

Captain Josh Lux

Personal Statement

September 10, 2018

Incident # 18-0073254

Time: 08:39:37

Cedar Falls Fire Units 501, 503, 511 and 540, along with Sartori 531 were dispatched for heavy steam conditions affecting the Towers Center at UNI. Due to staffing, 540 responded to the scene later, with 511 not responding at all. Cedar Falls Fire arrived with an initial crew of 7 firefighters. Initial findings on arrival were heavy steam emitting from the loading dock area and a manhole. There were several people standing around the scene, including a UNI employee.

Although I'm a Captain, due to staffing, I was not acting in that role at the time. My role was "tail boarder" under the supervision of Captain Wright. I exited 503 with all PPE and approached a police officer near the scene who stated that there may be a victim inside. The officer directed me to the UNI employee for further information. He began to advise me and other firefighters of problems with the steam system and that there was an employee who he believed was inside. He also stated that he had not been able to get any response from the employee by radio. With Acting Battalion Chief Inouye assuming command, more information was gathered and a plan was being formulated. I remember asking several times to the UNI employee if the victim was in a confined space, but I never got an answer to the question. He was very informative on the possible location of the victim and assisted with as much information as he had. I gathered that he was not at the scene when the problem began. He told us that the steam supplies to the victim's location had been turned off at 2 separate locations. I asked that they make sure they were locked out and tagged out.

After assembling a crew of 4 (FF Campbell, FF Stotler, FF Purdy and I), we donned all PPE including SCBA. The plan was for Campbell and me to enter with tag lines and Stotler and Purdy acting as our assistants. After looking at a map of the area we would be entering and getting further information from UNI employees, the 4 of us entered the loading dock area. Our entry was approximately 5 minutes after arriving on scene. Before entering the loading dock I remember making sure our team was all on the same radio channel that ABC Inouye had selected. I also remember checking Campbell's air supply which was right at 4000 psi, and my own which was at 4100 psi. There was still steam in the area as I remember having to continually wipe the lens of my face piece to see. It was also warm inside the loading dock area.

We proceeded to the small room where we had been directed by UNI staff, and found a ladder leading down to a space about 6 feet lower. I used my thermal imaging camera to scan the lower area before being the first one to proceed down the ladder. I remember seeing a temperature reading of 95 degrees at the floor with the thermal camera. FF Campbell followed me down to the lower level. We each had

separate tag lines attached to our air packs and we were breathing off of our SCBA's. My radio was malfunctioning as it was continually giving feedback.

Although we had been told to go left at the bottom of the ladder, I immediately went right approximately 10 feet since I saw a light coming from an opening in that direction. I briefly looked down the opening, but did not see a victim. Campbell had gone left and advised me that that was the direction we were told to go. I back tracked and followed Campbell and we went through an opening to the right after traveling only 10-20 feet to the left from the ladder. We then proceeded to the right inside of that opening approximately 20 feet where there was another opening to my right (the opening I initially investigated) and a tunnel proceeding to the left. The tunnel to the left was approximately another 2-3 feet lower. There was standing water in the tunnel. Campbell entered the water which appeared to only be 12 inches deep. I looked back to see Stotler and Purdy behind, feeding us our tag lines. I entered the water and it felt warm on the outside of my boots almost immediately. Campbell had proceeded approximately 20 feet down the tunnel when he advised he could see the victim. As I continued down the tunnel towards him, my boots began saturating the water and my feet were getting extremely hot and wet. This did not appear to be a problem for Campbell. I got to Campbell and saw the victim face down in the standing water, and by now my feet were beginning to burn. I told Campbell that this was now a recovery operation and my feet were getting burned and I needed to exit immediately. I walked quickly back to the ladder and climbed out of the water and advised Stotler and Purdy that my feet were burning I needed to get out immediately. I asked them to disconnect my tag line so I could exit quickly. I exited the area as quickly as I could and once outside, I immediately doffed all PPE. The medics were advised of my situation by Inouye, and they came and checked me over. I had minor burns to my feet. As I remained outside with my socks off and rested, it wasn't much longer before Campbell exited quickly and came over by me. I believed that he was sustaining burns similar to what I had, so the medics and I assisted him with removing PPE. Campbell had also sustained burns to his feet from the water. The victim had been left in place and all members had exited shortly after I did.

A new plan was formulated to pump out the water before extracting the victim. UNI maintenance staff assisted with assembling the equipment and pumped the water out of a manhole near the loading dock and into the parking lot. It was also determined that Campbell's burns appeared to need attention, and he was transported to the hospital by Sartori paramedics. By this point in time, Public Safety Officers were showing up to the scene to assist with operations.

