

**Telecommunications Policy Committee**  
**Minutes**  
**May 2, 2012**

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 2, 2012 at the Oregon Public Safety Academy in Salem, Oregon. Chair Robert Poirier called the meeting to order at 11:03 a.m.

**Attendees:**

**Committee Members:**

Robert Poirier, Public Safety Telecommunicators, Chair  
Pamela Brost, Association of Public Safety Communications Officers  
Pam Collett, Association of Public Safety Communications Officers  
Rick Eisland, Oregon State Sheriffs' Association  
Corinna Jacobs, Line- Level Telecommunicator  
Rich Leipfert, Oregon Fire Chiefs Association  
Elizabeth Morgan, Emergency Medical Services and Trauma Systems

**Committee Members Absent**

Rachel Brudnock, Telecommunicator  
Joe Raade, Emergency Medical Services Section of the Oregon Fire Chiefs Association

**DPSST Staff:**

Eriks Gabliks, Director  
Marilyn Lorance, Standards and Certification Supervisor  
Leon Colas, Professional Standards Investigator/Coordinator  
Linsay Hale, Certification Coordinator  
Kristy Witherell, Administrative Support



**1. Minutes from November 2, 2011 Meeting**

Approve meeting minutes from November 2, 2011.

*See Appendix A for details.*

*Rick Eiesland moved to approve the minutes from the November 2, 2011 Telecommunications Policy Committee meeting. Corrina Jacobs seconded the motion. The motion carried unanimously.*

**2. Minutes from November 16, 2011 Special Meeting**

Approve meeting minutes from November 16, 2011.

*See Appendix B for details.*

*Rich Leipfert moved to approve the minutes from the November 16, 2011 Telecommunications Policy Committee special meeting. Rick Eiesland seconded the motion. The motion carried unanimously.*

3. **OAR 259-008-0060 Proposed Rule**

Presented by Linsay Hale

*See Appendix C for details.*

- *The committee recognized the great work that was put into creating and updating the certification chart.*
- *Rick Eiesland moved that the Telecommunications Policy Committee recommends to the Board filing the proposed language as amended for OAR 259-008-0060 with the Secretary of State as a permanent rule if no comments are received. Rich Leipfert seconded the motion. The motion carried unanimously.*
- *It is the consensus of the committee there is no significant impact on small business.*

4. **Tacy K. Hays, Tillamook Co. Emergency Communications - DPSST #49392**

Presented by Leon Colas

*See Appendix D for details.*

- *Corrina Jacobs moved that the Policy Committee adopts the staff report as the record upon which its recommendations are based. Elizabeth Morgan seconded the motion. The motion carried unanimously.*
  - a. *Identify and articulate the **misconduct that is specific to this case.** The committee agreed that misuse of agency data, violation of agency policies, confidentiality, and the Telecommunicators code of ethics are aspects of misconduct in this case.*
  - b. *The identified conduct did involve **Dishonesty based on HAYS' denial of knowing that her boyfriend was not allowed in the dispatch center when HAYS' supervisors repeatedly told her he was not allowed in the building. HAYS used LEDS for personal reasons and when confronted by her supervisor, HAYS denied knowing that it was a violation of LEDS policies.***
  - c. *The identified conduct did involve a **Disregard for the Rights of Others based on HAYS accessing LEDS on others for personal gain.***

- d. The identified conduct ***did*** involve **Misuse of Authority based on HAYS accessing LEDES on others for personal gain which violated their privacy.**
  - e. The identified conduct ***did*** involve **Gross Misconduct based on HAYS' misuse of LEDES and her bringing her boyfriend into the dispatch center unauthorized.**
  - f. The identified conduct ***did*** involve **Misconduct based on the same issues as above, HAYS' misuse of LEDES and her bringing her boyfriend into the dispatch center unauthorized.**
  - g. The identified conduct ***did*** involve **Insubordination based on HAYS being told numerous times with council not to access LEDES for personal reasons. HAYS' repeat violation of agency policies and procedures.**
- By discussion and consensus, the Policy Committee must identify and consider any mitigating and aggravating circumstances. ***The committee did not identify any mitigating or aggravating circumstances in this case.***
  - ***Rich Leipfert moved that the Policy Committee finds HAYS' conduct does rise to the level to warrant the revocation of her certification(s), and, therefore, recommends to the Board that these certification(s) be revoked. Corrina Jacobs seconded the motion. The motion carried unanimously.***
  - ***Rich Leipfert moved that the Telecommunications Policy Committee recommend to the Board that HAYS' misconduct encapsulated the maximum period of ineligibility in all of the categories noted above suggesting a Lifetime disqualification; HAYS may not reapply for certification. Rick Eiesland seconded the motion. The motion carried unanimously.***

## 5. **Additional Business**

### Director's Report

DPSST took a 5% reduction within the last legislative session. Six positions were lost, all out of the training division. There was no reduction in the 9-1-1 training program. There were no reductions in the training schedule for this year. All of the classes we have budgeted to provide, we will continue to provide.

