

Fire Policy Committee Minutes

May 24, 2017 (Draft)

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on, May 24, 2017 at 9:00 a.m. in the Boardroom at the Oregon Public Safety Academy located at 4190 Aumsville Hwy SE, Salem, Oregon. Vice Chair, Dave Jones called the meeting to order at 9:05 a.m.

Committee Members:

Dave Jones, Oregon Fire District Directors Association, Vice-Chair
James Oeder, Oregon Vol. Fire Fighters Association
Tom Williams representing Chief Mike Myers, Portland Fire & Rescue
Jim Whelan, Oregon Fire Instructors Association
Ron Graham, Forest Protection Agencies
Bill Klein, Community College Fire Programs
John Rinier, Oregon Fire Marshals Association

Absent Members:

Patricia Connolly, Non-Management Fire Fighter
Greg Marlar, Oregon Fire Chiefs Association, Chair
Jim Walker, Oregon State Fire Marshal
Jeff Hamilton, Oregon State Fire Fighters Council

DPSST Staff:

Eriks Gabliks, Director
Mike Leloff, Training Division Director
Julie Olsen-Fink, Fire Certification Supervisor
Mona Riesterer, Professional Standards Assistant
Jennifer Howald, Rules Coordinator
Kayla Ballrot, Compliance Specialist
Rich Daniels, Fire Training Supervisor

Guests:

Preston Scott, Portland Fire Department
Dan Gates, Portland Airport Fire & Rescue
Terry Riley, Marion County Fire District #1



1. Introductions

Introductions of members, guest, and staff were presented.

2. *Minutes

3. Approve February 22, 2017 meeting minutes

Jim Whelan moved that the committee approve the minutes of the February 22, 2017 Fire Policy Committee meeting. Jim Oeder seconded the motion. The motion carried unanimously.

To see a complete record of the Fire Policy Committee minutes, please go to:
<http://www.oregon.gov/dpsst/BD/pages/firepolicycommitteemeetingminutes.aspx>

4. *OAR 259-008-0070 – Proposed Rule Change; Amends Definition of “Discharge for Cause” for Mandatory Revocation of Fire Service Professional Certifications

Presented by Jennifer Howald

ORS 181A.640 requires that the Department deny or revoke the certification of a fire service professional upon a finding that the person has been discharged for cause from employment as a fire service professional. OAR 259-009-0070 provides the Board’s definition of discharge for cause as it relates to a fire service professional’s certification.

This proposed language does not require that the individual who is reported to DPSST as being discharged from their agency be charged criminally, does give the FPC and the Board an avenue to ensure that the certifications of fire service professionals who engage in this type of egregious behavior are permanently revoked.

Jim Whelan moved to approve the proposed changes to the definition of discharge for cause and recommend to the Board filing the proposed language for OAR 259-009-0070 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Bill Klein seconded the motion. The motion carried unanimously.

The committee identified a potential fiscal impact to small businesses, specifically private fire departments as a result of the legal fees that may be incurred during the contested case process, however, since this rule specifically applies only to employees that were discharged I was determined that this would be an unlikely scenario. The committee also identified the loss of potential income for a fire service professional who’s certification are revoked as a result of violating this standard.

5. *OAR 259-009-0005 & OAR 259-009-0062 – Proposed Administrative Rules; NFPA 1002 Standard for Fire Apparatus Driver/Operator Professional

Presented by Julie Olsen-Fink

The NFPA 1002 Fire Apparatus Driver/Operator Task Force began and concluded their work on March 21, 2017. The Task Force evaluated the currently adopted 2014 Edition and compared it to the 2017 Edition. As a result of their work, the Task Force established the importance of the Oregon fire service maintaining the most current standards available from the National Fire Protection Association (NFPA).

The Task Force made the recommendation to DPSST staff, the Fire Policy Committee (FPC) and the Board on the Public Safety Standards and Training (Board) to vote to approve and adopt the 2017 Editions for NFPA 1002 Fire Apparatus Driver/Operator. The Task Force further recommended the Oregon Administrative Rules (OAR) be updated to reflect the changes in the standard. The updates were presented to the Fire Policy Committee members.

Jim Oeder moved to recommend to the Board approving the adoption of the 2017 Edition for NFPA 1002 Fire Apparatus Driver/Operator and recommend to the Board filing the proposed language for OAR 259-009-0005 and OAR 259-009-0062 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. John Rinier seconded the motion. The motion carried unanimously.

By consensus the committee found no fiscal impact to small businesses.

6. *Thompson, Troy DPSST #F07436; First Responder Operations

Presented by Kayla Ballrot

The issue in this case is whether Thompson's conduct surrounding his arrest and convictions for Attempt to Commit a Class B Felony – Manslaughter in the Second Degree, ORS 161.405, and Unlawful Use of a Weapon, ORS 166.220, should in the revocation of his First Responder Operations certification for failure to meet the minimum standards for a Fire Service Professional.

