Telecommunications Policy Committee
Minutes
May 1, 2008

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 1, 2008 at the Oregon Public Safety Academy in Salem, Oregon. Chair Eric Swanson called the meeting to order at 10:03 a.m.

Attendees

Committee Members:
Eric Swanson, Public Safety Telecommunicators, Chair
Tamara Atkinson, Association of Public Safety Communications Officers
Brian Casey, Oregon Association Chiefs of Police
Bob Cozzie, Association of Public Safety Communications Officers
Jack Jones, Oregon State Sheriffs' Association
James Rentz, Oregon State Police
LeAnne Senger, Public Safety Telecommunicators

Committee Members Absent:
Tom Clemo, Oregon Fire Chiefs' Association
Elizabeth Morgan, Emergency Medical Services and Trauma Systems
Jennifer Brinlee, Public Safety Telecommunicators
Chris Benson, Oregon Fire Medical Administrators' Association

Guests:
Robert Poirier, Santiam Canyon Communications
Tony Collins, Clackamas County Communications

DPSST Staff:
Eriks Gabliks, Deputy Director
Carolyn Kendrick, Administrative Assistant
Bonnie Salle, Certification Coordinator
Pamela Collette, Telecommunications Training Coordinator
Heather Hatch, Curriculum Specialist

1. **Minutes from February 7, 2008 Meeting**
   Approve meeting minutes from February 7, 2008 meeting.

   See Appendix A for details

   Brian Casey moved to approve the minutes from the February 7, 2008 meeting. Bob Cozzie seconded the motion. The motion carried unanimously by all present.

2. **Minutes from April 15, 2008 Special Meeting**
   Approve meeting minutes from April 15, 2008 special meeting.

   See Appendix B for details

Tami Atkinson moved to approve the minutes from the April 15, 2008 special meeting. James Rentz seconded the motion. The motion carried unanimously by all present.

3. **Hearing Officer's Report – OAR 259-008-0200**
   Civil Penalty
   Presented by Bonnie Salle

   See Appendix C for details

   Brian Casey moved to adopt the proposed rule amending OAR 259-008-0200 as a permanent rule as originally approved by the Telecommunications Policy Committee and Board on Public Safety Standards and Training. Jack Jones seconded the motion. The motion carried unanimously by all present.

4. **OAR 259-008-0060(11) – Proposed Rule**
   Creditable Service Time
   Presented by Bonnie Salle

   See Appendix D for details

   Jack Jones moved to recommend filing the proposed language for OAR 259-008-0060(11) with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Brian Casey seconded the motion. The motion carried unanimously by all present.

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

5. **OAR 259-013-0000 – Proposed Rule**
   Criminal Records Check
   Presented by Bonnie Salle

   See Appendix E for details

   Bob Cozzie moved to recommend filing the proposed language for OAR 259-013-0000 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Tami Atkinson seconded the motion. The motion carried unanimously by all present

   It is the consensus of the committee that there is no significant fiscal impact on small businesses.

6. **OAR 259-008-0064 – Proposed Rule**
   Maintenance Training for Telecommunicators/EMD
   Presented by Bonnie Salle

   See Appendix F for details

   Jack Jones questioned if this proposed rule would cause any impact in maintenance

training? Staff stated there has not been anyone who has used instructed hours in the last five years towards meeting maintenance training requirements.

Jack Jones moved to recommend filing the proposed language for OAR 259-008-0064 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Brian Casey seconded the motion. The motion carried unanimously by all present.

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

7. **Curriculum Update**
   12th-Grade Level Reading and Writing Test
   Presented by Eriks Gabliks

   Stanard and Associates has brought forth a proposal to our organization. They want to reformat their 12th-grade reading and writing test for telecommunications professionals. One of the things identified is that the writing standard as currently adopted doesn't accurately match up with what telecommunicators are doing on the job. DPSST has agreed to beta test Stanard and Associates' new test in the next four basic telecommunication classes here at the academy. This is not a pass/fail test but merely a data collection tool. This will give us a basis to evaluate whether to adopt this standard over the currently adopted writing standard for telecommunication. Chair Swanson asked for this information so he can forward it to his associates at APCO/NENA.

Chair Swanson announced his term is over and introduced Rob Poirier as the new Chair for the Telecommunications Policy Committee.

The next regularly scheduled Telecommunications Policy Committee meeting is August 7, 2008 at 10:00 a.m.

With no further business before the Committee, the meeting adjourned at 10:22 a.m.

Appendix A

Telecommunications Policy Committee
Minutes (Draft)
February 7, 2008

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 7, 2008 at the Oregon Public Safety Academy in Salem, Oregon. Chair Eric Swanson called the meeting to order at 10:03 a.m.