We are in the process of upgrading the 9-1-1 training equipment at DPSST with Oregon Emergency Management, which will bring the 9-1-1 training simulators up to the same level as the communication centers around the state. The upgrade will be within the next 3 weeks before the next class starts.

In the last class, we had another University of Oregon communications employee. They have sent two people through the telecom class.

We have had some discussions with APCO/NENA a while ago as well as the fire rescue services about the expansion of our alarm operator statute in the 2011 session, which would include other than burglar alarms. Fire alarms are now covered. The people that monitor these alarms will have to be licensed through the state.

6. **Next Telecommunications Policy Committee Meeting Date**  
August 1, 2012 at 10:00 a.m.

*With no further business before the committee, the meeting adjourned at 11:47 a.m.*

Appendix A

**Telecommunications Policy Committee  
Minutes  
November 2, 2011**

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 2, 2011 at the Oregon Public Safety Academy in Salem, Oregon. Director Eriks Gabliks called the meeting to order at 11:04 a.m.

**Attendees**

Committee Members:

Tamara Atkinson, Association of Public Safety Communications Officers  
Pam Collett, Association of Public Safety Communications Officers  
Rick Eisland, Oregon State Sheriffs' Association  
Corinna Jacobs, Telecommunicator  
Joe Raade, Emergency Medical Services Section of the Oregon Fire Association

Committee Members Absent

Robert Poirier, Public Safety Telecommunicators, Chair  
Rachel Brudnock, Telecommunicator  
Rich Leipfert, Oregon Fire Chiefs Association  
Elizabeth Morgan, Emergency Medical Services and Trauma Systems

**DPSST Staff:**

Eriks Gabliks, Director  
Carolyn Kendrick, Administrative Assistant  
Marilyn Lorance, Standards and Certification Supervisor  
Leon Colas, Professional Standards Investigator/Coordinator  
Linsay Hale, Certification Coordinator



*The Telecommunications Policy Committee members agreed for this meeting only to appoint Joe Raade as Chair Pro Tem in Chair Rob Poirier's absence.*

7. **Minutes from August 3, 2011 Meeting**  
Approve meeting minutes from August 3, 2011.

*See Appendix A for details.*

*Tamara Atkinson moved to approve the minutes from the August 3, 2011 Telecommunications Policy Committee meeting. Rick Eisland seconded the motion. The motion carried unanimously.*

**8. OAR 259-008-0011 Proposed Rule**

Presented by Linsay Hale

*See Appendix B for details.*

- *Corrina Jacobs moved that the Telecommunications Policy Committee recommends to the Board 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. Rick Eisland seconded the motion. The motion carried unanimously.*
- *It is the consensus of the committee there is no significant impact on small business.*

**9. OAR 259-008-0100 – Proposed Rule**

Presented by Linsay Hale

*See Appendix C for details.*

- *Tamara Atkinson moved that the Telecommunications Policy Committee recommend to the Board filing the proposed language with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Corrina Jacobs seconded the motion. The motion carried unanimously.*
- *It is the consensus of the committee there is no significant impact on small businesses.*

**10. Samantha Van Cleave, La Grande Police Department**

Presented by Linsay Hale

*The Policy Committee did not convene in Executive Session.*

- *Tamara Atkinson moved that the Telecommunications Policy Committee recommend to the Board the approval of a medical waiver of the hearing standards based on information provided by medical professionals. Corrina Jacobs seconded the motion. The motion carried unanimously.*
- *It is the consensus of the committee to forward this case to the Executive Committee due to employment implications.*

