

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.

Texas Commission on Fire Protection
Results of Informal Conferences – Good Faith Clerical Error Letters
2013

RESULTS	NAME	INFORMAL MEETING DATE	ADMINISTRATIVE VIOLATION	SUMMARY
Letter mailed 06/21/2013	Christopher Crutcher	06/13/2013	Respondent's not in compliance with all requirements for Instructor certification (submitted invalid affidavit). Certification was deactivated	Respondent subsequently submitted valid affidavit and his Instructor certification was reactivated
Letter mailed 07/19/2013	Jeromy Porter Lake Cities FD	07/18/2013	Failed to certify prior to test expiration. Test expires two years from date administered as per TAC, §439.1 (c)	Determined a good faith clerical error on behalf of the Lake Cities Fire Department. Allowed a 30-day extension of exam grade (effective date of letter) with submission of application for certification and \$85 processing fee before 08/19/2013 without retesting per §419.034(e)(1) of Texas Government Code.
Letter mailed 08/02/2013	David Rainwater North Richland Hills FD	08/02/2013	Failed to certify prior to test expiration. Test expires two years from date administered as per TAC, §439.1 (c)	Determined a good faith clerical error on behalf of the North Richland Hills Fire Department. Allowed a 30-day extension of exam grade (effective date of letter) with submission of application for certification and \$85 processing fee before 09/03/2013 without retesting per §419.034(e)(1) of Texas Government Code.
Letter mailed 09/11/2013	Samuel Revers	09/11/2013	Respondent not in compliance with all requirements for Basic FF certification related to criminal history check per §419.0325(c), Tx. Govt. Code	Respondent was subsequently issued his Basic Firefighter certification.
Letter mailed 09/11/2013	Gordon Woolfroffe, Jr.	09/11/2013	Respondent not in compliance with all requirements for Basic FF certification related to criminal history check per §419.0325(c), Tx. Govt. Code	Respondent was subsequently denied issuance of his Basic Firefighter certification.

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

B. Status of division functions.

Agency Status Report
June 1 – August 31, 2013

Overview

All sections of the agency remained busy during the quarter. For the fourth quarter in a row, a greatly increased number of applications for certification were received and processed. Testing had a very busy 3rd quarter but has now returned to a more normal activity level. Compliance inspections were conducted as scheduled. Programming work was done by IT staff to ready the agency for the new online payment system to be instituted with the launch of this year's renewal process on September 1st. Work continued on the long awaited online testing project, with upcoming beta testing of the module now in sight. Several curriculum ad hoc committees convened to continue or finalize work being done. Outreach efforts continue, and the commission library's lending and resource assistance activities continue to build. The agency's Financial Services Section was also very busy with year-end reporting and purchases.

Some notable changes were made to the agency's organizational structure during the quarter. The Standards and Support Service division titles were eliminated, as was the position of Standards Division Director. That FTE will be utilized elsewhere in the organization to fill a critical need. The agency now has a flatter organizational structure with six functional Sections and a supervisor over each: Certification/Curriculum, Compliance, Course Approval/Testing, Information Technology, Financial Services, and Public Information/Outreach. The heads of the sections report directly to the Executive Director, as does the Human Resources Manager. Additionally, several individuals were selected to fill positions that had been vacant for some time. One person started just prior to the end of the quarter with the others slated to begin soon after the first of the new fiscal year. A Systems Analyst position was also created for the IT Section of the agency to help with the ongoing transition project. Finally, the agency realized the retirement of one employee at the end of the fiscal year.