Attendees

Committee Members:
Eric Swanson, Public Safety Telecommunicators, Chair
Chris Benson, Oregon Fire Medical Administrators' Association
Jennifer Brinlee, Public Safety Telecommunicators
Brian Casey, Oregon Association Chiefs of Police
Bob Cozzie, Association of Public Safety Communications Officers
Elizabeth Morgan, Emergency Medical Services and Trauma Systems
James Rentz, Oregon State Police - teleconference
LeAnne Senger, Public Safety Telecommunicators

Committee Members Absent:
Tamara Atkinson, Association of Public Safety Communications Officers
Tom Clemo, Oregon Fire Chiefs Association
Jack Jones, Oregon State Sheriffs' Association

Guests:
Rob Porrier, CCN Santiam Canyon Communications
Janis Cameron, Yamhill Communications

DPSST Staff:
Eriks Gabliks, Deputy Director
Marilyn Lorance, Standards and Certification Supervisor
Pamela Collette, Telecommunications Training Coordinator
Carolyn Kendrick, Administrative Assistant

1. **Minutes of November 8, 2007**
   Approve Minutes of November 8, 2007 Meeting

   Bob Cozzie moved to approve the minutes of the November 8, 2007 meeting. James Rentz seconded the motion. The motion carried unanimously by all present.

2. **OAR 259-008-0011 Proposed Administrative Rule**
   Medical Waivers / Contested Case Process
   Presented by Marilyn Lorance

See Appendix A for details.

ACTION ITEM 1: Determine whether to approve filing the proposed language for OAR 259-008-0011 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to approve filing the proposed language for OAR 259-008-0011 with the Secretary of State as a permanent rule if no comments are received.

Brian Casey moved to approve filing the proposed language for OAR 259-008-0011 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Elizabeth Morgan seconded the motion. The motion carried unanimously by all present.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.

It is the consensus of the Committee that there is no significant fiscal impact on small businesses.

3. **OAR 259-008-0045(5) Proposed Administrative Rule**
   Official College Transcripts
   Presented by Marilyn Lorance

See Appendix B for details.

ACTION ITEM 1: Determine whether to approve filing the proposed language for OAR 259-008-0045(5) with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to approve filing the proposed language for OAR 259-008-0045(5) with the Secretary of State as a permanent rule if no comments are received.

Elizabeth Morgan moved to approve filing the proposed language for OAR 259-008-0045(5) with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. James Rentz seconded the motion. The motion carried unanimously by all present.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.

It is the consensus of the Committee that there is no significant fiscal impact on small businesses.

4. **OAR 259-008-0060(9)(d) Proposed Administrative Rule Change**
   Instructional Credits
   Presented by Marilyn Lorance

See Appendix C for details.

The Committee inquired whether instructors who created one-time classes would receive passed credit for that particular class. Staff clarified that any trainer who instructs a class

would not receive credit, credit would only be issued if they actually signed up as a participant of said class. Staff explained the problem with the duplicate entry process and the database. The Committee agreed on the necessity of this rule change to eliminate duplicate training entry, however the rule change needs to be reworked. Staff agreed to revise this rule change request and bring it back to the Committee at the next regularly scheduled meeting in May 2008.

5. **Curriculum Update**
   Presented by Bob Cozzie

   The curriculum workgroup met on December 12, 2007 and discussed reviewing the student resource manual and dealing with the performance objectives in the classroom. The goal is to give students a better perspective of the objectives as opposed to teaching them exactly what is going to be on the test. In line with the student resource manual, Doug Burch is working on a prototype that we haven't seen yet, but includes making all of the student materials handed out in class into a text book format; making use of pictures, graphs, etc. so there is a more professional appearance rather than PowerPoint presentations that are just printed out and handed to the students.

   Another item the curriculum workgroup is exploring is the possibility of online training possibly via the web, offering some classes through DPSST, or CD's that are distributed to agencies. This would enable agencies to have opportunities for ongoing training and to help those agencies who are unable to develop in-house training. We are just at the discussion phase thus far.

   Also discussed was the use of technology at the academy and if there is a need for extending the Basic Telecommunications class at the academy. If so, what classes would be pertinent to add to the course schedule.

   The next Curriculum Workgroup meeting is February 29th right after the Basic Telecommunications Class #63 graduation at DPSST.

   In regards to extending the Basic Telecommunications class at the academy, Eriks Gabliks stated DPSST is unable to achieve this during the 2009-11 budget. The next time DPSST would be able to make this request would be during the following budget biennium.

6. **Other Items Discussed**
   Eriks Gabliks introduced Brian Casey, Chief of Newberg Police Department representing the Oregon Association of Chiefs of Police. He is replacing Scott Russell from Woodburn.

   Also introduced was Chris Benson representing the Oregon Fire Medical Administrators Association. He is replacing Randy Jackson.

