

Telecommunications Policy Committee
Minutes
May 3, 2007

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a telephonic meeting on May 3, 2007 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 (teleconference)
James Rentz, Oregon State Police (teleconference)
Leslie Senger, Public Safety Telecommunicators (teleconference)
Tami Atkinson, Associated Public Safety Communications Officers (teleconference)
Elizabeth Morgan, Emergency Medical Services and Trauma Systems (teleconference)
Mark Metcalf, Oregon State Sheriff's Association (teleconference)

Committee Members Absent:

Ted Kunze, Oregon Fire Chief's Association
Randy Jackson, Oregon Fire Medical Administrators' Association
Scott Russell, Oregon Association Chiefs of Police
Bob Cozzie, Clackamas County Communications
Corey Henderson, Public Safety Telecommunicators

DPSST Staff:

Pam Collett, Telecommunications Program Coordinator
Marilyn Lorange, Standards & Certification Supervisor
Teresa King, Professional Standards Coordinator
Linda Glazier, Curriculum
Carolyn Kendrick, Administrative Support
Tammera Hinshaw, Executive Assistant
Debbie Graves, Standards & Certifications Operations Supervisor



1. Minutes of February 1, 2007 Meeting

James Rentz motioned to approve the minutes of the February 1, 2007, Telecommunications Policy Committee meeting. Tamara Atkinson seconded the motion. The motion carried in a unanimous vote.

2. OAR 259-008-0011(5) – Proposed Administrative Rule Change

Marilyn Lorange reviewed the issue before the committee.

Issue: Current administrative rule does not provide for any circumstances when an applicant may not be required to complete an approved 12th Grade Reading/Writing test prior to beginning or challenging the Basic Telecommunications Course, as required in OAR 259-008-0011. There may be cases when an applicant who holds a Bachelor's degree or above is

required to complete a 12th grade reading/writing test prior to attending a Basic course because no exceptions or waivers were provided for when the current rule was developed.

Recommendation: Staff recommendation is to amend the current rule to allow for an exemption of this rule.

The following revised language contains the recommended addition to the relevant portion of the current rule (**bold and underlined text**):

259-008-0011

(5) Reading and Writing Standard. Before beginning basic telecommunicator or Emergency Medical Dispatcher (EMD) training or challenging basic telecommunicator training, each applicant shall provide evidence to DPSST that the applicant has attained a minimum of a 12th grade reading and writing level in the English language.

(A) The hiring agency is responsible for administering a reading and writing instrument, approved by DPSST, and shall forward the results to DPSST on an application for training (Form F-5) prior to the applicant being admitted to basic telecommunicator or EMD training.

(B) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by DPSST under the provisions of OAR 259-008-0045 are exempt from completing the 12th grade reading/writing test prior to attending a course identified in this section.

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-008-0011(5) with the Secretary of State as a proposed rule.

Elizabeth Morgan moved to recommend filing the proposed language for OAR 259-008-0011(5) with the Secretary of State as a proposed rule. Leanne Senger seconded the motion. The motion carried in a unanimous vote.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-008-0011(5) with the Secretary of State as a permanent rule if no comments are received.

Elizabeth Morgan moved to recommend filing the proposed language with the Secretary of State as a permanent rule if no comments are received. Leanne Senger seconded the motion. The motion carried in a unanimous vote.

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

The Committee agreed that there is no significant fiscal impact on small business.

3. OAR 259-025-0000 – Proposed Administrative Rule Change

Marilyn Lorance reviewed the issue before the committee.

Background: The Department has adopted rules relating to fees charged for copying and printing materials. However, some references in the rule still include fixed charges by Western Oregon University (WOU), when the Department is no longer maintaining tenancy

on WOU property. The Department seeks to amend the rule to eliminate irrelevant charges and update the rule to clarify the Department policy on disseminating information.

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

259-025-0000

Fees

(1) All information in the custody of the Director of the Department of Public Safety Standards and Training (Department) will be disclosed or protected from disclosure in accordance with Chapter 192 of the Oregon Revised Statutes and other applicable state and federal laws.