Tom Williams moved that the Fire Policy Committee adopts the staff report as the record upon which its recommendations are based. John Rinier seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Troy Thompson's conduct did violate the core value of **Integrity** as defined in Administrative Rule due to Thompson's role of a Fire Service Professional and 1st Responder, using a piece of equipment to try and purposely injure someone.

Tom Williams moved that the Fire Policy Committee find the Troy Thompson's **Integrity** does rise to the level to warrant revocation of Thompson's certification.

By discussion and consensus, the committee determined that Troy Thompson's conduct did violate the core value of **Professionalism** as defined in Administrative Rule by exercising poor judgement and going against the values of a Fire Service Professional.

Jim Oeder moved that the Fire Policy Committee find that Troy Thompson's **Professionalism** does rise to the level to warrant revocation of Thompsons' certification. Bill Klein seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Troy Thompson's behavior did involve **Aggravating Circumstances** by the conviction of the crime.

By discussion and consensus, the committee determined that Troy Thompson's behavior did involve **Mitigating Circumstances** by be truthful and not lying about what he did.

After considering the totality of the circumstances, Jim Whelan moved that the committee recommends to the Board that certifications **be revoked**. Bill Klein seconded the motion.

Bill Klein moved that the Fire Policy Committee recommends to the Board an ineligibility period of seven years reapplying for certification. Tom Williams seconded the motion. The motion carried unanimously.

7. ***Amaya, Philip Austin DPSST # F35478; Marion County Fire District #1/Woodburn Fire District-NFPA Operations Level Responder, Firefighter Type 2(FFT2)**

Presented by Kayla Ballrot

The issue in this case is whether Amaya's conduct resulting in his discharge from Marion County Fire District #1 meets the Board established Discharge for Cause standards resulting in the permanent denial of his fire certifications. At the time of Amaya discharge from Marion County Fire District #1, Amaya did not have any DPSST certifications. DPSST has now received an application for certification for Amaya from Woodburn Fire District which prompted this case review.

Jim Whelan moved that the Fire Policy Committee adopts the staff report as the record upon which its recommendations are based. John Rinier seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Philip Amaya's behavior did involve **Aggravating Circumstances** based on the fact that Amaya signed a policy that clearly indicated what the expectations were of the fire agency.

By discussion and consensus, the committee determined that Philip Amaya's behavior did involve **Mitigating Circumstances** based on upon the fact that Amaya's was honest and cooperative during the process. The letters provided, demonstrated their professionalism and willingness to move on from the incident. The young students are there with senior individuals that stated they had done this all the time, so therefore the young students followed the lead of the seniors.

After considering the totality of the circumstances, Tom Williams moved that the committee recommends to the Board that Amaya's Discharge for Cause for certification not be denied. Jim Whelan seconded the motion. The motion carried unanimously.

8. **Henderson, Darron DPSST #F35215; Marion County Fire District #1/Chemeketa Community College; NFPA Operations Level Responder**

Presented by Kayla Ballrot

The issue in this case is whether Henderson's conduct resulting in his discharge from Marion County Fire District #1 meets the Board established Discharge for Cause standards resulting in the permanent denial of his fire certifications. At the time of Henderson's discharge from Marion County Fire District #1, Henderson did not have any DPSST certifications. DPSST has now received an application for Henderson from Chemeketa Community College which prompted this case review.

Jim Oeder moved that the Fire Policy Committee adopts the staff report as the record upon which its recommendations are based. Tom Williams seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Henderson's behavior did involve **Aggravating Circumstances** based on the fact that there was a policy that was signed that clearly indicated the expectations of the fire station.

By discussion and consensus, the committee determined that Henderson' behavior did involve **Mitigating Circumstances** based upon the fact that Henderson was honest and they were just following the lead of the staff or volunteers that might have been there longer.

The letters that were written on his behalf were very supporting.

After considering the totality of the circumstances, Jim Oeder moved that the committee recommends to the Board that Henderson's Discharge for Cause for certification **not be denied**. Jim Whelan seconded the motion. The motion carried unanimously.

9. Department Update

Rich Daniel Presented:

The new skid truck traveled to Ontario two weeks ago. With the help of AFG grant funds, the department was able to purchase a large freightliner for the skid truck training. The next stop for the new skid truck will be The Dalles, followed by Redmond, Klamath Falls, and then end up in Portland. The original skid truck is running and will be housed at DPSST and will be available for training. There have also been thoughts in regards to placing the older skid truck in different regions which will provide more access for training.

Vendor upgrades will be coming soon.

Last year's AFG funds was approximately \$350,000 is soon to go out to bid.

DPSST finally received the oil tank car for training.

DPSST was awarded the Health and Safety Award by OFCA.

The agency is in the middle of a partnership with Redmond Fire Department to assist in an old city works building at the Redmond Airport. This could potentially be the beginnings of a centralized Law Enforcement/Public Safety Training Facility.

Julie Olsen-Fink Presented:

Julie wanted to thank those that participated in the Task Force. There were significant changes with the standards that involve 19 levels of certification within in the rescue tech standard. The task force will make their recommendations which will then come back to the Fire Policy Committee.