   The next regularly scheduled Telecommunications Policy Committee meeting is May 1, 2008.

   With no further business before the Committee, the meeting adjourned at 10:44 a.m.

Appendix B

Telecommunications Policy Committee
Minutes (Draft)
April 15, 2008

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a special meeting on April 15, 2008 at the Oregon Public Safety Academy in Salem, Oregon. Chair Eric Swanson called the meeting to order at 10:05 a.m.

Attendees

Committee Members:
Eric Swanson, Public Safety Telecommunicators, Chair
Jennifer Brinlee, Public Safety Telecommunicators
Bob Cozzie, Association of Public Safety Communications Officers
Elizabeth Morgan, Emergency Medical Services and Trauma Systems
James Rentz, Oregon State Police - teleconference
LeAnne Senger, Public Safety Telecommunicators
Tamara Atkinson, Association of Public Safety Communications Officers

Committee Members Absent:
Tom Clemo, Oregon Fire Chiefs Association
Jack Jones, Oregon State Sheriffs' Association
Chris Benson, Oregon Fire Medical Administrators' Association
Brian Casey, Oregon Association Chiefs of Police

Guests:
Janis Cameron, Yamhill Communications

DPSST Staff:
Eriks Gabliks, Deputy Director
Marilyn Lorance, Standards and Certification Supervisor
Carolyn Kendrick, Administrative Assistant

8. **OAR 259-008-0060(9)(d) Proposed Changes**
   Training Credit
   Presented by Marilyn Lorance

   See Appendix A for details.

   Several committee members agreed that instructors should receive credit for hours taught as if they were participating in that class. After much discussion, the committee agreed that capping the number of instructor hours that could apply towards the Telecommunications/EMD maintenance requirement should be implemented. Staff agreed to bring a discipline-specific rule back to the committee addressing what could be

counted towards maintenance training. The committee agreed this was necessary prior to moving on the written language of OAR 259-008-0060(9)(d).

- **ACTION ITEM #1** Determine whether to recommend filing the proposed language for OAR 259-008-0060(9)(d) with the Secretary of State as a proposed rule.
- **ACTION ITEM #2** Determine whether to recommend filing the proposed language for OAR 259-008-0060(9)(d) with the Secretary of State as a permanent rule if no comments are received.

  Elizabeth Morgan moved to recommend filing the proposed language for OAR 259-008-0060(9)(d) with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Bob Cozzie seconded the motion. The motion carried by all participating.

- **ACTION ITEM #3** Determine whether there is a significant fiscal impact on small businesses.

  It is the consensus of the committee that there is no significant fiscal impact on small businesses.

The next regularly scheduled Telecommunications Policy Committee meeting is May 1, 2008 at 10:00 a.m.

With no further business before the Committee, the meeting adjourned at 10:44 a.m.

Appendix C

DATE: April 3, 2008

TO: Telecommunications Policy Committee

FROM: Bonnie Sallé
Hearing Officer

SUBJECT: Hearing Officer's Report and Recommendation
OAR 259-008-0200

The Telecommunications Policy Committee, Police Policy Committee, Corrections Policy Committee and Board on Public Safety Standards and Training reviewed and approved filing a proposed permanent rule with the Secretary of State's office to impose a civil penalty on public safety agencies for violations of ORS 181.644, 181.652, 181.653 and 181.665. These statutes primarily outline the requirements for Basic certification for individuals working in the criminal justice disciplines.

FINDINGS OF FACT:

1. On February 15, 2008, a Notice of Proposed Rulemaking Hearing was filed with the Secretary of State's office (see Exhibit A)

2. On March 1, 2008, the Notice of Proposed Rulemaking Hearing was published in the Secretary of State's monthly publication (Bulletin). (see Exhibit B)

3. During the month of March 2008, the Notice of Proposed Rulemaking Hearing was posted on the Department of Public Safety Standards and Training's website.

4. On March 24, 2008, a public hearing was held. Zero (-0-) individuals attended the hearing and no public testimony was given.

5. On March 24, 2008, the public comment period closed.

A total of one (1) comment was received during the open comment period. The comment is summarized below.

Comment #1: On March14, 2008, an e-mail comment was received indicating the following:

"I would like to take this opportunity to relay my concerns regarding the DPSST proposal to enact OAR 259-008-0200 for Civil Penalties.

First let me say that I am fully supportive of DPSST's efforts at increasing professional standards in law enforcement. Revocations and denials on the state level are important and are helpful to agencies that are fighting with unions over terminations. The one local revocation that I am

aware of was very appropriate and frankly long overdue. I support holding agencies accountable and to high standards. With that said, here are my concerns.