Executive Office

The Executive office participated in several fire service community activities during the quarter:

- Presentations to FIANT (Fire Instructors' Association of North Texas) on June 5th and again on August 7th
- Participation in the revision process for Annex F (fire fighting) of the state's emergency operations plan
- Participation in the 137th Annual SFFMA Training Conference and Convention
 - Manned TCFP booth with other agency members during the vendor portion of the conference
 - Participated in a panel discussion with two officers of SFFMA during one of the breakout sessions of the conference
 - Presentation of a TCFP update to the SFFMA general assembly
- Attendance at a meeting of the Texas Homeland Security Committee on June 28th
- Guest speaker on a State Association of Fire and Emergency District (SAFE-D) monthly webcast to discuss current issues and TCFP regulations as they relate to the fire service community, and the volunteer community in particular

Certification, Renewal, and Curriculum 4th Quarter Report, FY 2013

Certification/Renewal:

- 3,617 certificates issued – Total of 13,470 certificates issued in FY 2013
- 1,145 IFSAC seals issued – Total of 4,723 IFSAC seals issued in FY 2013
- 244 training facilities holding 1,307 active or renewable certifications
- 33 training facility certificates issued to 18 different entities

Other Activities:

- Status of new certifications introduced this fiscal year; number issued:
 - a. Incident Safety Officer (introduced 9/1/12): 421 this quarter, 1,535 since introduction
 - b. Wildland Fire Protection (introduced 9/1/12):
 - i. Basic: 856 this quarter, 2,426 since introduction
 - ii. Intermediate: 108 this quarter, 311 since introduction
 - c. Fire Officer:
 - i. FO-III (effective 2/28/13): 50 issued to date
 - ii. FO-IV: (effective 2/28/13): 15 issued to date
 - d. Hazmat Incident Commander: (effective 2/28/13): 37 issued to date

- The Certification Section welcomed a third member to the team during this quarter. Karen Henges began on August 26th, and will serve as the team's Customer Service Representative. Karen's primary duties will be receiving and initiating the processing of applications and other correspondence received by the agency.

- Primary responsibility for the daily activities of this year's annual renewal process has been assigned to Bobby Clakley. A new payment system via the Texas.gov web portal has been established for this year's renewal. Regulated entities will have a choice of three payment options for their renewal. Individual certificate holders will have two options available.

- Members of the Certification and Testing teams made two trips to the Texas A&M Engineering Extension Service facilities in College Station to perform a review of TEEX's Pro Board accredited testing program. The group will report its findings to the Commissioners at its October meeting.

Curriculum:

Committees

- Updated the Instructor I, II and III curricula to the new edition of NFPA 1041. Approved by commission in July. Ready to be published in curriculum manual effective January 1, 2014.

- Worked with some Structure ad hoc committee members on updating all the FF1 & FF2 skills manuals (testing skills and instructional/practice skills)(>130 skills). ***Work in progress.***
- Continued working with Investigator ad hoc committee to update the curriculum to the new editions of NFPA 921 and 1033. ***Work in progress.***
- Updated several reference lists (FO3, FO4, Basic WL, HM Ops MSC, HM Tech, HM IC) – approved by commission in July. Ready to be published in Curriculum manual, effective January 1, 2014.

Test Development and Test Bank Maintenance

- Created 144 monthly certification exams.
- Began updating the Fire Instructor I, II and III test banks (>500 test questions) to a new edition of the IFSTA text book. ***Work in Progress.***
- Began updating the Fire Officer III and IV test banks (> 450 test questions) to the new edition of IFSTA's NIMS text book. ***Work in Progress.***

**Compliance Report for Commissioner's Notebook
Fourth Quarter FY 2013
June - August 2013**

NFPA Standards and TCFP Compliance Requirements

- The 2014 Edition of NFPA 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting became effective August of 2013. There are two notable changes:
 - Ch 4.2.4 and A.11.1.3.1 – with this change fire departments shall use one of the following to perform PPE advanced cleaning, advanced inspection, and repair services, (1) manufacturer – trained for its own department's PPE only, (2) verified organization (3) verified independent service provider (ISP). The term ISP can be used only by companies verified by an independent third party.
 - Ch 6.3.3.1 – with this change PPE that has been properly stored does not require advanced cleaning and inspections if it has not been issued for use. The clock will start for the next required advanced cleaning and inspection as soon as the PPE is removed from proper storage.

