

12. Discussion and possible action on matters from the Executive Director.

- A. Report on decisions of the Executive Director in contested cases and consent orders.**

12. Discussion and possible action on matters from the Executive Director.

B. Status of division functions.

Agency Status Report March 1 – May 31, 2013

Overview

The work of the agency during this quarter proceeded at a generally stepped-up pace. Compliance inspections were conducted as scheduled. However an increased number of exams were administered during the period, which is typical for the third quarter of the year. Additionally, a substantially increased number of certifications were issued during the period compared to an average quarter. Work continued on the long awaited online testing project, with upcoming beta testing of the module now in sight. Curriculum committees for several disciplines convened, with one finalizing its work and others just beginning. Outreach efforts continued, and the commission library continued its program of resource lending and research assistance.

Underlying all the activity, however, was an atmosphere of uncertainty. The fate of the Texas Commission on Fire Protection operations had been in a state of flux since the beginning of this year's legislative session, and the uncertainty continued through the 3rd quarter of the fiscal year. A number of pieces of legislation were proposed that would have "administratively attached" the Commission on Fire Protection to another larger state agency. Another bill was proposed that would have left the agency in its current organizational configuration, but called for the Commission to conduct a study regarding administrative attachment. There is little doubt that administrative attachment of any form would impact the staffing at the agency; the only question was to the degree of the impact.

During this quarter, the executive offices of the agency experienced the only staffing changes, but the changes were dramatic. The Human Resources Manager left the agency in March to accept a position with another state agency. This position is currently being filled by a temporary employee. On April 25th the Executive Director was dismissed by the Commissioners in their quarterly meeting, and the Certification/Professional Development Manager was named as the interim Executive Director until the position is filled by a permanent appointment. The week following the April 25th Commission meeting, the Standards Division Director was also dismissed from the agency. To date, that position remains unfilled.

In spite of the above changes and all the uncertainty, the rank and file staff members remained "at the wheel", loyally fulfilling their mission to the Texas fire service. A number of agency positions that had become vacant prior to the start of the calendar year remained vacant during this time as the future of the agency was being decided. In response, employees' service was often over-and-above the call as staff members came alongside, filled in, and assisted others with the workload. These employees are to be commended for their exceptional efforts under trying conditions.

As it happens, none of the above-mentioned legislation was ultimately passed; but that result was not realized until the final day of the legislative session on May 27th. With the result in hand, the agency began moving ahead cautiously with a new lease on life.

Activities of Executive Office

- Executive staff closely monitored a number of proposed pieces of legislation that could potentially impact agency operations. Twenty-one fiscal impact statements for fourteen different bills were provided by the agency to the legislative budget board. The fiscal impact statements (also known as fiscal notes) describe the potential financial impact of a particular piece of legislation to the state budget, either negative or positive. An estimated dollar amount was provided whenever possible.
- Representatives of the executive office met on various occasions with legislative committees to exchange or provide information. Additionally, staff members were called to the capitol on a few occasions to provide testimony and information to the legislature during formal public hearings.
- Members of the executive team attended the following regional Texas Fire Chief's Association meetings:
 - April 17th: Southeast Region, Pearland
 - April 18th: West Region, San Angelo
 - April 18th: South Region, Universal City

Activities of Certification and Professional Development Section

- 3,533 certificates issued
- 1,167 IFSAC seals issued
- 271 training facilities holding 1,362 active or renewable certifications
- 33 training facility certificates issued to 18 different entities
- Status of new certifications introduced this fiscal year; number issued:
 - a. Incident Safety Officer (introduced 9/1/12): 485 this quarter, 1,080 total
 - b. Wildland Fire Protection (introduced 9/1/12):
 - i. Basic: 485 this quarter, 1,472 total
 - ii. Intermediate: 33 this quarter, 88 total
 - c. Fire Officer:
 - i. FO-III: Effective 2/28/13, 12 issued to date
 - ii. FO-IV: Effective 2/28/13, 2 issued to date
 - d. Hazmat Incident Commander: Effective 2/28/13, 9 issued to date

- Curriculum and Testing Committee meeting, May 9 – 10:

The Intermediate Wildland Firefighter curriculum and skills were reviewed, discussed and updated again following input from the Texas A&M Forest Service and other stakeholders.

- In its meeting on May 31st, the Advisory Committee approved for recommendation the curriculum for Wildland Firefighter II, along with proposed rule changes that would be submitted to the Commissioners at their July 11th meeting. The decision was made to remove the task book from the curriculum, and have it as a separate prerequisite for the certification. A person wishing to qualify for certification will have had to complete the task book prior to applying for certification. A representative from the Forest

Service provided testimony in the meeting and assisted with creating the final form of the curriculum material and the proposed rule language. As approved by the Advisory Committee, a person completing the requirements for certification via the commission's curriculum and any other required prerequisites will qualify for TIFMAS deployments at that level.