**11. Jennifer Brookhouse, Clackamas County Communications - DPSST #28900**

Presented by Leon Colas

*See Appendix D for details.*

- *Corrina Jacobs moved that the Policy Committee adopts the staff report as the record upon which its recommendations are based. Tamara Atkinson seconded the motion. The motion carried unanimously.*
- h. Identify and articulate the **misconduct that is specific to this case.** *The committee agreed that **insubordination, inattention to work, poor decisions, and poor attitude** are aspects of misconduct in this case.*
- i. The identified conduct did not involve **Dishonesty**.
- j. The identified conduct did involve a **Disregard for the Rights of Others.** *The committee noted a **conscious delay of performing duties to take care of personal business.** Citizens have a right to expect a certain level of response and accuracy in information dissemination.*
- k. The identified conduct did not involve **Misuse of Authority**.
- l. The identified conduct did involve **Gross Misconduct based on incorrect addresses being given on two different occasions.**
- m. The identified conduct did involve **Misconduct based on delays and incorrect addressed given on multiple occasions. This is a deviation of practice generally followed by the public safety community.**
- n. The identified conduct did involve **Insubordination based on repeated refusal to follow directions given by her supervisor and not following policy by not dispatching calls in a timely manner.**
- *By discussion and consensus, the Policy Committee must identify and consider any mitigating and aggravating circumstances. **The committee noted as an aggravating circumstance the fact BROOKHOUSE had the same issues with her previous employer. No mitigating circumstances were identified.***
- *Rick Eisland moved that the Policy Committee finds BROOKHOUSE's conduct does rise to the level to warrant the revocation of her certification(s), and therefore recommends to the Board that these certification(s) be revoked. Pam Collett seconded the motion. The motion carried unanimously.*
- *Rick Eisland moved that the Telecommunications Policy Committee recommend to the Board that BROOKHOUSE's misconduct encapsulated all of the categories noted above suggesting a ten year disqualification; BROOKHOUSE may reapply for certification ten years from the date of revocation. Pam Collett seconded the motion. The motion carried in a 3 to 2 vote with Tamara Atkinson and Corrina Jacobs voting no.*

**12. Next Telecommunications Policy Committee Meeting Date**

February 1, 2012 at 10:00 a.m.

*With no further business before the committee, the meeting adjourned at 11:41 a.m.*

Appendix B

**Telecommunications Policy Committee**  
**Special Meeting**  
**Minutes**  
**November 16, 2011**

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a *special meeting* on November 16, 2011 at the Oregon Public Safety Academy in Salem, Oregon. Chair Rob Poirier called the meeting to order at 11:08 a.m.

**Attendees**

Committee Members:

Robert Poirier, Public Safety Telecommunicators, Chair  
Rachel Brudnock, Telecommunicator  
Rick Eisland, Oregon State Sheriffs' Association  
Rich Leipfert, Oregon Fire Chiefs Association  
Joe Raade, Emergency Medical Services Section of the Oregon Fire Association

Committee Members Absent

Tamara Atkinson, Association of Public Safety Communications Officers  
Pam Collett, Association of Public Safety Communications Officers  
Corinna Jacobs, Telecommunicator  
Elizabeth Morgan, Emergency Medical Services and Trauma Systems

**DPSST Staff:**

Carolyn Kendrick, Administrative Assistant  
Marilyn Lorange, Standards and Certification Supervisor  
Linsay Hale, Rules and Compliance Coordinator



**13. Doug Kettner, Tillamook Co. Emergency Communications District – DPSST #33105**

Request for Medical Waiver  
Presented by Linsay Hale

*Rich Leipfert moved that the Telecommunications Policy Committee recommend the approval of a waiver of the hearing standards and forward this recommendation to the Executive Board. Joe Raade seconded the motion. The motion carried unanimously.*

**14. Next Regular Telecommunications Policy Committee Meeting Date**

February 1, 2012 at 10:00 a.m.

*With no further business before the committee, the meeting adjourned at 10:13 a.m.*

Appendix C

**Department of Public Safety Standards and Training  
Memo**

**Date:** May 2012

**To:** Telecommunications Policy Committee  
Corrections Policy Committee  
Police Policy Committee

**From:** Linsay Hale  
Rules Coordinator

**Subject:** OAR 259-008-0060 – Proposed Rule  
Public Safety Officer Certification

**Background:** A multi-disciplined workgroup was formed in 2007 to evaluate the current Intermediate and Advanced certification charts (Att. A). The mission of the workgroup was to review the charts and update the minimum standards for achieving these upper levels of certification in the criminal justice profession. The workgroup was comprised of management and represented staff from each of the four disciplines – Police, Corrections, Parole & Probation, and Telecommunications.

Over the last several years, the workgroup met and developed updated charts which they felt better met the needs of the profession as well as the needs of public safety personnel. The group worked to develop discipline-specific certification charts which included some form of a competency evaluation. In 2011, these initial drafts were presented to the DPSST Policy Committees and provided to OSSA, OACP, APCO/NENA, and OACCD members for comment. Concern was expressed about the difficulties of enforcing multiple charts and the complexity of the proposed competency evaluations.