Compliance Regional Offices

- This quarter three Compliance Officers signed telecommute agreements with the agency where their residence is the official work place. Now five of the six compliance officers are on telecommute status. These agreements reduce costs associated with leasing office space and the compliance officers are more efficient with work activities reducing commute and travel time for work assignments. Only the Region 5 office in Lufkin remains co-located with The Texas A & M Forest Service.

LODD Investigations

- Compliance officers assisted the State Fire Marshal with one Dallas, four Houston and twelve West Incident Fire Fighter Line of Duty Death (LODD) investigations. The TCFP component of the investigation's for each of the fallen firefighters consist of:
 - Visual inspection of Personal Protective Equipment and annual records of the same for inspections, cleaning and repairs.
 - Self Contained Breathing Apparatus annual flow test record.
 - Records of last hydrostatic tests for air cylinders.
 - Reviews of Standard Operating Procedures required in Texas Administrative Code Chapter 435.
 - Training or Continuing Education records.

Training and Presentations

- Compliance Officers met in Austin for three days during August for continuing education and training. An example of some of the Training topics that were included were:
 - Meet with Interim Executive Director to receive agency organizational updates.
 - Agency logos, shirts, caps, letterhead etc.
 - Internet and cell phone needs for compliance officers.
 - Training Approval and Testing program updates.
 - With the retirement of the programs administrative assistant, the Compliance program's new administrative processes and procedures (ex: travel vouchers, supply acquisition, time sheets, etc.)
 - State Fire Marshal Office representative discussed the LODD investigation process, procedures and expectations from TCFP.
 - Discuss the official agency (Commissioner's) position statements on specific manufacturer, product or brand that is determined to not meet the agencies regulatory requirements. Reiteration that those official position statements are the exclusive right and responsibility of the Commissioner's.

- Two Compliance Officers gave a presentation to the Galveston Fire Department newly promoted chief officers. The presentation consisted of responsibilities and functions of the TCFP, the roll of the TCFP within fire departments, what to expect during a compliance inspection and question and answer.
- The Compliance Officers had fourteen meetings with applicants for Head of Department (HOD) per the requirements in TAC §449.3. HOD applicants must meet with a Compliance Section staff member for review and approval of the Standards Review Assignment.

Miscellaneous

- Compliance Officers are conducting more skills and tests audits around the state. Therefore, more regulated training courses will be impacted by these audits. The aim of the audits is to ensure that approved courses are meeting the TCFP requirements which should ensure well trained students and high quality instruction.
- One Compliance Officer was a guest instructor at the TEEX annual summer school. He gave lectures on fire prevention and code enforcement topics.
- Compliance Program administrative assistant and long time TCFP employee Pat Clinton retired after 26 years of service.

Commission Quarterly Report

Training Approval and Testing Section

- **Test Administration, Training Approvals, Record Reviews, and Training and Skill Testing Audits Statistics – 4th Quarter, FY 2013**

- Test Administration – 1824 exams were administrated during this quarter with an average grade of 83.04% and a pass rate of 92.60%.
- New certification testing statistics:

Fire Officer III	3 rd Quarter (partial)	4 th Quarter	Total
First Attempts	29	46	75
Failures	0	3	3
Average Grade	73.33	80.00 (1 st Att.) 71.33 (2 nd Att. – one failure)	77.65

Fire Officer IV	3 rd Quarter (partial)	4 th Quarter	Total
First Attempts	1	28	29
Failures	0	1	1
Average Grade	92	75.86 (1 st Att.) 68.00 (2 nd Att.)	76.41

HazMat IC	3 rd Quarter (partial)	4 th Quarter	Total
First Attempts	13	24	37
Failures	0	0	0
Average Grade	86.77	84.17	85.08

- Total of 1214 training approvals have been submitted since January 2013 in the commission's Training Facility Management System.
- Record Reviews – Twelve paid record reviews for equivalency were conducted and 391 test packets were distributed in the 4th quarter. Since January 2013, 348 Qual #s have been issued in which 109 individual skill evaluations have been scheduled in the new online system.

