

Telecommunications Policy Committee Minutes August 18, 2014 (Draft)

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 18, 2014 at the Oregon Public Safety Academy in Salem, Oregon. Chair Toni Sexton called the meeting to order at 9:00 a.m..

Attendees:

Committee Members:

Toni Sexton, Chair, Oregon APCO-NENA
Pamela Brost, Association of Public Safety Communications Officers
Sharyl Dresser, Association of Public Safety Communications Officials
Richard Culley, Oregon State Police
Gary Bettencourt, Oregon State Sheriffs' Association
Justin Hardwick, Emergency Medical Services and Trauma Systems
Brian Oeder, Line-Level Telecommunicator

Committee Members Absent:

Rich Leipfert, Oregon Fire Chiefs Association

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Leon Colas, Professional Standards Coordinator/Investigator
Kristen Hibberds, Professional Standards Coordinator/Investigator
Theresa King, Training Compliance Program Coordinator
Debbie Anderson, Certification and Compliance Specialist
Sharon Huck, Rules Coordinator
Tia Turnipseed, Professional Standards Assistant



1. Telecommunications Policy Committee By-Laws Review and Approve

The group reviewed and accepted the by-laws. Linsay suggested that staff can make housekeeping updates for consistency and clarity. The by-laws will be brought back to the next Telecommunications Policy Committee (TPC) for a possible vote.

2. Minutes from February 5, 2014 Meeting

Approve meeting minutes of the February 5, 2014 Telecommunications Policy Committee meeting.

To see a complete record of the February 5, 2014 Telecommunications Policy Committee minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/TPC_Minutes/TPCminutes020514.pdf

Pamela Brost moved to approve the minutes from the February 5, 2014 Telecommunications Policy Committee meeting. Justin Hardwick seconded the motion. The motion carried unanimously.

3. OAR 259-008-0010 and 259-008-0011 – Proposed Rule Change

Academic Proficiency Standard Exception presented by Sharon Huck

Current Administrative Rule does not allow individuals previously certified in a public safety discipline to waive the academic proficiency standard.

This rule change adds an exception to the current rule exempting individuals who are certified in the discipline they are applying for training from the testing requirement.

Pamela Brost moved that the Telecommunications Policy Committee recommend to the Board filing the proposed language for OAR 259-008-0010 and 259-008-0011 with the Secretary of State as proposed rules and as permanent rules if no comments are received. Gary Bettencourt seconded the motion. The motion carried unanimously.

It is the consensus of the committee there is no fiscal impact on small business.

4. OAR 259-008-0005 and 259-008-0060 – Proposed Rule Changes

CPR/First Aid Requirements, Leave Clarification, and Housekeeping presented by Sharon Huck

In April 2014, a workgroup met to discuss a constituent concern relating to the lack of a CPR Maintenance requirement for Corrections and Parole & Probation officers. The workgroup suggested adding to rule that all levels of certification require current CPR/First Aid certification. Additionally, DPSST performed extensive housekeeping on OAR 259-008-0060 and updated the military leave requirements.

After deliberation, it was determined that the housekeeping changes inadvertently required full-time employment prior to certification as a telecommunicator, overlooking part-time telecommunicators. Committee members decided to table the issue until the next Telecommunications Policy Committee meeting giving staff time to correct the error.

5. OAD 259-008-0015 and 259-009-0015 – Proposed Rule Change

Background Investigations presented by Sharon Huck

A member of the Police Policy Committee (PPC) expressed concern about the lack of consistency between agencies when conducting pre-employment background investigations. In April, DPSST presented the issue to the Board. The Board recommended that a workgroup review the current background OAR. The workgroup met in July and August to discuss the issue and to draft additional language to the investigation requirements to update the current standard.

Gary Bettencourt expressed concerns about the standard and its effect on smaller agencies.

Linsay explained the workgroups intent was to provide a guideline for agencies to follow. The F-4 (Personnel Action Form) has a section that states a background investigation was completed, that the background investigation is retained by the agency, and that DPSST can review it if needed. DPSST does not tell an agency who to hire, or what a passing background investigation consists of. She also explained that if this rule were to pass, DPSST would provide information on the website as a general reference.