To address these concerns, the workgroup reconvened and updated the proposed charts to allow police, corrections, and parole & probation to work from the same chart, which adjusts the minimum years of experience and education required and also breaks the required training into specific categories (Att. B). Telecommunications would work from a chart specific to their needs, including updated years of experience, training, and education as well as a minimum competency requirement (Att. C).

These draft charts were distributed to workgroup member constituencies, OACP and OSA members, APCO-NENA members, and subscribers to the DPSST and DPSST Criminal Justice ListServes. Constituents were given until March 15, 2012 to make comments or voice any concerns regarding the proposed charts. On March 22, 2012, the workgroup reconvened to discuss the comments and finalize the proposed charts.

**Issue:** Once implemented, these new charts are to be phased in by allowing officers to apply for intermediate or advanced certification under either the current or the proposed chart for a period of two years after the effective date of the proposed chart. Although, DPSST will have the final say on the appropriateness of completed training fulfilling the required training requirement, the current DPSST Standardized Course List was categorized to serve as a reference for law enforcement officers and agencies (Att. D). A Form F-7WS Intermediate/Advanced Certification Supplemental Worksheet (Att. E) was created as a vehicle for police, corrections, or parole & probation officers to report training at the time of application for an upper level of certification. Portfolios from telecommunicators requesting upper levels of certification will be presented to the Telecommunications Policy Committee for approval.

Staff is requesting approval to update the administrative rule governing public safety officer certification to reflect the updated requirements for achieving intermediate/advanced certification for law enforcement officers.

The following revised language for OAR 259-008-0060 contains recommended additions (**bold and underlined**) and deletions (~~striketrough text~~).

## **259-008-0060**

### **Public Safety Officer Certification**

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(13) The Intermediate Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Intermediate Certificate:

(a) Applicants must possess a Basic Certificate in the field in which certification is requested; and

(b) Applicants must have acquired the ~~following~~ combinations of education hours and training hours combined with the prescribed years of police, corrections, parole and probation or telecommunications experience, or the college degree designated combined with the prescribed years of experience **as identified on the chart effective through September 30, 2012.** [Table not included. See ED. NOTE.]

(14) **Effective October 1, 2012:**

**(a) Applicants for an Intermediate Certificate in police, corrections or parole and probation must have acquired the combinations of education hours and training hours combined with the prescribed years of experience, or the college degree designated combined with the prescribed years of experience as identified on the chart effective October 1, 2012. [Table not included. See ED. NOTE.]**

**(b) Applicants for an Intermediate Certificate in telecommunications must have acquired the following combinations of education hours, training hours, prescribed years of telecommunications experience, and competency: [Table not included. See ED. NOTE.]**

**(c) The years of experience must be full-time employment within the discipline for which Intermediate certification is being applied.**

**(d) The training hours originating from a single training event that are used to meet the training hour requirement for Intermediate certification cannot be applied towards future levels of certification.**

**(e) The required years of experience are for the purpose of developing and demonstrating competency at the Intermediate level. The signature of the agency head or designee on an F-7 Application for Certification at the Intermediate level represents the agency's attestation that the applicant is performing at a level of competence expected at that certification level.**

**(15) Applicants for Intermediate certification may apply by satisfying the requirements described in subsection (13) or the requirements described in subsection (14) through September 30, 2014.**

~~(14)~~ **16** The Advanced Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Advanced Certificate:

(a) Applicants must possess or be eligible to possess the Intermediate Certificate in the field in which certification is requested; and

(b) Applicants must have acquired the following combinations of education and training hours combined with the prescribed years of corrections, parole and probation, police, telecommunications experience, or the college degree designated combined with the prescribed years of experience: [Table not included. See ED. NOTE.]

**(17) Effective October 1, 2012:**

**(a) Applicants for an Advanced Certificate in police corrections or parole and probation must have acquired the following combinations of education and training hours combined with the prescribed years of experience, or the college degree designated combined with the prescribed years of experience: [Table not included. See ED. NOTE.]**

**(b) Applicants for an Advanced Certificate in telecommunications must have acquired the following combinations of education hours, training hours, prescribed years of telecommunications experience, and competency: [Table not included. See ED. NOTE.]**

**(c) The years of experience must be full-time employment within the discipline from which Advanced certification is being applied.**

**(d) The training hours originating from a single training event that are used to meet the training hour requirement for Advanced certification cannot be applied towards future levels of certification.**

**(e) The required years of experience are for the purpose of developing and demonstrating competency at the Advanced level. The signature of the agency head or designee on an F-7 Application for Certification at the Advanced level represents the agency's attestation that the applicant is performing at a level of competence expected at that certification level.**

**(18) Applicants for Advanced certification may apply by satisfying the requirements described in subsection (16) or the requirements described in subsection (17) through September 30, 2014.**

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**ACTION ITEM 1:** Determine whether to recommend filing the proposed language for OAR 259-008-0060 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 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.