Once the water was deemed to be at a safe level, Purdy and Stotler were advised to re-enter the tunnels with 4 PSO's to remove the victim. They took a Stoke's basket and appropriate gear for the extraction. As they entered, they found that they needed all 6 of them in the tunnels to extract the victim. With no other staff available, FF Taylor and I donned our PPE to be the backup team in the loading dock. I remained at the top of the ladder, while Taylor descended as he was needed for assistance with loading the victim onto the Stoke's. I recall Captain Wright taking notes and tracking accountability of each member.

A tag line was attached to the basket and the crew below grade lifted the basket while me and several other people, including medics and police officers, pulled the tag line until we got the victim out. The victim was placed in a body bag and onto a cot and then into an ambulance.

Rescue crews picked up all gear and deconned anything that had come in contact with the victim.

## Public Document

Iowa Code section 22.7(11)(a)(5) requires the following information about employees be made a public record:

*(5) The fact that the individual resigned in lieu of termination, was discharged, or was demoted as the result of a disciplinary action, and the documented reasons and rationale for the resignation in lieu of termination, the discharge, or the demotion. For purposes of this subparagraph, "demoted" and "demotion" mean a change of an employee from a position in a given classification to a position in a classification having a lower pay grade.*

- ***Iowa Public Information Board Advisory Opinion (AO 2018 – 0008) Issued May 17, 2018***
  - “In order to meet the new requirement in 22.7(11)(a)(5), government bodies must say which law, rule, or policy, if any, they believe the employee violated and provide at least one sentence about the behavior or incident that triggered the action. The explanation should include details, such as the date(s) of alleged behavior, location, and how it was discovered.”

Employee Name: Josh Lux

Discharge/Resignation in Lieu of Termination/Demotion:

On October 3, 2018 Lux met with PS Admin and resigned in lieu of termination.

Statement of Law/Rule/Policy Violated:

801 (1) (h) - Treating all coworkers in a courteous, professional, and helpful manner; and demonstrating a considerate, friendly and constructive attitude.

801 (1) (i) – Refraining from behavior or conduct deemed offensive or undesirable, or which is contrary to the City’s best interest.

801 (1) (j) – Performing assigned tasks efficiently and in accord with established quality standards.

801 (1) (m) – Cooperating with City investigations

801 (1) (n) – Being honest and truthful in all statements made to other City employees, suppliers, customers, and the general public.

801 (2) (d) – Insubordination or refusal by an employee to follow management’s instructions concerning job related matters.

801 (2) (h) – Falsifying, altering, misuse or misrepresentation of any City record or report, such as an application for employment, a medical report, a work record, a time record, an expense account, an absence report, and receiving records.

801 (2) (s) – Making false, inaccurate, or misleading statements or misrepresentations about another City employee, elected or appointed public official, citizen, customer City operation, practice, policy or other matters.

Description of Behavior, Incident or Misconduct:

Lux provided a report on incident 18-73,254 with numerous opinions and facts that were completely inaccurate and which could have easily been corrected referencing the calls for service and other sources.

Lux was insubordinate on several different dates and occasions when he refused to answer questions as directed by the Fire Chief and Public Safety Director. Lux conducted insubordination when he made a challenging and disrespectful statement to the Public Safety Director while being served the notice of investigation as required by law.

Date(s) of Behavior, Incident or Misconduct:

The inaccuracies and falsifying a public document were discovered on 09-12-18. Acts of insubordination were conducted in early September (refusal to answer director's questions), 09-19-18 (refusal to answer questions during service of notice of investigation and making challenging, inappropriate and defiant statement and 09-26-18 (refusal to answer questions during investigation).

Location of Behavior, Incident or Misconduct:

Falsified document was completed at Cedar Falls Fire Station 1. Insubordination was conducted at Cedar Falls Fire Station 1 and City Hall.

How Behavior, Incident or Misconduct was Discovered:

A written report was submitted following incident 18-73,254 which occurred on the UNI campus. The report was submitted for review to the Fire Chief before distribution to UNI, OSHA and others. Numerous egregious errors were discovered in the report during the review.