Sharyl Dresser moved that the Telecommunications Policy Committee recommend to the Board filing the proposed language for OAR 259-008-0015 and 259-009-0015 with the Secretary of State as proposed rules and as permanent rules if no comments are received. Brian Oeder seconded the motion. The motion carried unanimously.

It is the consensus of the committee there is no fiscal impact on small business.

6. Emergency Medical Dispatcher course certification – Information only

Presented by Theresa King

Theresa King reported that in the second quarter of this year, the Department recognized that there was an oversight in course certification. With changes of staff in the Telecommunications area, DPSST recognized the EMD course had not been officially certified for a number of years. That did cause concern however, the EMD as a whole is a very stable course and its basis is on National Highway Safety Traffic Administration (NHTSA) standards.

The training venues and off-site vendors such as APCO, Priority Dispatch, and PowerPhone were evaluated. The Audit Unit, Academy Training, and the Center for Policing Excellence (CPE) looked into updating the curriculum. Two of the subject matter experts, Tia Akers and Rob Dahlman, were brought in to ask for their input on the curriculum, PowerPoints, and test questions.

Once the new curriculum was in place, the first EMD course was delivered and the Audit Unit debriefed instructors and all students and made additional refinements. Since then, Theresa has obtained the curriculum and testing measures from off-site vendors and compared them against the state standards and found all of the vendors to be equivalent, so certifications have been issued to those three vendors. An annual process of re-certifying has been moved forward so there are no oversights in the future.

7. Telecommunicator Field Training Manual (FTM)

Linsay Hale

Sharyl Dresser updated Committee Members about the changes to the FTM. She expressed the new FTM would be more user friendly in that it would be agency-specific. The look of the book is different and expectations and core principles have been identified. She also explained that there is a resource guide that goes along with the FTM which will go out to agencies and will also be available on the website.

After deliberation, committee members decided to table the issue until the next Telecommunications Policy Committee meeting to allow time for the manual to be shared with constituents.

8. Cindie Hughitt – DPSST# 41260

Presented by Leon Colas

Gary Bettencourt moved that the Telecommunications Policy Committee adopts the staff report as the record upon which its recommendations are based. Sharyl Dresser seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified the following behaviors by HUGHITT being considered in this case as:

- Read and made printouts of someone else's email and later used it for her dialogue with other employees via email;
- Was told several times not to engage in negative behavior by her supervisor;
- Dishonesty;
- Sent out a group email telling a specific person not to share the information provided; a bullying social undermining tactic.

By discussion and consensus, the committee determined that HUGHITT's behavior did involve Insubordination as defined in Administrative Rule when she was told many times not to engage in such behavior with her co-workers and sending out an email that put the co-worker out for public embarrassment.

Gary Bettencourt moved that the Telecommunications Policy Committee find that HUGHITT's Insubordination does not rise to the level to warrant revocation when considered alone. Richard Culley seconded the motion. The motion carried 6-1 with Sexton, Brost, Culley, Hardwick, Oeder and Bettencourt voting aye; Dresser voting nay.

By discussion and consensus, the committee determined that HUGHITT's behavior did involve Misconduct as defined in Administrative Rule when she accessed someone else's personal email and disseminated the information the emails.

Sharyl Dresser moved that the Telecommunications Policy Committee find that HUGHITT's Misconduct does not rise to the level to warrant revocation when considered alone. Gary Bettencourt seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that HUGHITT's behavior did involve Gross Misconduct as defined in Administrative Rule when she intentionally created dissention and stepped over the line by purposefully stirring things up.

Gary Bettencourt moved that the Telecommunications Policy Committee find that HUGHITT's Gross Misconduct does not rise to the level to warrant revocation when considered alone. Richard Culley seconded the motion. The motion carried 5-2 with Sexton, Brost, Culley, Oeder and Bettencourt voting aye; Hardwick and Dresser voting nay.

By discussion and consensus, the committee determined that HUGHITT's behavior did not involve Misuse of Authority.

By discussion and consensus, the committee determined that HUGHITT's behavior did involve Disregard for the Rights of Others as defined in Administrative Rule when she disseminated confidential information, violating the employees right to privacy. She was warned many times, but continued the conduct.