**Attachments:**

Attachment A – Current Intermediate/Advanced Certification Charts

Attachment B – Proposed Intermediate/Advanced Certification Charts (Police, Corrections, Parole & Probation)

Attachment C – Proposed Intermediate/Advance Certification Charts/Portfolio (Telecommunications)

Attachment D – Sample Categorized Course List

Attachment E – Form F-7WS – Intermediate/Advanced Certification Supplemental Worksheet (Police/Corrections/Parole & Probation)

**Attachment A - Current Intermediate/Advanced Certification Charts:**

INTERMEDIATE CERTIFICATION							
Minimum Years of Experience	8 years	7 years	6 years	5 years	4 years	4 years	2 years
Minimum Training Points, Including DPSST Basic Course (Equivalent hours in parentheses)	15 (300 hours)	23 (460 hours)	30 (600 hours)	38 (760 hours)	45 (900 hours)	DPSST Basic Course	DPSST Basic Course
Minimum College Education Credits	15	23	30	38	45	Assoc. Degree	Bachelor Degree

ADVANCED CERTIFICATION								
Minimum Years of Experience	12 years	11 years	10 years	9 years	8 years	9 years	6 years	4 years
Minimum Training Points, Including DPSST Basic Course (Equivalent hours in parentheses)	30 (600 hours)	35 (700 hours)	40 (800 hours)	45 (900 hours)	60 (1200 hours)	DPSST Basic Course	DPSST Basic Course	DPSST Basic Course
Minimum College Education Credits	30	35	40	45	60	Assoc. Degree	Bachelor Degree	Master Degree

- Allows training hours to “roll-over”  
*e.g. An officer who is awarded a basic certificate after completing 200 hours of Basic Training can again use those 200 hours to reach the minimum required training level to achieve the intermediate certificate.*
- Time served can cross disciplines. For example, an officer with no experience in a new discipline may qualify for all levels of certification based solely on their years of experience in a different discipline.
- Topics of training required to receive upper level certifications are not specified.
- There is no minimum “waiting” period between obtaining Intermediate certification and Advanced certification

**Attachment B - Proposed Intermediate/Advanced Certification Charts  
(Police/Corrections/Parole & Probation):**

**INTERMEDIATE POLICE/CORRECTIONS/P&P CERTIFICATION ONLY**

*In addition to Basic Training, a police/corrections/P&P officer must meet the following minimum requirements for Intermediate Certification (Hours from Basic Training/FTM completion do not apply):*

<b>MIN. YEARS EXPERIENCE</b>	3 years	4 years	5 years	6 years
<b>EDUCATION</b>	Bachelor Degree	Assoc. Degree	45 Credits	None
	+ 80 Training Hours:	+ 120 Training Hours:	+ 160 Training Hours:	+ 200 Training Hours
Communications	16	28	40	52
Advanced Technical Skills	40	60	80	100
Leadership	16	20	24	28
Risk Management	8	12	16	20
<b>TOTAL TRAINING HOURS</b>	80	120	160	200

**ADVANCED POLICE/CORRECTIONS/P&P CERTIFICATION ONLY**

*In addition to Basic Training and Intermediate Certification, a police/corrections/P&P officer must meet the following minimum requirements for Advanced Certification. There is a minimum period of two years between obtaining Intermediate Certification and obtaining Advanced Certification. Training hours reset after receiving intermediate certification.*

<b>MIN. YEARS EXPERIENCE</b>	6 years	7 years	9 years	11 years	13 years
<b>EDUCATION</b>	Master's Degree	Bachelor Degree	Assoc. Degree	45 Credits	None
	+ 80 Training Hours:	+ 120 Training Hours:	+ 160 Training Hours:	+ 200 Training Hours	+ 240 Training Hours
Communications	16	28	40	52	64
Advanced Technical Skills	40	60	80	100	120
Leadership	16	20	24	28	32
Risk Management	8	12	16	20	24
<b>TOTAL TRAINING HOURS</b>	80	120	160	200	240

- Training hours reset after certification is awarded  
*After a basic or intermediate certificate is awarded, an officer must achieve the prescribed training hours for the next level of certification starting from zero. (This does NOT mean that the number of training hours in the officer's DPSST Training Record is changed; only that the officer may not count the same hours towards each subsequent level of certification. The number of training hours required at each level in the charts is substantially reduced to reflect this change.)*
- The minimum years' experience must be within the discipline for which Intermediate or Advanced certification is being applied.
- Number of training hours needed is reduced but broken into four required categories: Communications, Advanced Technical Skills, Leadership, and Risk Management.