- In its May 9 – 10 meeting, the Curriculum and Testing Committee also selected and proposed their recommended candidates for the Head of Department certification ad hoc committee. The recommendations were presented at the May 31st Advisory Committee meeting, and will also be presented to the Commissioners at their July 11th meeting. The ad hoc committee will be tasked with further developing the requirements for Head of Department certification.
- Lastly, the C&T Committee updated the Instructor I, II, and III curricula so as to meet the requirements of the new 2012 edition of NFPA 1041.
- The Investigator ad hoc committee met for the first time on April 4 – 5, and a plan was developed to address some outstanding issues existing with the Investigator certification process. Work also began on updating the current Investigator curriculum so as to meet the requirements of the most recent applicable NFPA standards. The recommendations from the Texas Forensic Science Commission are to be reviewed, with the goal of ensuring that TCFP requirements address the recommendations. The committee expects to meet quarterly for at least the next year and a half in order to complete the projects.
- Tim Rutland attended the West Regional Fire Chief's Association meeting in San Angelo on April 18th.
- Work of Curriculum Specialist:
 - Accompanied the agency's IFSAC representative (Mollie Clakley) to the IFSAC Annual Conference in Oklahoma City the week of April 16 – 21. Attended various training classes, including site visit training.
 - Created monthly exams, reviewed exam questions and performance skills, and updated test banks as necessary.
 - Continued work reviewing, revising, and amending test banks in preparation for the IFSAC site visit to our agency later this year.

Activities of Public Information/Library/Injury Reporting

Public Information and Outreach

	1Q	2Q	3Q	4Q	Total
Fire department job postings	47	68	65		180
Number of departments requesting postings	46	75	57		178
Website home page articles	11	6	7		17
Facebook posts	0	5	41	0	46
Twitter "tweets"			54		54
Open records requests	9	6	2		17

Public Information program outreach activities (3Q)

Website - home page articles.

- May 30, 2013 - Reminder: exam requirements for ISO and wildland
- May 1, 2013 - Commission appoints Swindle to fire fighter advisory committee
- April 26, 2013 - Commission dismisses executive director
- April 22, 2013 - Commission will meet on Thursday, 4/25
- April 19, 2013 - West, Texas: helpful information
- March 28, 2013 - Governor appoints one new commissioner, reappoints three current members
- March 28, 2013 - Commission to close early on March 29

Library Program

	1Q	2Q	3Q	4Q	Totals
<i>Items loaned</i>					
AV items	55	42	68	0	165
Print items	15	3	6	0	24
<i>Research and reference requests</i>					
Internal	0	0	0	0	0
External	54	25	33	0	112
New library borrowers (new users)	4	16	4	0	24
Responses to borrower follow-up surveys	0	17	24	0	41
<i>Items cataloged</i>					
AV items	0	0	0	0	0
Print items	0	0	0	0	0
Desk copy items ordered and processed	0	0	0	0	0
<i>Publications/postings</i>					
Facebook posts	0	5	0	0	5
Library newsletter	0	0	2	0	2

Activities/accomplishments

- Sylvia Miller is also issuing certificates, printing requested certifications, problem solving for data issues and issuing training facility certifications.

Injury Reporting

	1Q	2Q	3Q	4Q	Total
Reported Injuries	579	1227	1005		2811
Burns	29	44	37		110
SOP-related*	5	2	4		11
Environmental-related	6	15	5		21

*Injuries involving SOP violations

<i>Publications/postings</i>					
AvoidInjury! blog posts	4	7	3		14

Programs/meetings attended.

- attended TDEM Conference booth (3-26-13)
- presented at South region fire chief meeting in Universal City - (4-18-13)
- learned how to administer tests with Mike Baker (4/16/13)
-

Avoid Injury! Blog posts

- [After Action Review by Rob Franklin](#) (3/20/13)
- [Life Safety Initiative #11](#) - by Jerry Doyle (3/22/13)
- [Life Safety Initiative #13](#) - by Rob Franklin (3/28/13)
-

Other activities/accomplishments

- 2012 Injury Report submitted and approved by the Fire Fighter Advisor Committee
- 2012 Injury Report submitted and approved by the commission