(2) As used in this rule, the following definitions apply:

(a) “Certified copies” means, photocopies, that on the date copied, are true and accurate copy of the original record. The Department cannot certify as to any subsequent changes or manipulation of the record.

(b) “Research” means the compilation or retrieval of information:

(A) That is not readily and immediately available from a single source or a group of related sources; or

(B) For which a search is required before the requested information can be located.

(3) A request for photocopies, facsimile (fax) copies, electronically distributed (e-mail) copies and certifications of public records that are on file with the Department must be made in writing, by fax or by e-mail.

(a) The request must:

(A) Include name and address of the person requesting the public record;

(B) Include telephone number of the person requesting the public record; and

(C) Adequately describe the record(s) requested including subject matter, and approximate creation date(s) when applicable.

(b) The request should:

(A) Be dated;

(B) Identify or be signed by the person requesting the public record; and

(C) Indicate a date by which the records are being requested.

(4) The Department will respond to the request in a reasonable amount of time.

(a) In its response, the Department will:

(A) Acknowledge the request;

(B) Provide an estimate of the expected cost of meeting the request;

(C) Identify any requested records that may be exempt from disclosure; and

(D) Identify the estimated date by which the information will be provided.

(b) The regular duties of the Department will be neither interrupted nor interfered with because of time or effort required to respond to the request.

(5) Unless otherwise provided by statute or other administrative rule, fees will be calculated as follows:

~~(1) Material printed by the Department may have a unit price appearing in the publication. In the absence of any such printed price, f(a) Fees charged for in-stock publications, pamphlets or outlines will be as listed below:~~

~~(a) (A) 1-10 pages -- \$ 5.00;~~

~~(b) (B) 11-25 pages -- \$ 7.50;~~

~~(c) (C) 26-50 pages -- \$ 10.00;~~

~~(d) (D) 51-100 pages -- \$15.00;~~

~~(e) (E) Over 100 pages -- \$15.00, plus twenty-five cents (\$.25) per page for each additional page over 100.~~

~~(2) (b) Documents other than publications will be charged at the rate of \$5.00 for the first 1-10 pages and \$.50 for each additional page.~~

~~(3) (6) The Department may charge fees for recovering actual costs of staff time;~~

~~(a) For locating, compiling, making available for inspection and delivering public records; and~~

~~(b) Researching and documenting information.~~

~~(4) (7) No charge will be made for furnishing normal and necessary records or publications to public safety officers, or public safety agencies.~~

~~(5) Training which is not under the purview of the Department, shall be charged at the room and board charge fixed by Western Oregon University cost plus \$100.00 per week for instructors and materials.~~

~~(6) (8) The Department may charge for the use of facilities at the Public Safety Academy.~~

~~(7) (9) The Department may charge replacement cost for lost or damaged keys, equipment, or meal cards.~~

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-025-0000 with the Secretary of State as a proposed rule.

Elizabeth Morgan moved to recommend filing the revised language for OAR 259-025-0000 with the Secretary of State as a proposed rule. James Rentz seconded the motion. The motion carried in a unanimous vote.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-025-0000 with the Secretary of State as a permanent rule if no comments are received.

Elizabeth Morgan moved to recommend filing the revised language for OAR 259-025-0000 with the Secretary of State as a permanent rule if no comments are received and no hearing is held. James Rentz seconded the motion. The motion carried in a unanimous vote.

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

The Committee agreed that there is no significant fiscal impact on small business.

4. English, Jennifer DPSST #46798

Theresa King reviewed the issue before the committee.

ISSUE:

Should Jennifer ENGLISH's emergency medical dispatcher training and subsequent certification be denied based on violation of the Moral Fitness standards defined in OAR 259-008-0011, or one of the discretionary disqualifying misdemeanor crimes, or both?

BACKGROUND:

On December 11, 2005, ENGLISH was employed as an emergency medical dispatcher with Metro West Ambulance.

On April 17, 2006, DPSST received and began to process an F-4, Personnel Action Report on ENGLISH. During a routine records check, a CCH showed an FBI number and a DUII with no disposition. An email was sent to Oregon State Police Record and Identification Section requesting an NCIC report. An NCIC report was received that showed a 2002 DUII arrest with no disposition and a 2004 probation violation.