**Attachment B (cont.)- Proposed Intermediate/Advanced Certification Charts  
(Police/Corrections/Parole & Probation):**

**Training Categories:**

**Risk Management:** Training that provides law enforcement officers with tools to recognize risks, the type of risks and effective tactics to manage risks.

**Communication:** Training that provides law enforcement officers with tools to effectively communicate with members of the public, individuals suspected of criminal activity, individuals under supervision, individuals with special needs, as well as managers and co-workers.

**Leadership:** Training that enhances leadership ability, teaches effective leadership styles, or encourages the adoption of effective leadership behaviors.

**Advanced Technical Skills:** Discipline-specific training that enhances technical or tactical skills as a law enforcement officer. This does not include courses that are required to maintain the basic level of certification.

**Attachment C - Proposed Intermediate/Advanced Certification Charts/Portfolio (Telecommunications):**

**INTERMEDIATE TELECOMMUNICATOR CERTIFICATION**

Minimum Years of Experience	6 years	5 years
Minimum Training Points, Including DPSST Basic Course (Equivalent hours in parentheses)	DPSST Basic Course + 200 hours post certificate training	DPSST Basic Course + 160 hours post certificate training
Minimum College Education Credits	None	45
Minimum Competency	3 portfolio points	3 portfolio points

**ADVANCED TELECOMMUNICATOR CERTIFICATION**

Minimum Years of Experience	10 years	9 years	8 years	7 years
Minimum Training Points, Including DPSST Basic Course (Equivalent hours in parentheses)	Intermediate Certificate + 240 hours post certificate training	Intermediate Certificate + 200 hours post certificate training	Intermediate Certificate + 160 hours post certificate training	Intermediate Certificate + 120 hours post certificate training
Minimum College Education Credits	None	45	Assoc. Degree	Bachelor Degree
Minimum Competency	6 portfolio points	6 portfolio points	6 portfolio points	6 portfolio points

- Telecommunicator chooses from the Portfolio Items List to include in his or her application. (Application must include at least two separate categories for intermediate and three separate categories for advanced certification requests.)
- Telecommunicator completes and provides documentation of the applicable Portfolio Items to the agency head (include detailed description, transcripts, recordings of calls for service, and other supporting documentation).
- Agency head reviews and makes recommendation for approval to DPSST.
- DPSST (Telecommunications Policy Committee) reviews the portfolio and makes final approval.
- The Portfolio Items List is non-inclusive. Other categories may be suggested for consideration for agency director and Telecommunications Policy Committee review.
- Years of experience must be within the discipline.

**Attachment C (cont.) - Proposed Intermediate/Advanced Certification Charts/Portfolio (Telecommunications):**

INTERMEDIATE/ADVANCE TELECOMMUNICATOR PORTFOLIO

CATEGORY	PORTFOLIO ITEM	POINTS
Leadership	Policy Writing/Revision	1 point
Leadership	APCO/NENA Membership (active participation within past 2 years)	½ point
Leadership	APCO/NENA Leadership (Hold Office, Committee Chair, National Committee, etc. within past 5 years)	1 point
Leadership	Agency Leadership Role (agency defined)	1 point
Leadership	Professional Development (agency defined)	1 point
Calls for Service*	Multi-jurisdictional (cross-dispatch) events	¼ point
Calls for Service*	Mass casualty events	¼ point
Calls for Service*	Major Media Events	¼ point
Calls for Service*	Incident dispatch team member	¼ point
Calls for Service*	Unusual or Exemplary call for service (agency defined)	¼ point
Awards	Agency/local award recipient	½ point
Awards	State award recipient	1 point
Awards	National award recipient	2 points
Training	1 year Communications Training Officer (within past 5 years)	½ point
Training	2+ years Communications Training Officer (within past 5 years)	1 point
Training	Industry, DPSST or Agency Instructor (within past 2 years)	1 point
Training	Attend industry related training course – 8 hour minimum (does not count toward yearly certification hours)	1 point
Longevity	Every year as an Agency Head	1 point
Longevity	Every two years as a mid-level manager	1 point
Longevity	Every three years as a first line supervisor	1 point
Longevity	Every four years as a lead worker	1 point

