregon Fire Chiefs Association's 100th Anniversary Conference several fire chiefs approached DPSST with interest in having a Firefighter Academy at DPSST similar to what is offered for police officers. Eriks said while DPSST does not have the means to offer a similar academy there are some opportunities to offer this type of training in partnership with local fire agencies. Some examples include DPSST hosting the class, offering meals and lodging, and local agencies contributing fire instructors and equipment. Mid-size combination departments and fire departments with resident volunteers are both interested in the discussion. DPSST is open to the discussion but will wait until fall to have a meeting.
- DPSST and the Office of State Fire Marshal, is offering a dozen classes for all hazard and risk incident management teams. All of the classes will meet FEMA standards with instructors approved by the United States Department of Homeland Security, FEMA, and Oregon Emergency Management. Classes began in February and will conclude in mid-June. Attendance has been

good with lots of public safety agency interest, as well as allied response partners such as American Red Cross, public works, wildland agencies, U.S Coast Guard, and others. Two additional classes were added to address waiting lists, Operations Section Chief and Planning Section Chief. The feedback has been very good.

The meeting adjourned at 11:10 a.m.

10. Next Scheduled FPC meeting –August 28, 2019 at 9:00 a.m.

** All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at dpsst.records@state.or.us.*