- Training and Skill Testing Audits – Seventeen (17) audits were conducted during this quarter in which fourteen (14) were skill testing audits. Of the 17 audits, eight deficiencies were identified in which the training provider failed to conduct the skills as scheduled. Either through the rescheduling the skills testing or by verifying the skill testing records all but three of the deficiencies have been resolved.

- **International Fire Service Accreditation Congress (IFSAC)**

- Upcoming IFSAC Fall Committee and Board Meetings are scheduled to occur September 20-21, 2013 in Anchorage, Alaska.
- A request to extend the commission's IFSAC site visit through June 2014 has been submitted for consideration by the Certificate Assembly Board of Governors at the Fall meeting.

- **Training Approval and Testing News**

The agency extended an offer of employment to Amy "Charai" Fernandez to fill the Customer Service Representative III position left vacant by Amanda Ramos who recently moved to the IT section as a Systems Analyst. Ms. Fernandez's start date was September 9, 2013. Her job responsibilities will include responding to customer inquiries regarding the Training Facility Management system and testing requirements. In addition, she will be processing testing applications, recording academy invoice payments, and assisting with the grading of state certification examinations.

- **Activities for the Next Quarter**

- Continue to work with IT staff on the web-based testing project.
- Work in conjunction with the Curriculum Specialist to prepare for the impending IFSAC site visit, once the web-based testing is established.

FY 2013 Injury Reporting Program

	1Q	2Q	3Q	4Q	Total
Reported Injuries	579	1227	1005	976	2811
Burns	29	44	37	26	136
SOP-related*	5	2	4	8	11
Environmental-related	6	15	5	36	57

*Injuries involving SOP violations

<i>Publications/postings</i>					
AvoidInjury! blog posts	4	7	3	5	19

Injury program outreach activities (4Q)

FY 2013 Library Program

	1Q	2Q	3Q	4Q	Totals
<i>Items loaned</i>					
AV items	55	42	68	138	303
Print items	15	3	6	8	32
<i>Research and reference requests</i>					
Internal	0	0	0	0	0
External	54	25	33	15	127
New library borrowers (new users)	4	16	4	9	33
Responses to borrower follow-up surveys	0	17	24	41	82
<i>Items cataloged</i>					
AV items	0	0	0	0	0
Print items	0	0	0	11	0
Desk copy items ordered and processed	0	0	0	0	0
<i>Publications/postings</i>					
Library newsletter	0	0	2	1	2

FY 2013 Other Public Information and Outreach Activities

	1Q	2Q	3Q	4Q	Total
Fire department job postings	47	68	65	76	256
Number of departments requesting postings	46	75	57	68	-
Website home page articles	11	6	7	1	25
Facebook posts	0	5	41	30	76
Twitter "tweets"	0	0	54	36	90
Open records requests	9	6	2	2	20

Public Information and Outreach activities (4Q)

Library program activities (4Q)

- In addition to library program activities, Sylvia Miller is also issuing certificates, printing requested certifications, problem solving for data issues, responding to inquiries regarding certification and issuing training facility certifications.
- Laurie Taylor resigned as Injury Reporting Specialist, 7/5/13

Conferences

- SFFMA conference, 6/21
- TEEEX vendor exhibit, 7/20

Avoid Injury! Blog posts

- Near-Miss report (Chief Wilson, Irving), 8/21
- LSI 3 (Chief Wisko, Galveston), 7/8
- LSI 13 (Chief Franklin, Lancaster), 7/1
- LSI 15 (Chief Doyle, Lockhart), 6/24
- Fire Fighter Advisory Committee - Injury Reporting, 6/17

Other activities

- Safety Committee conference call, 8/19
- Safety Committee conference call, 6/24