Being a new Chief of Police of a small 10-officer department, I find my duties can be overwhelming at times. Reality dictates that you develop a three to five year strategic plan to accomplish all the tasks necessary to get the department to the highest level of professionalism. I can speak from relatively new experience that keeping up with supervisor issues, policy issues, legal issues (I could go on) and a small city's endless demands on department heads, with few resources or experienced staff to rely on, can be an enormous challenge. Add to that DPSST's valid, but ongoing changes in policies and procedures, and you can easy [sic] get lost in all the issues that come across your desk. If you add a civil penalty to a small agency, you would be penalizing an agency without resources including a budget that can't absorb the fine.

My agency looks to DPSST to be a resource that helps continue our improvement and reach our goals, not to fine us. This does not mean that I don't support a Civil Penalty. My concern is in (1)(d) and section (2). I believe that Civil Penalties are appropriate only when an agency has been advised of a lack of compliance, and is making no effort to remedy their violations. This doesn't seem to be the intent of the OAR as section (2) addresses single violations, which I take to mean "one strike and you're out." I don't believe this is your intent, but it does read that way.

My suggestion is that language is added to (1)(d) and perhaps it should be incorporated into section (2) where violations can only lead to fines when an agency has a history of violations or fails to prevent recurrence of a violation."

CONCLUSION:

The Department presented the proposed rule amendment to OAR 259-008-0200 to the Telecommunications Policy Committee, Corrections Policy Committee and Police Policy Committee. It was reviewed and discussed by all committee members from each committee and the Department received approval from all three committees to forward their recommendation to approve the proposed language for OAR 259-008-0200 to the Board.

The Department presented the proposed rule amendment to OAR 259-008-0200 to the Board. It was reviewed by Board members and the Department received approval to file the proposed amendment with the Secretary of State's office as a proposed rule.

The concern raised was previously discussed at each policy committee meeting before the rule was opened for comment. After discussion with staff regarding implementation of the rule, all committees and the Board had expressed their satisfaction with the proposed approach to implement the rule as drafted.

The Department provided notice of a proposed rulemaking hearing to:

a) The Secretary of State's office;
b) Legislative Counsel;
c) The agency interested parties' list; and
d) The Department's website;

The Department received one public comment representing the interpretation of the rule by a single individual.

It is the conclusion of the hearing officer that the Department provided ample notice of the proposed rule amendment to OAR 259-008-0200 to the largest extent possible to public safety agencies and public safety personnel. One single comment was received in opposition to the rule amendment. After careful consideration of issues raised in the opposing comment, contrasted with the extensive public notice given, the single negative comment does not appear to represent a statewide concern among public safety agencies about the rule amendment as originally drafted.

HEARING OFFICER'S RECOMMENDATION: Adopt the proposed rule amending OAR 259-008-0200 as a permanent rule as originally approved by the Telecommunications Policy Committee and Board on Public Safety Standards and Training.

Appendix D

Date: April 3, 2008

To: Telecommunications Policy Committee

From: Bonnie Sallé
Rules Coordinator

Subject: OAR 259-008-0060(11) – Proposed Rule
Creditable Service Time

Issue: All telecommunicators and emergency medical dispatchers are required to obtain certification within 18 months pursuant to ORS 181.644. If a telecommunicator or emergency medical dispatcher fails to obtain certification within this timeframe, they are prohibited by law from being employed as a telecommunicator or emergency medical dispatcher. However, the Department does not currently have a rule in place to identify the circumstances under which a telecommunicator or emergency medical dispatcher will not receive creditable service time or how creditable service time is accrued for part-time telecommunicators and emergency medical dispatchers. The Department seeks to clarify those instances in our current rules.

The following revised language for OAR 259-001-0010 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~). For ease of review, only the relevant portion of the recommended new language has been included.

259-008-0060

* * *

(11) Experience/Employment:

(a) Experience acquired as a corrections, parole and probation, or police officer employed full time with municipal, county, state, or federal agencies, may be accepted if the experience is in the field in which certification is requested and is approved by the Department. ~~For the purpose of this rule, casual, seasonal, or temporary employment shall not qualify as experience toward certification.~~

(b) Experience acquired as a telecommunicator or emergency medical dispatcher employed with a public or private safety agency may be accepted if the experience is in the field in which certification is requested and is approved by the Department.

(c) Experience **acquired** as a certified **part-time telecommunicator, emergency medical dispatcher as defined in OAR 259-008-0005(12) and (32) respectively, or** ~~part-time~~ parole and probation officer, as defined under OAR 259-008-0005~~(22)~~ **(20)** and ~~(23)~~ **(21)** and OAR 259-008-0066, shall count on a pro-rated basis.

~~(b) Experience acquired as a telecommunicator or emergency medical dispatcher employed with a public or private safety agency may be accepted if the experience is in the field in which certification is requested and is approved by the Department.~~

~~(c)~~ **(d)** Police, corrections, parole and probation, telecommunicator, or emergency medical dispatch experience in fields other than that in which certification is requested may receive partial credit when supported by job descriptions or other documentary evidence. In all cases, experience claimed is subject to evaluation and approval by the Department.