\* Calls for Service Category: (Requires significant participation in high impact calls for service)

Appendix D

**Department of Public Safety Standards and Training  
Memorandum**

**DATE:** May 2, 2012

**TO:** Telecommunications Policy Committee

**FROM:** Leon S. Colas  
Professional Standards Investigator/Coordinator

**SUBJECT:** **TACY K. HAYS DPSST #49392**  
**Tillamook County Emergency Communications District**

**ISSUE:**

Should Tacy K. Hays' Basic Telecommunicator and Basic Emergency Medical Dispatcher certifications be revoked, based on violation of the moral fitness standards defined in OAR 259-008-0011, and as referenced in OAR 259-008-0070?

The issue in this case involves HAYS' resignation in lieu of termination after an internal investigation that revealed numerous violations of agency policies.

**BACKGROUND and OVERVIEW:**

1. *On March 1, 2008, HAYS was hired by the Tillamook County Emergency Communications District as a dispatcher.<sup>1</sup> She ultimately attended training, signed her Telecommunicator's Code of Ethics<sup>2</sup> and received Basic Telecommunicator and Basic Emergency Medical Dispatcher certifications.<sup>3</sup>*
2. *In January, 2012, DPSST received an F-4 Personnel Action Report showing that HAYS had resigned in lieu of termination.<sup>4</sup> DPSST sought and obtained information relating to the resignation.<sup>5</sup>*
3. *In February, 2012, DPSST notified HAYS via certified mail that her case would be heard before the Telecommunications Policy Committee (TPC) and allowed*

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<sup>1</sup> Ex A1

<sup>2</sup> Ex A2

<sup>3</sup> Ex A1

<sup>4</sup> Ex A3

<sup>5</sup> Ex A4, A5

*her an opportunity to provide mitigating circumstances for the Committee's consideration, via certified mail.<sup>6</sup> HAYS did not provide a response.*

**DISCUSSION:**

ORS 181.640 requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct that requires denial or revocation (mandatory disqualifying misconduct). For all other misconduct, denial or revocation is discretionary, based on Policy Committee and Board review. (ref. OAR 259-008-0070(4), (9))

**DISCRETIONARY DISQUALIFYING MISCONDUCT**

OAR 259-008-0070 specifies discretionary disqualifying misconduct as:

*(4)(a) (A) The public safety professional or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;*

*(B) The public safety professional or instructor fails to meet the applicable minimum standards, minimum training or the terms and conditions established under ORS 181.640; or*

*(C) The public safety professional or instructor has been convicted of an offense, listed in subsection (4), punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction.*

*(b) For purposes of this rule, discretionary disqualifying misconduct includes misconduct falling within the following categories:*

*(A) Category I: Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;*

*(B) Category II: Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, and conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public.*

*(C) Category III: Misuse of Authority: Includes abuse of public trust, obtaining a benefit, avoidance of detriment, or harming another, and abuses under the color of office.*

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<sup>6</sup> Ex A6

*(D) Category IV: Gross Misconduct: Means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional or instructor would observe in a similar circumstance;*

*(E) Category V: Misconduct: Misconduct includes conduct that violates the law, practices or standards generally followed in the Oregon public safety profession. NOTE: It is the intent of this rule that "Contempt of Court" meets the definition of Misconduct within this category; or*

*(F) Category VI: Insubordination: Includes a refusal by a public safety professional or instructor to comply with a rule or order, where the order was reasonably related to the orderly, efficient, or safe operation of the agency, and where the public safety professional's or instructor's refusal to comply with the rule or order constitutes a substantial breach of that person's duties.*

#### **POLICY COMMITTEE AND BOARD REVIEW:**

In making a decision to authorize initiation of proceedings based on discretionary disqualifying misconduct, OAR 259-008-0070(9)(d) requires the Policy Committee and the Board to consider mitigating and aggravating circumstances, including, but not limited to:

*(A) When the misconduct occurred in relation to the public safety professional's or instructor's employment in public safety (i.e., before, during after);*

*(B) If the misconduct resulted in a conviction:*

*(i) Whether it was a misdemeanor or violation;*

*(ii) The date of the conviction(s);*

*(iii) Whether the public safety professional or instructor was a minor at the time and tried as an adult;*

*(iv) Whether the public safety professional or instructor served time in prison/jail and, if so, the length of incarceration;*

*(v) Whether restitution was ordered, and whether the public safety professional or instructor met all obligations;*