The next scheduled task force that is scheduled is for the Hazmat workshop and then Maritime.

There were several agencies that did not submit documentation to DPSST in regards to maintenance recertification. There were 44 departments that did not submit out of 300 in Oregon.

Mike Leloff

Mike gave a quick introduction and background on himself. He stated that he is diligently working on fulfilling the manager's position in the training department and interviews will begin soon.

Eriks Gabliks Presented:

DPSST had our Phase II budget presentation (agency update) at the Ways and Means Public Safety Sub-Committee on Wednesday May 10, 2017. The Fire Insurance Premium Tax, which funds the Office of State Fire Marshal, Oregon State Police Arson & Explosive Unit, and DPSST's Fire Training and Certification Programs, remains strong and is able to fund all three of these essential statewide public safety programs at current service level.

DPSST's primary concern are the possible retirements that may occur in the 2017-2019 biennium if the numbers hold true and baby boomers actually retire from certified criminal justice positions (police, corrections, parole and probation, telecommunications). The Ways & Means Co-Chairs propose a reduction of two Basic Police classes and one Corrections class which aligns with the Governor's Proposed Budget. Eriks explained to the Public Safety Ways & Means that while we understand the reductions, the agency might be requesting additional classes in either 2018 or 2019 to add classes to the Academy schedule to meet city, county, state, tribal and university hiring trends. Overall a very positive hearing with lots of good discussion. It is important to note, there is still no word on what reductions, if any, will be taken or what is being proposed to address the 1.6 billion shortfalls the State is facing in the next biennium.

Legislative Session – All three of the bills approved by the Board are moving forward. The Bill to add a citizen member to each policy committee is moving forward to the Governor for consideration and anticipated approval. There have been no fire related bills tracked by DPSST during this session other than one which addressed the sunset on the Fire Insurance Premium Tax. DPSST testified on this bill along with State Fire Marshal Jim Walker.

Eastern Oregon University (EOU) has completed the required documents to be recognized as a National Fire Academy Fire & Emergency Services in Higher Education (FESHE) Program. Kevin Walker at EOU submitted all of the documents and DPSST has approved the request as the state fire training agency.

DPSST continues its partnership with the Oregon Fire Chiefs Association Safety & Health Section (OFCA-SHS) to help reduce cancer in the fire service. OFCA SHS is finishing its fifth regional Firefighter Cancer Support Network train the trainer seminar in Eastern Oregon in a few weeks. DPSST recently informed OFCA-SHS that it will provide a \$10,000 scholarship to them so that its members can attend the Fire Service Cancer Alliance Symposium in Phoenix, Arizona in September. The idea is that this will allow Oregon attendees to come back and share information regarding best practices, research, and training. Eriks added that the recent OFCA Spring Conference featured two nationally recognized speakers who were active in fire service cancer research.

DPSST recently hosted a meeting of public safety chaplains at the Oregon Public Safety Academy. This group is looking to create public safety chaplains academy as the closest one now is in the Puget Sound region of Washington. The work group includes public safety chaplains from a number of agencies including Hillsboro Fire, OFCA, Jackson County Fire District #3, and Bend Fire. DPSST is supportive of the group's work and has indicated it will host the chaplains training when it's ready for delivery.

Governor Brown will receive the annual wildfire season update on June 1, 2017. ODF, SFM, OMD, OHA, DPSST, and other state agencies will participate. DPSST's role is to provide wildland

firefighter training to members of the Oregon National Guard (Air Force and Army) if they are mobilized by the Governor under Op Plan Smokey. The most recent activation of Op Plan Smokey was in 2015 when DPSST trained 375 members of the Guard.

Eriks reminded all of the National Safety Stand-Down which is being held from June 18-24, 2017. This year's focus is May-Day, RIT, and self-rescue.

DPSST was pleased to help support the various OFCA regional roundtables in partnership with the Office of State Fire Marshal. Both the volunteer and combination round tables asked if DPSST could request a fingerprints check when an applicant affiliates with a fire service agency instead of waiting until they request certification. Eriks shared that this was a constituent interest and that DPSST would look at what would be necessary for this to occur. No decision has been made and it would come to the Fire Policy for in-depth discussion.

DPSST is helping to create a public safety recruiters network that will allow public safety recruiters to discuss their work. To avoid conflicts with OVFA's efforts, this network is primarily aimed at recruiters looking to hire full-time employees.

In closing Eriks shared that there were some changes taking place on the FPC. Dave Jones has completed his second term on the Board on Public Safety Standards and Training (BPSST) and its Fire Policy Committee as the representative of the Oregon Fire District Directors Association (OFDDA). OFDDA has nominated Mark Kreutzer of Columbia River Fire & Rescue to take his place who is going through the Senate confirmation process. Eriks thanked Dave for six years of dedicated service to BPSST and also for his many decades of service as both a Deputy State Fire Marshal and as a Board member with the Jefferson Rural Fire Protection District.

10. Next Scheduled FPC meeting – August 23, 2017 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.