(e) For the purpose of this rule, creditable service time for experience will not accrue under the following circumstances:

(A) When a police, corrections or parole and probation officer is employed in a casual, seasonal, or temporary capacity;

(B) When a public safety professional is on "leave." This includes, but is not limited to, medical leave, military leave, or other "leaves of absence";

(C) Notwithstanding paragraph (B) of this rule, a public safety professional may submit a written request for credit for military time served upon return from a military leave. The Department may approve credit for military time served if the public safety professional's military duties are determined to be equivalent to the duties the public safety professional was performing prior to the public safety professional's military leave. Any credit received for time served will be at the discretion of the Department.

(D) From the date a public safety professional's certification is recalled until it is reinstated by the Department;

(E) When a public safety professional fails to obtain Basic certification within a mandated timeframe and is prohibited from being employed as a public safety professional until certification is obtained as required by law.

ACTION ITEM 1: Determine whether to approve filing the proposed language for OAR 259-008-0060(11) with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to approve filing the proposed language for OAR 259-008-0060(11) with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.

Appendix E

Date: April 3, 2008

To: Telecommunications Policy Committee

From: Bonnie Sallé
Rules Coordinator

Subject: OAR 259-013-0000 – Proposed Rule
Criminal Records Check Rule

Issue:

During the 2007 legislative session, HB 2157 enacted legislation relating to criminal records checks. The Department is responsible for receiving, reviewing and processing fingerprint cards and conducting criminal records checks for public safety professionals, polygraph intern or general license applicants, private security professionals, private investigators, fire service professionals, certified retired officers and candidates for election to the office of Sheriff.

Staff is recommending implementation of the attached rules to include the new provisions relating to criminal records checks for individuals who are required to have a criminal record check prior to licensing or certification.

The attached new language for OAR 259-013-0000 through 259-013-0300 contains recommended additions (**bold and underlined**).

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-013-0000 through 259-013-0300 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-013-0000 through 259-013-0300 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses. (see form attached)

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

DIVISION 13

CRIMINAL RECORDS CHECK RULES

259-013-0000

Statement of Purpose and Statutory Authority

(1) Purpose. The purpose of these rules is to establish the reasonable screening procedures for:

(a) All public safety professionals;

(b) Instructors;

(c) Any individual who occupies a position requiring a license or certification or is under investigation by the Department; or

(d) Reissuance of a license or certificate that is issued by the Department.

(2) Authority. These rules are authorized under ORS 181.534 and 181.612.

(3) When Rules Apply. These rules are to be applied when evaluating the criminal history of a subject individual identified in (1) of this rule. The fact that a subject individual is approved does not guarantee licensure or certification.

Stat. Auth.: ORS 181.534 & 181.612
Stats. Implemented: ORS 181.612

259-013-0005

Definitions

As used in OAR chapter 259, division 013, unless the context of the rule requires otherwise, the following definitions apply:

(1) “Approved” means that a criminal records check has been completed on an individual and the Department has not identified any criminal record that would make the individual ineligible for licensure or certification.

(2) "Authorized Designee" means a person who is authorized by the Department to receive, review and process criminal history information.

(3) “Conviction” means that a person was convicted in a court of law. Entering a plea of “guilty” or “no contest” is also considered a conviction for the purpose of these rules unless a subsequent court decision has dismissed the charges. An expunged juvenile or adult record may be considered a conviction under these rules for purposes of eligibility for licensure or certification.

(4) Criminal History Information” means criminal justice records, fingerprints, court records, sexual offender registration records, warrants, DMV information, information provided on a Department form, and any other information obtained by or provided to the Department. “Criminal history information” may include violations or infractions for purposes of eligibility for licensure or certification.

(5) “Criminal Records Check” means the Oregon Criminal Records Check and, when required, a National Criminal Records Check or a State-Specific Criminal Records Check, and the processes and procedures required by these rules.

(6) “Denied” means a criminal records check has been completed on an individual and the individual is ineligible to obtain licensure or certification.

(7) “Department" means the Oregon Department of Public Safety Standards and Training.

(8) "National Criminal Records Check" means obtaining and reviewing criminal records nationwide or from states or jurisdictions other than Oregon. This information may be obtained from the Federal Bureau of Investigation through the use of fingerprint cards and from other criminal information resources.

(9) "Oregon Criminal Records Check" means obtaining and reviewing information from the Oregon State Police's Law Enforcement Data System (LEDS). The Oregon Criminal Records Check may also include, but is not limited to: Oregon Justice Information Network (OJIN), Oregon Department of Corrections records, Motor Vehicles Division, local or regional criminal records information systems, or other official law enforcement agency or court records in Oregon.