Gary Bettencourt moved that the Telecommunications Policy Committee find that HUGHITT's Disregard for the Rights of Others does not rise to the level to warrant revocation when considered alone. Sharyl Dresser seconded the motion. The motion carried 5-2 with Brost, Culley, Hardwick, Bettencourt and Dresser voting aye; Oeder and Sexton voting nay.

By discussion and consensus, the committee determined that HUGHITT's behavior did involve Dishonesty as defined in Administrative Rule due to the matter in which she obtained the information and the act alone was dishonest.

Pamela Brost moved that the Telecommunications Policy Committee find that HUGHITT's Dishonesty does rise to the level to warrant revocation when considered alone. Gary Bettencourt seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified the following Aggravating Circumstances:

- Actions were purposeful and continued;
- Should know better by years of service;
- Chose to frequently bring her personal issues into the workplace;
- Caused people to be affected by her actions and not be focused on their job.

By discussion and consensus, the committee identified the following Mitigating Circumstances:

- She brought up the issues between her and the co-worker to superiors, but did not appear to get help;
- She requested not to be on the same shift as the co-worker she had issues with and it was denied.

The Telecommunications Policy Committee found that the Mitigating Circumstances do not outweigh the Aggravating Circumstances.

After considering the totality of the circumstances, Gary Bettencourt moved that the Committee recommends to the Board that HUGHITT's certification be revoked. Pamela Brost seconded the motion. The motion carried unanimously.

Pamela Brost moved that the Committee recommends to the Board that HUGHITT's Dishonesty warrants an ineligibility period to reapply for certification of lifetime. Sharyl Dresser seconded the motion. The motion carried unanimously.

9. Staff Report

Linsay Hale reported:

Linsay gave an update on legislative concepts. The Department filed three legislative concepts for next session: the ability of PERS retirees to be employed full-time at the academy as trainers; the Department's authority over reserve police officers which was the basis for the background investigation discussion; and ability for the director to compel compliance with the requirement that agencies provide DPSST access to personnel records in cases where there may be professional standards issues.

There has been discussion about the intermediate and advanced certification charts for law enforcement officers. This discussion does not affect the telecommunication charts.

DPSST has had a minimum standards workgroup meeting. Initially, the workgroup was asked to look at the training requirements timelines. The group determined that the timelines currently in rule are appropriate and relevant. They then started to look at the concept of a limited-duration administrative position. Once finalized, the concept will come before the committee in the form of a rule change. Additionally, DPSST has also been asked to do some research into the 90-day lapse period found in statute.

Eriks Gabliks reported:

Eriks welcomed the new committee members.

In addition to legislative concepts, the Board approved the 2015-2017 Budget Request for the agency. A number of policy option packages are being submitted, DPSST is requesting two positions dedicated to mental health training. The focus is going to be on post academy training.

DPSST has also requested a position for active shooter and has actively been working on a regional training program to get active shooter training to law enforcement agencies. Over the last year, the 9-1-1 centers have become involved with the exercises. There has been increased interest by fire and EMS responders to be part of the training. The state police have through legislative direction, a workgroup meeting on creating a statewide database for school plans and resources. The chiefs, sheriffs, and fire chiefs are part of the workgroup with educators and they will be submitting a policy option package to move forward on a software package where the local school districts will work with the responders to develop a plan that will be cloud-based and will bring up school blueprints, locations for staging and helicopter landing.

DPSST is requesting two positions in the Center for Policing Excellence (CPE). This is where the leadership supervision middle management program resides. If approved, DPSST is looking to make two significant changes within the next year. One, to move the basic students away from using printed textbooks to iPad technology. Second, adding a researcher to the CPE unit.

APCO-NENA grants are continuing to work well with their training committee. DPSST is also working on a rural response committee that has been put together to look at how law enforcement agencies, specifically fire and 911 centers, work in distressed areas or limited areas where there are no police services available.

DPSST has proposed 2015 meeting dates, staying on a quarterly schedule. The dates are February 4, May 6, August 5, and November 4 all starting at 9:00.

10. Next Regularly Scheduled Meeting – November 5, 2014

Meeting Adjourned at 10:49 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.*