(vi) *Whether the public safety professional or instructor has ever been on parole or probation. If so, the date on which the parole/probation period expired or is set to expire;*

(vii) *Whether the public safety professional or instructor has more than one conviction and if so, over what period of time;*

(C) *Whether the public safety professional or instructor has engaged in the same misconduct more than once, and if so, over what period of time;*

(D) *Whether the actions of the public safety professional or instructor reflect adversely on the profession, or would cause a reasonable person to have substantial doubts about the public safety professional's or instructor's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation;*

(E) *Whether the misconduct involved domestic violence;*

(F) *Whether the public safety professional or instructor self reported the misconduct;*

(G) *Whether the conduct adversely reflects on the fitness of the public safety professional or instructor to perform as a public safety professional or instructor;*

(H) *Whether the conduct renders the public safety professional or instructor otherwise unfit to perform their duties because the agency or public has lost confidence in the public safety professional or instructor;*

(I) *What the public safety professional's or instructor's physical or emotional condition was at the time of the conduct.*

**STANDARD OF PROOF:**

The standard of proof on this matter is a *preponderance of evidence*; evidence that is of greater weight and more convincing than the evidence offered in opposition to it; more probable than not. [Ref ORS 183.450(5)]

**ACTION ITEM 1:**

Staff requests the Policy Committee review the matter and recommend to the Board whether or not to revoke HAYS' certifications based on violation of the established moral fitness standards:

2. By vote, the Policy Committee *adopts/does not adopt* the Staff report as the record upon which its recommendations are based.

3. By discussion and consensus:

a. Identify and articulate the **misconduct that is specific to this case.**

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b. The identified conduct *did/did not* involve **Dishonesty.**

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c. The identified conduct *did/did not* involve **Disregard for the Rights of Others.**

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d. The identified conduct *did/did not* involve **Misuse of Authority.**

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e. The identified conduct *did/did not* involve **Gross Misconduct.**

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f. The identified conduct *did/did not* involve **Misconduct**.

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g. The identified conduct *did/did not* involve **Insubordination**.

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4. By discussion and consensus, the Policy Committee must identify and consider any mitigating and aggravating circumstances.
5. By vote, the Policy Committee finds HAYS' conduct *does/does not* rise to the level to warrant the revocation of his certifications(s), and therefore recommends to the Board that these certification(s) *be revoked/not be revoked*.

**ACTION ITEM 2 (required only if the Committee recommends to the Board that certification be denied or revoked):**

Under OAR 259-008-0070(4)(d), upon determining to proceed with the denial or revocation of a public safety professional's certification based on discretionary disqualifying misconduct, the Policy Committee and Board must determine an *initial* minimum period of ineligibility to apply for certification, using the following ineligibility grid:

- (A) Category I: Dishonesty (5 years to Lifetime).
- (B) Category II: Disregard for Rights of Others (5 years to 15 years).
- (C) Category III: Misuse of Authority (5 years to 10 years).
- (D) Category IV: Gross Misconduct (5 years to 10 years).

(E) Category V: Misconduct (3 years to 7 years).

(F) Category VI: Insubordination (3 years to 7 years).

By vote, the Policy Committee recommends to the Board that the minimum period of ineligibility to reapply for certification will be *identify period of time* from the date of revocation.

#### Attachment

*Information Only - SUBSEQUENT DUE PROCESS:*

*Each Oregon public safety professional is entitled to due process when revocation or denial action is considered.*

- *If the Policy Committee recommends revocation, DPSST will issue a Notice of Intent to Revoke to the officer. The officer will have twenty (20) days to request a hearing to contest the revocation action.*
- *The Policy Committee's recommendation will be forwarded to the Board. Upon review the Board will either affirm the Policy Committee's decision, or overturn it with a 2/3 vote. If the Board determines that revocation action is not appropriate, DPSST will close the case and issue a Notice of Withdrawal and Termination of Proceedings.*

*Due process is an important part of the contested case hearing. Every public safety professional has the right to:*

- *Appear in person.*
- *Examine reports and evidence against them as a part of discovery.*
- *Call witnesses.*
- *Face or cross-examine their accuser.*
- *Be represented by counsel.*

*The case will be heard before an Administrative Law Judge (ALJ) who is assigned the case through the Office of Administrative Hearings. All hearings are subject to the Administrative Procedures ACT. The hearing is similar to a trial; full discovery is provided and each side calls witnesses and offers evidence. The ALJ issues a Proposed Order; each side may review it and file legal exceptions. A Final Order is then issued. Due process allows for a judicial review to the Court of Appeals where three Oregon justices will review the case.*