(10) "Potentially Disqualifying Crime" means a crime listed or described in OAR 259-013-0260.

(11) "Records Information" includes criminal justice records, fingerprints, court records, sexual offender registration records, warrants, arrests, DMV information, information provided on the Department's criminal records check forms, and any other information obtained by or provided to the Department for the purpose of conducting a fitness determination.

(12) "State-Specific Criminal Records Check" means obtaining and reviewing information from law enforcement agencies, courts or other criminal records information resources located in a state or jurisdiction outside Oregon.

(13) “Subject individual” means a person for whom a criminal records check is required pursuant to these rules.

Stat. Auth.: ORS 181.534 & 181.612
Stats. Implemented: ORS 181.612

259-013-0220

Individuals Subject to Criminal Records Checks

(1) The Department may require the fingerprints of:

(a) A fire service professional or volunteer;

(b) A public safety professional or instructor;

(c) A private security professional;

(d) A Private Investigator;

(e) A Certified Retired Police Officer applicant;

(f) A Polygraph Intern or General License applicant;

(g) A candidate for election to the office of Sheriff;

Stat. Auth.: ORS 181. 534, 181.612 & 206.015
Stats. Implemented: ORS 181.612

259-013-0230

Criminal Records Check Required

(1) Who Conducts Check.

(a) The Department may request that the Department of State Police conduct a criminal records check on a subject individual. If a nationwide criminal records check of a subject individual is necessary, the Department may request that the Department of State Police conduct the check, including fingerprint identification, through the Federal Bureau of Investigation.

(b) The Department may conduct criminal records checks on subject individuals through the Law Enforcement Data System maintained by the Department of State Police in accordance with rules adopted, and procedures established, by the Department of State Police.

(2) When Check is Required (New Checks and Re-checks). A subject individual is required to have a check in the following circumstances:

(a) When a public safety professional applies for, or is employed by, a law enforcement agency, the public safety professional or applicant must submit to a criminal records check as required by OAR 259-008-0010.

(b) When a person applies for a license to conduct polygraphs, the polygrapher, or applicant, must submit to a criminal records check as required by the provisions of OAR 259-0020-0010 or 259-0020-0015.

(c) When a person applies for certification as a certified retired officer, the applicant must submit to a criminal records check as required by the provisions of OAR 259-008-0068.

(d) When a person is elected or appointed to the Office of Sheriff, the applicant must submit to a criminal records check as required by the provisions of OAR 259-008-0075.

(e) When a person applies for a private security certificate or license, the applicant must submit to a criminal records check as required by the provisions of OAR 259-060-0120.

(f) When a person applies for a private investigator license, the applicant must submit to a criminal records check as required by the provisions of OAR 259-061-0070.

(g) When a person is an instructor for the Department who is not certified as a public safety professional.

(h) When a check is required by federal or state laws or regulations, other rules adopted by the Department, or by contract or written agreement with the Department;

Stat. Auth.: ORS 181.534 & 181.612
Stats. Implemented: ORS 181.612

259-013-0235

Refusal to Consent to a Criminal records Check

(1) If any subject individual refuses to consent to a criminal records check, or refuses to be fingerprinted when required, the Department may revoke or deny any application, license or certificate issued by the Department.

259-013-0240

Oregon Criminal Records Check Process

(1) Processing.

(a) The Department will obtain criminal records information from the Oregon State Police Law Enforcement Data System and from other sources of criminal, judicial and motor vehicle information.

(b) The Department will authorize one or more designees to receive and evaluate Oregon criminal records information from the Oregon State Police as allowed by applicable statutes.

(c) A subject individual may be required to obtain and provide additional criminal, judicial or other background information to the Department or its authorized designee.

(d) Criminal records information obtained from the Law Enforcement Data System must be handled in accordance with applicable Oregon State Police requirements in ORS chapter 181 and OAR Chapter 257, Division 15.

(2) Additional Information Required. The Department may require additional information from a subject individual in order to conduct an Oregon Criminal Record Check. The information may include, but is not limited to, proof of identity, residential history, names used while living at each residence, or additional criminal, judicial, or other background information.

Stat. Auth.: ORS 181.534 & 181.612
Stats. Implemented: ORS 181.612

259-013-0250

National Criminal Records Check Process

(1) National Criminal Records Check. In addition to an Oregon criminal records check (OAR 259-013-0250), the Department may require a national criminal records check consistent with the requirements for licensure or certification.

(2) Processing. The individual must complete and submit fingerprint card(s) when requested by the Department.

(3) Additional Information Required. In order to conduct a national check, the Department may require additional information such as, but not limited to, proof of identity, residential history, names used while living at each residence, or additional criminal, judicial, or other background information.