Activities of Training Approval and Testing Program

- Test Administration, Training Approvals, Record Reviews, and Training and Skill Testing Audits Statistics – 3rd Quarter, FY 2013
 - o Test Administration – 2510 exams were administered during this quarter with an average grade of 83.16% and a pass rate of 93.07%.
 - o New certification testing statistics:
 - Fire Officer III – 48 first attempts with one failure and an average grade of 77.46%.
 - Fire Officer IV – 6 first attempts with no failures and an average grade of 79.67%.
 - Hazardous Materials Incident Commander – 19 first attempts with no failures and an average grade of 87.37%.
 - o Record Reviews – Twenty-four paid record reviews for equivalency were conducted, and 325 test packets distributed.
 - o The issuance of skill qualification numbers (Qual #) to individuals who need to complete the skill evaluation process either due to an expired certification, expired test, or completion of training deemed equivalent started mid January 2013. Since this date, 205 Qual #s have been issued by commission staff in which 77 individual skill evaluations have been scheduled in the new online system.
 - o Training and Skill Testing Audits – Eight skill testing audits were conducted during this quarter in which three deficiencies were found in which the training provider failed to conduct the skills as scheduled. Follow-up skill testing audits on two of the sites were conducted since the original visit and no further deficiencies were noted. One deficiency remains open.
- IFSAC Conference highlights, April 17-20, 2013, Oklahoma City, Oklahoma
 - (Attendees representing the Texas Commission on Fire Protection were Mollie Clakley and Grace Wilson)
 - o Total number of countries participating in IFSAC is 12.
 - o Total number of records in the international registry is 967,362.
 - o Total number of certificate assembly member entities is 68.
 - o The certificate assembly voted to increase the annual membership fee by 10% which will raise the fee from \$2000 to \$2200. Since Texas is 3rd in the issuance of seals, with the Department of Defense and North Carolina as 1st and 2nd, respectively, we are exceeding the number of seals that come with the annual membership fee; therefore, the increase has no affect on our budget.
 - o An annual meeting registration increase of \$50.00 was approved, which will raise the fee from \$200 to \$250.
 - o Fee increases for site visits, administrative reviews, and seals was introduced but failed to pass.
 - o The Congress directed each assembly board to put together a committee to look into the feasibility of establishing an accreditation process for training bodies.
- Status of Online Training Approval Process and Web-based Testing
 - o The first two modules, Training and Skills, of the new online Training Facility Management system were initiated on December 3, 2012. Since this initiation date, 801 course entries have occurred in the new system, which have resulted in 708 approved courses. The Training Approval and Testing staff is continuing to assist customers with navigating through the new system and have experienced a notable decrease in having to troubleshoot problems.
 - o The last two sections in the final module, Examinations, are still in the final development stages and beta-testing is expected to start soon.
 - o Due to the delay regarding the web-based testing, our first extension request to IFSAC to extend the site visit to an August/September timeframe was approved by the Certificate Assembly Board of Governors at the April IFSAC meeting. A second extension request is planned if the August/September timeframe is no longer feasible.

- Activities for the Next Quarter
 - o Continue to work with IT regarding the web-based testing and the initiation of beta-testing.
 - o Once beta-testing begins, commission staff will be busy finalizing the establishment of web-based testing sites.
 - o The Training Approval and Testing staff, in association with the Curriculum Specialist, will continue to work toward the completion of the IFSAC Criteria for Accreditation Worksheet to prepare for the self study process that is needed prior to the IFSAC site visit.
 - o The agency has extended an offer of employment to Jonathan Weidemann to fill the vacant Training Approval and Testing Program Specialist I position. His start date is July 1, 2013 and will be responsible for administering state certification examinations; approving and monitoring course approval requests; processing record review applications for eligibility; conducting training and skill testing audits throughout the state; training proctors on the new web-based testing process; and assisting with large department compliance inspections.

Activities of Compliance Section

Large Department Inspections

- The Regional Compliance Officers teamed up to complete the El Paso Fire Department and Dallas Fire Department bi-annual inspections. There were no remarkable violations noted during either inspection. Both inspections were completed and closed successfully.

Houston area Region 6 Officer Hired.

- Job interviews were conducted with three applicants for the Region 6 Compliance Officer vacancy. Ernie Null was hired. Ernie retired from the Houston Fire Department with 39 years of service. He was a fire inspector for 22 years with HFD. Ernie received 8 days of new employee training and orientation in Austin and he did ride outs for two weeks with other compliance officers.

Training

- All compliance officers attended three teleconference calls, one each month, with the interim Executive Director and the Compliance Manager. Topics covered during these calls included: new Head of Department certification procedures, legislative updates, internet web testing updates, FARM updates, LODD updates.

Informal Hearings

- The Compliance Manager conducted two informal hearings with certification applicants. These hearings were attended by the Attorney General's Office legal support staff and certifications program staff. The staff's concerns regarding the applicants were successfully resolved and the certifications were approved and issued to the applicants.

Meetings

- The Compliance Manager met with a fire chief for a large department regarding a fire fighter whose certification was expired due to a good faith clerical error. The department has corrected the error. The department has put in place a review process to validate all firefighters on their roster at renewal time to ensure that this type of error does not occur in the future.
- The Compliance Manger attended the Rural Fire Advisory Council meeting where updates on wild land fire and weather were provided by the Texas A & M Forest Service.
- The Compliance Manager and Region 7 Compliance Officer staffed the TCFP booth at the annual Texas Emergency Management Conference.

12. Discussion and possible action on matters from the Executive Director.

C. Legislative update.