S W C A D C A L L S U M M A R Y R E P O R T

As of 04/30/19 at 17:44

Call: 18-073254 Loc: 2003 CAMPUS ST UNI-TOWERS CENTER-UNI CEDAR FALLS, IA 50613 W 20TH / W 22ND Type: SMOKE INV.- INSIDE Name: SUF, UNI Addr: 2003 CAMPUS ST CEDAR FALLS, IA 50613 Home: Cell: Work:	<table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">Grids:</td> <td style="width: 15%;">3200</td> <td style="width: 15%;">3020</td> <td style="width: 15%;">3020</td> <td style="width: 15%;">9999</td> </tr> <tr> <td>District:</td> <td>DPS</td> <td>CFF1</td> <td>CFF1</td> <td></td> </tr> <tr> <td>Agency:</td> <td>UNI</td> <td>aCFF</td> <td>WSAR</td> <td></td> </tr> <tr> <td>Cmd Area:</td> <td>U</td> <td>F</td> <td>F</td> <td></td> </tr> <tr> <td>Priority:</td> <td></td> <td>1</td> <td>1</td> <td></td> </tr> <tr> <td>Disposition:</td> <td></td> <td>RI</td> <td>RT</td> <td></td> </tr> <tr> <td>Call Date/Time:</td> <td>09/10/2018</td> <td>08:39</td> <td></td> <td></td> </tr> <tr> <td>Call Source:</td> <td>P</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Received By:</td> <td>D06KC</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual Type:</td> <td>FDSMOKIN</td> <td></td> <td></td> <td></td> </tr> </table>	Grids:	3200	3020	3020	9999	District:	DPS	CFF1	CFF1		Agency:	UNI	aCFF	WSAR		Cmd Area:	U	F	F		Priority:		1	1		Disposition:		RI	RT		Call Date/Time:	09/10/2018	08:39			Call Source:	P				Received By:	D06KC				Actual Type:	FDSMOKIN			
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----- Call Remarks -----

----- Responding Units -----

Unit	Personnel	Dispatch	Enroute	Arrive	Clear	Qtrs
037		09/10/2018 09:42:15		09:45:34	09:53:45	
501		09/10/2018 08:40:31	08:42:45	08:45:58	10:44:09	11:02:34
503		09/10/2018 08:40:31		08:46:00	10:44:09	11:03:08
511		09/10/2018 08:40:31			08:42:50	
521		09/10/2018 08:43:03	08:43:09	08:46:41	10:48:18	11:02:54
522		09/10/2018 08:54:27		08:59:48	11:51:19	12:51:22
531		09/10/2018 08:40:31	08:42:01	08:47:24	11:27:18	11:34:26
Transport: COVEANANT Start: 10:18:22 0.0 Stop: 10:38:43 11.8						
532		09/10/2018 09:08:52	09:08:52	09:09:10	09:40:37	
Transport: SARTORT Start: 09:24:18 0.0 Stop: 09:30:23 1.6						
532		09/10/2018 09:41:08	09:41:16	09:41:21	10:26:37	
540		09/10/2018 08:40:31			08:42:50	
540		09/10/2018 09:07:58	09:07:58	09:10:07	10:44:09	11:03:14-24.6
5A2	OBA69 BERTE, CRA	09/10/2018 10:25:17	10:25:17	10:25:24	10:25:31	85.24
5C1	OHA56 HAYES, MIK	09/10/2018 09:14:11		09:14:16	10:48:40	28.16
5C3	OSA84 SITZMANN,	09/10/2018 08:58:15		09:13:47	10:42:39	27.41
5D2	JA126 JOHANNSEN	09/10/2018 08:58:15		09:42:02	11:11:12	50.02
5D3	MA131 MCNAMARA,	09/10/2018 09:21:24		09:42:02	10:35:32	
5D4	MA132 MERCADO, J	09/10/2018 08:58:56		09:42:02	11:11:12	
5L4	BA114 BELZ, MATT	09/10/2018 09:22:50		09:42:02	11:11:01	56.02
5K2	OKA93 HEUER, BRO	09/10/2018 09:00:46		09:04:51	10:37:08	13.51
5K7	SA110 SMITH, TIM	09/10/2018 08:45:09		08:45:15	10:37:56	+43
5L1	LA121 LADAGE, XA	09/10/2018 08:47:43		08:57:26	10:37:47	11.22
5N1A	ZA120 ZOLONDEK,	09/10/2018 08:45:56		08:50:12	10:32:24	4.14
5S2A	MA142 MADSEN, BR	09/10/2018 08:44:08		08:44:15	10:27:25	+1.41
5S3A	MA137 MARCOTTE,	09/10/2018 08:44:08		08:44:16	10:38:31	+1.42

----- END OF REPORT -----