An OJIN check confirmed the 2002 DUII arrest and showed a 2004 conviction status. The OJIN report showed the DUII was initially a diversion which was revoked (line 18) in 2003. Ultimately, ENGLISH pled guilty to the DUII in 2004.

On July 5, 2006, ENGLISH was mailed a letter advising her that her case would be heard before the Telecommunications Policy Committee. ENGLISH was advised she had an opportunity to provide mitigating circumstances, in writing, for the Committee's consideration. This letter was sent regular mail and certified mail, return receipt requested. Also on July 5, 2006, DPSST mailed a letter to ENGLISH's employer advising of the conviction and the required subsequent process.

On August 4, 2006, DPSST received a two-page letter from ENGLISH. Staff asks that Committee and Board members read this in its entirety.

On December 29, 2006, DPSST received copies of the arrest report and related documents and the judgment from the Court.

On March 30, 2007, DPSST contacted Metro West Ambulance with follow up questions for ENGLISH. They advised ENGLISH had been discharged for cause by their agency in October of 2006 for poor attendance. Metro West Ambulance was asked to provide DPSST with an updated F4, Personnel Action Report.

DISCUSSION:

Oregon law requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct or criminal conviction that require denial or revocation. For all other conduct or convictions, denial or revocation is discretionary, based on Policy Committee and Board review.

Under Oregon Revised Statute 181.662(5), DPSST may take action on an Oregon public safety officer's certification, regardless of its status.

ENGLISH is not currently certified.

Case Review:

1. This case involves a 33-year old emergency medical dispatcher who has served in public safety for approximately one year and has not received her certification because of a previous DUII conviction, a discretionary disqualifying event.
2. According to the incident report:
 - a. ENGLISH was stopped because of a traffic violation.
 - b. ENGLISH told the police officer she was an Emergency Medical Technician and that she was upset, having just lost a patient.
 - c. ENGLISH first told the arresting officer she had only consumed one beer, later admitted to consuming three beers; she blew a .20%.
 - d. ENGLISH was "very uncooperative with the booking deputies and had to be restrained to a bench with handcuffs."
3. According to ENGLISH:
 - a. She made a bad decision which resulted in her DUII in 2002.
 - b. She believed she had completed all of her obligations for her DUII diversion.
 - c. Upon her return from fighting wildfires, she discovered mail from the court indicating she had not satisfied her diversion requirements.
 - d. She lost her EMT job because her driver's license was suspended.
 - e. She then lost her home.
 - f. She has rebuilt her life and has learned her lesson

Mitigating or Aggravating Factors:

1. A mitigating factor is that ENGLISH has not engaged in criminal conduct prior to, or after this event.
2. Aggravating factors include ENGLISH not being truthful about her alcohol consumption to the arresting officers and for being uncooperative with officers which required restraints.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0011:

1. Would ENGLISH's actions cause a reasonable person to have doubts about her honesty, respect for the rights of others, and respect for the laws of the state?
2. Did ENGLISH's conduct involve dishonesty, fraud, deceit, or misrepresentation?
3. Was ENGLISH's conduct prejudicial to the administration of justice?
4. Would ENGLISH's conduct adversely reflect on her fitness to perform as a law enforcement officer and do her actions make her inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in her ability to perform competently?

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.

STAFF CONCLUSION:

After considering the totality of circumstances, it appears that there are both mitigating and aggravating circumstances.

ACTION REQUESTED:

Staff requests the Telecommunications Policy Committee review the matter and recommend to the Board whether ENGLISH's training and subsequent certification should be denied based on a violation of the moral fitness standard, or the discretionary disqualifying conviction, or both.

James Rentz moved to recommend to the Board that Jennifer English's training and subsequent certification be denied based on violation of the moral fitness standards, and the discretionary disqualifying misdemeanor crimes. Mark Metcalf seconded the motion. The motion carried in a unanimous vote.

5. Weber, Tracie L. DPSST #42330

Theresa King reviewed the issue before the committee.