Stat. Auth.: ORS 181.534 & 181.612
Stats. Implemented: ORS 181.612

259-013-0260

Potentially Disqualifying Crimes

A conviction of any of the following crimes is potentially disqualifying. The lists include offenses that are crimes and may include offenses that are classified as violations or

infractions for purposes of eligibility for licensure or certification. (See ORS 161.505 through 161.565).

(1) Any crime or offense listed in OAR 259-008-0070;

(2) Any crime listed in OAR 259-008-0070;

(3) Any crime listed in OAR 259-060-0015;

(4) Any crime listed in OAR 259-061-0040.

(5) Any federal crime.

(6) Any unclassified felony defined in Oregon Revised Statutes not listed elsewhere in this rule.

(7) Any other felony in Oregon's or any other jurisdiction's statutes not listed elsewhere in this rule.

(8) Any crime or offense in any other jurisdiction that is the substantial equivalent of any of the Oregon crimes identified in this section or as determined by an authorized designee of the Department.

(9) Any crime adopted by the Legislature that is the substantial equivalent of any of the crimes listed in this section.

Stat. Auth.: ORS 181.534 & 181.612
Stats. Implemented: ORS 181.612

259-013-0270

Record Keeping, Confidentiality

(1) LEDS Reports.

(a) Confidentiality. All LEDS reports are confidential and must be maintained by the authorized designee in accordance with applicable Oregon State Police requirements in ORS chapter 181 and the rules adopted pursuant thereto. (NOTE: See OAR chapter 257, division 15).

(A) Authorized Designee Access. LEDS reports are confidential and may only be shared with another authorized designee if there is a need to know consistent with these rules.

(B) Subject Individual Access.

(i) The subject individual must be allowed to inspect the LEDS report if the subject individual requests to see it. The LEDS report, and photocopies of the LEDS report, must not be given to the subject individual, with the following exception:

(ii) If a fingerprint-based criminal records check was conducted on the subject individual, then the individual shall not only be permitted to inspect the individual's own state and national criminal offender records in the custody of the Department, but if requested by the individual, be provided with a copy of those same records.

(b) Retention. LEDS reports must be retained and destroyed in accordance with records retention schedules published by Oregon State Archives.

(2) National (FBI) Information.

(a) Confidentiality and Dissemination.

(A) National criminal information provided by the FBI is confidential and may not be disseminated by the Department, with the following exception:

(B) If a fingerprint-based criminal records check was conducted on the subject individual, then the subject individual shall not only be permitted to inspect the individual's own state and national criminal offender records in the custody of the Department, but if requested by the subject individual, be provided with a copy of those same records.

(b) Retention. FBI reports must be retained and destroyed in accordance with records retention schedules published by Oregon State Archives and in accordance with federal law.

(3) Fingerprint Cards:

(a) The Federal Bureau of Investigation (FBI) must return or destroy the fingerprint cards used to conduct the criminal records check and may not keep any record of the fingerprints. If the FBI policy authorizing return or destruction of the fingerprint cards is changed, the Department of State Police shall cease to send the cards to the FBI but shall continue to process the information through other available resources.

(b) If the FBI returns the fingerprint cards to the Department of State Police, the department must destroy the fingerprint cards and shall retain no facsimiles or other material from which a fingerprint can be reproduced.

(c) The Department of State Police may retain or destroy fingerprint cards after a criminal records check is completed and the results of the criminal records check is provided to the Department in accordance with rules adopted and procedures established by the Department of State Police.

(d) If only a state criminal records check is conducted, the Department of State Police may retain or destroy the fingerprint cards after the criminal records check is completed and the results of the criminal records check are provided to the Department in accordance with rules adopted and procedures established by the Department of State Police.

Stat. Auth.: ORS 181.534 & 181.612
Stats. Implemented: ORS 181.612

259-013-0280

Immunity from Liability

The Department and its authorized designees have immunity from any civil liability that might otherwise be incurred or imposed for determining, in accordance with ORS 181.612 that a subject may not obtain or maintain a license or certificate issued by the department, or be employed. The Department or its employee acting within the course and scope of employment who in good faith complies with ORS 181.534 is not liable for employment-related decisions based on the fitness determination. No Department, or an employee of the state, the Department, a business or an organization acting within the course and scope of employment, is liable for defamation, invasion of privacy, negligence or any other civil claim in connection with the lawful dissemination of information lawfully obtained under ORS 181.534.

Stat. Auth.: ORS 181.534 & 181.612
Stats. Implemented: ORS 181.612

259-013-0290

Appeal Process

(1) If an individual has been convicted of a potentially disqualifying crime, the Department will proceed in accordance with the relevant process for denial or revocation identified in either OAR 259-008-0070, 259-009-0070, 259-020-0031, 259-060-0300 or 259-061-0040.