ISSUE:

Should Tracie WEBER's certifications be revoked based on violation of the Moral Fitness standards defined in OAR 259-008-0011?

BACKGROUND:

On June 3, 2002, WEBER was employed as an emergency medical dispatcher and a telecommunicator with the NORCOM.

WEBER holds Emergency Medical Dispatcher and Basic Telecommunications certifications.

On August 30, 2002, WEBER signed her Telecommunicator's Code of Ethics.

On January 26, 2006, DPSST received a F4, Personnel Action Report, from NORCOM, notifying DPSST WEBER was no longer employed, listing her status as "other."

On February 1, 2006, DPSST sent a letter to NORCOM asking for the underlying investigation that led to WEBER's resignation.

On February 9, 2006, DPSST received a letter and the underlying investigation from NORCOM advising that WEBER was investigated for misconduct and untruthfulness. NORCOM allowed WEBER to resign in lieu of termination.

On February 9, 2006, DPSST mailed a letter advising WEBER that her case would be heard before the Telecommunications Policy Committee. WEBER was advised she had an opportunity to provide mitigating circumstances, in writing, for the Committee's consideration, by March 10, 2006. This letter was sent regular mail and certified mail, return receipt requested.

On March 13, 2006, DPSST received a response from WEBER; a one-page typewritten letter.

On March 13, 2006, DPSST also received a response from WEBER's attorney, a three-page letter, along with a faxed copy of WEBER's response dated February 28, 2006, with a fax date of February 24, 2006. Staff asks the Committee and Board members to review these documents in their entirety.

DISCUSSION:

Oregon law requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct or criminal conviction that require denial or revocation. For all other conduct or convictions, denial or revocation is discretionary, based on Policy Committee and Board review.

Under Oregon Revised Statute 181.662(5), DPSST may take action on an Oregon public safety officer's certification, regardless of its status.

WEBER's certifications are currently in a lapsed status.

Case Review

This case involves a 39-year old telecommunicator who resigned in lieu of termination for conduct involving violating agency policies, her Code of Ethics, and untruthfulness. According to the WEBER investigation:

1. Looked up nude and/or pornographic photographs on the NORCOM Internet computer.
2. Viewed pornographic and/or sexual videos, magazines and other materials within the dispatch center.
3. Maintained false status checks of patrol officers who were in the center viewing pornographic materials indicating false locations for those officers.
4. Engaged in offensive sexual discussions with coworkers and visitors at the Center.
5. Made personal long distance phone calls to persons outside the organization, including calls with sexual discussions, at NORCOM expense while on duty.
6. Used a personal cell phone on the dispatch floor to make personal phone calls.
7. During the course of the investigation it was determined that WEBER was dishonest. Specific instances included that she:
 - a. Denied bringing pornographic movies into the workplace
 - b. Initially admitted to viewing pornographic movies on one occasion, then changed her story to four instances and then changed her story to three instances.
 - c. Denied placing a pornographic movie into the media player.
 - d. Denied watching a pornographic movie while working on duty with Kevin Litten, who did not corroborate her statement.
 - e. Denied watching a pornographic movie while working on duty with Reva Marz, who did not corroborate her statement.
 - f. Alleged that Kathy Houdeshell requested to watch a pornographic movie with WEBER while on duty; however, Houdeshell did not substantiate this allegation.
 - g. Denied making long distance personal phone calls.
8. The employer found that WEBER violated OAR 259-008-0011, Minimum Standards for Employment as a Telecommunicator or Emergency Medical Dispatcher.
9. The employer found that WEBER violated her DPSST Telecommunicators Code of Ethics.
10. The employer found there were no mitigating factors.

WEBER provided the following considerations for the policy committee and the Board:

1. WEBER does not believe she was untruthful.

2. WEBER has received positive evaluations, has received a number of commendations and has never been involved in a previous internal investigation.
3. WEBER's actions did not affect her job performance or the safety of others.
4. WEBER takes responsibility for her actions, she has learned from her mistakes, and she seeks an opportunity to prove herself.

WEBER's attorney provided the following considerations for the policy committee and the Board:

1. WEBER chose to resign in the best interest of her and the employer. Had a formal contested hearing occurred, WEBER's attorney asserts it would have raised substantial proof and evidentiary deficiencies.
2. WEBER does not deny various particular conduct in the allegations; however, there are mitigating circumstances.
3. The isolated allegation of untruthfulness stems from the interpretation of conflicting witness testimony which does not rise to the level of any intentional misrepresentation or untruthfulness by WEBER.
4. It was not WEBER's intent to misrepresent the "status" check or conceal the officer's whereabouts; she was merely responding to the dispatch sound prompting to status check the officer.
5. WEBER is regretful and remorseful, and she is seeking other employment in this related field, therefore revocation would be "extremely harsh and significantly impact her ability to . . . be gainfully employed."
6. WEBER seeks a three month suspension from the time of her resignation.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0011:

5. Would WEBER's actions cause a reasonable person to have doubts about her honesty, respect for the rights of others, and respect for the laws of the state?
6. Did WEBER's conduct involve dishonesty, fraud, deceit, or misrepresentation?
7. Was WEBER's conduct prejudicial to the administration of justice?
8. Would WEBER's actions adversely reflect on her fitness to perform as a telecommunicator or emergency medical dispatcher and do her actions make her inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in her ability to perform competently?

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.

STAFF CONCLUSION:

It appears that WEBER knowingly violated agency policies and was untruthful during the investigation.

ACTION REQUESTED:

Staff requests the Telecommunications Policy Committee review the matter and recommend to the Board whether WEBER's certifications should be revoked based on violation of the moral fitness standard.

Elizabeth Morgan moved to recommend to the Board that Tracie L. Weber's certifications be revoked based on violation of the moral fitness standard. Leanne Senger seconded the motion. The motion carried in a unanimous vote.

6. Additional Discussion Item – Not on the Agenda – Advanced and Intermediate Certification

Marilyn Lorance requested to schedule another teleconference meeting in early June 2007 to discuss a proposed update to the Advanced and Intermediate Certification Chart which has been in place since 1983. Staff came to the conclusion that the new updates are needed to help define the application of basic training as college credit and to eliminate double credit for training received.

Eric Swanson was comfortable with scheduling another teleconference meeting for early June 2007. All other members participating agreed.

7. Additional Discussion Item – Not on the Agenda – Color Vision Requirements

Marilyn Lorance asked TPC members for their guidance on the matter of color vision for telecommunicators. Eric Swanson stated his recollection of earlier discussions that the reason for the color vision requirement in a call center is because color coding is used to identify calls/priorities, etc. However, some centers, such as his, also use word cues in addition to colors. He said that a dispatcher could come into his center completely color blind and be able to work. The discussion suggested that approval for "field testing" should come from one call center at a time. They'd like staff to develop some recommendation to address this process, and to determine whether a rule change would be needed.

Marilyn Lorance will pursue the "field test" and bring back to the committee at the meeting to be scheduled for early June 2007.

8. Additional Discussion Item – Not on the Agenda – Uniforms for Telecommunications Classes

Pam Collett outlined for the Committee the points of consideration regarding Basic Telecommunications students wearing uniforms while attending the academy at the previous Telecommunication Policy Committee meeting. The idea of uniforms is viewed positively. Pam Collett stated everything is in place and the website updated to implement the requirement of uniforms (BDU's) for the Telecommunications class.

9. Additional Discussion Item – Not on the Agenda – New Curriculum Advisory Committee

Eric Swanson brought up the subject of a new Curriculum Advisory Committee, however since Bob Cozzie was not present the discussion was not continued.

10. Additional Discussion Item – Not on the Agenda – Board Reorganization

Eric Swanson stated that the legislature is looking at Bill 3432 which is about Board and committee reorganization. Marilyn Lorange stated that the Telecommunications Policy Committee would not be affected; however this is a high priority item that will be discussed at the next Board meeting. This topic will be discussed further at the next committee meeting.

There being no further business to come before the Committee, Eric Swanson motioned that the Committee adjourn. James Rentz seconded the motion. The motioned carried, and the meeting was adjourned at 10:53 a.m.