(2) An individual may appeal a determination of the Department in accordance with the applicable rules identified in subsection (1) of this section.

259-013-0300

Fees

Fees may not exceed the actual cost of acquiring and furnishing criminal offender information.

Stat. Auth.: ORS 181.534 & 181.612
Stats. Implemented: ORS 181.612

Appendix F

DATE: April 17, 2008

TO: Telecommunications Policy Committee Members

FROM: Marilyn Lorance

SUBJECT: OAR 259-008-0064 – Proposed Rule
Maintenance Training for Telecommunicators/EMD

Issue: At its meeting on April 15, 2008, Telecommunications Policy Committee members unanimously approved recommending that language providing that instructors may receive "passed" credit for courses instructed be removed from DPSST's rules. However, committee members identified their concern that if dispatch agency employers relied on using "instructed" hours to help meet their dispatchers' annual maintenance requirements, then it could become difficult for their dispatchers to maintain current certifications. They further identified that subjects instructed by telecommunicators or emergency medical dispatchers are typically those that would require the instructor to become or remain current in the subject matter in order to provide instruction.

Committee members discussed their desire that such credit still be available with limitations towards the annual Telecommunicator/Emergency Medical Dispatcher maintenance training requirements and requested staff to develop administrative rule language for their review. The following rule language reflects committee and staff discussion.

During the Committee discussion, staff was asked the degree to which dispatch agencies currently submitted "instructed" hours on the F-15T and F-15M forms that dispatchers use to report maintenance training. Upon asking the question of program staff, I learned that our staff member who has been reviewing these forms for compliance since 2003 cannot recall any occasion on which "instructed" hours had been specified on an F-15T or F-15M form. Because of this, staff does not know the degree to which the removal of the "instructed" credit provision will have any noticeable effect on the ability of dispatchers to meet maintenance training requirements.

The following revised language contains recommended additions (**bold and underlined text**) and deletions (~~strikethrough text~~):

259-008-0064

Maintenance of Certification for Telecommunicators and Emergency Medical Dispatchers

(1) Basic Certification:

(a) All certified telecommunicators must participate in 12 hours of training annually. The training must be reported by July 1st of each year to DPSST on a **Form F-15T**. The content of the training is determined by the public or private safety agency administrator;

(b) The employing agency must maintain documentation of required telecommunicator training on each telecommunicator;

(c) The employing agency must notify the Department of all telecommunicators employed annually, and provide documentation as to the training status of all employed telecommunicators.

(2) Emergency Medical Dispatch Certification: All certified Emergency Medical Dispatchers must complete four (4) hours of approved in-service training in Emergency Medical Dispatch annually. The in-service training must be reported by July 1st of each year to DPSST on a **Form F-15T**. The content of the training is determined by the public or private safety agency administrator.

(3) Those who are certified in both disciplines under OAR 259-008-0060(17) must report the required training to DPSST by July 1st of each year on a **Form F-15M**.

(4) Maintenance training hours reported to the Department on an F-15M or F-15T will be used solely to verify completion of maintenance training requirements and will not be added to a telecommunicator's or emergency medical dispatcher's DPSST training record.

(5)(a) Instructors may apply hours spent instructing a class one (1) time annually toward maintenance training, but instructed hours reported for a class may not exceed the lesser of:

(A) The actual class hours; or

(B) The actual number of hours the instructor spent instructing the class.

(b) The total number of instructed hours applied towards the annual maintenance training requirement may not exceed:

(A) Six (6) hours for a telecommunicator; or

(B) Two (2) hours for an emergency medical dispatcher;

~~(4)~~ **(6)** Failure to comply with sections (1) ~~and (2)~~ **through (3)** of this rule will result in the recall of their certification by the Department.

~~(5)~~ **(7)** Recertification following a recall may be obtained at the approval of DPSST by submitting the following to DPSST:

(a) **A written request from** ~~T~~**t**he employing agency head request**ing** recertification, along with a justification of why the training was not completed; and

(b) Verification that the missed training was completed.

~~(6)~~ **(8)** Notwithstanding paragraph ~~(4)~~ **(6)** of this subsection, the failure of a telecommunicator or Emergency Medical Dispatcher to complete required maintenance training will not result in recall of certification if the telecommunicator or Emergency Medical Dispatcher is on authorized leave of absence from a public or private safety agency;

~~(7)~~ **(9)** The Department may grant an extension of time for completion of any required training or in-service training based upon good cause. A written request for an extension of time must be submitted to the Department by the agency head.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181.640 & 181.644

Stats. Implemented: ORS 181.640 & 181.644

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-008-0064 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-008-0064 with the Secretary of State as a permanent rule if no hearing is held.

ACTION ITEM 3: Pursuant to HB 3238, determine whether there is a significant fiscal impact on small businesses. (see form attached)