

Telecommunications Policy Committee
Minutes
August 3, 2006

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a teleconference on August 3, 2006 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
Mark Metcalf, Oregon State Sheriffs' Association
Randy Jackson, Oregon Fire Medical Administrators' Association
Scott Russell, Oregon Association Chiefs of Police
James Rentz, Oregon State Police
Bob Cozzie, Clackamas County Communications

Committee Members Absent:

Corey Henderson, Public Safety Telecommunicators
Jeff Milton, Associated Public Safety Communications Officers
Ted Kunze, Oregon Fire Chiefs' Association
Elizabeth E. Morgan, Emergency Medical Services and Trauma Systems

DPSST Staff:

Eriks Gabliks, Deputy Director
Marilyn Lorance, Certification and Records Supervisor
Bonnie Salle, Rules Coordinator
Pam Collett, EMD/Telecommunications Training Coordinator
Tammera Hinshaw, Executive Assistant



1. *Minutes June 5, 2006 Meeting

Randy Jackson moved to approve the minutes of the June 5, 2006 Telecommunications Policy Committee meeting. Bob Cozzie seconded the motion. The motion carried in a unanimous vote.

2. *Proposed Rule OAR 259-008-0025 (1)(d)

Rule Relating to EMD Waiver of Basic Course

Issue: Emergency Medical Dispatchers who have not been employed as an EMD for more than 2 ½ years are currently allowed to request a waiver of the Basic Course

when returning to an EMD position. At its May 18, 2005 meeting, the Telecommunications Policy Committee recommended that EMD's be required to re-attend a Basic EMD course when returning to an EMD position after 2 ½ years.

The following proposed language contains recommended deletions (~~striketrough text~~) and additions (**bold and underlined text**).

259-008-0025

Minimum Standards for Training

(1) Basic Course:

(d) Telecommunicators and emergency medical dispatchers who have previously completed the Basic Course, but have not been employed as a telecommunicator or EMD, as described in ORS 181.610(9) and (18) and OAR 259-008-0005(14) and (32) for two and one-half (2-1/2) years or more, ~~shall~~ **must** satisfactorily complete the full required Basic Course to qualify for certification. This requirement may be waived by the Department upon finding that ~~the applicant~~ **a Telecommunicator** has current knowledge and skills to perform as a Telecommunicator ~~or an emergency medical dispatcher~~. **There is no waiver available for an emergency medical dispatcher.**

ACTION ITEM 1: Determine whether to recommend filing the proposed language amendments to OAR 259-008-0025(1)(d) with the Secretary of State as a proposed rule.

Scott Russell moved to recommend to the Committee to file proposed language amendments of OAR 259-008-0025(1)(d) as a proposed rule with the Secretary of State. Randy Jackson seconded the motion. The motion carried in a unanimous vote.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-008-0025(1)(d) with the Secretary of State as a permanent rule if no comments are received.

Scott Russell moved to recommend to the Committee to file the proposed language in OAR 259-008-0025(1)(d) as a permanent rule with the Secretary of State if no comments are received. Randy Jackson 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.

HB 3238: The Committee did not identify any significant fiscal impact on small businesses pertaining to HB 3238.

3. *Proposed Rule OAR 259-008-0064

Maintenance Training Extension

Issue: Telecommunicators and Emergency Medical Dispatchers have annual maintenance training requirements due on July 1 of each year. Occasions arise when maintenance training cannot be completed in a timely manner due to a medical leave of absence, authorized leave of absence or other just cause.

Staff has proposed to allow Telecommunicators and Emergency Medical Dispatchers to maintain certification, and not recall certification if maintenance training is unable to be completed due to an authorized leave of absence. Staff also proposes to allow an administrative process to grant an extension of time to complete training based upon good cause.

The following proposed language contains recommended deletions (~~striketrough text~~) and additions (**bold and underlined text**).

259-008-0064

Maintenance of Certification for Telecommunicators and Emergency Medical Dispatchers

(1) Basic Certification:

(a) All certified telecommunicators ~~shall annually~~ **must** participate in 12 hours of training **annually**; **The training** must ~~and shall~~ 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 ~~shall~~ **must** maintain documentation of required telecommunicator training on each telecommunicator;

(c) The employing agency ~~shall~~ **must** notify the Department ~~on Public Safety Standards and Training~~ 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 ~~shall~~ **must** complete four (4) hours of approved in-service training in Emergency Medical Dispatch annually; **The in-service training must** ~~and shall~~ be reported by July 1st of each year to DPSST on a Form F-15T. The contents 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) ~~shall~~ **must** report the required training to DPSST by July 1st of each year on a Form F-15M.

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

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

(a) The employing agency head request recertification, along with a justification of why the training was not completed; and

(b) Verification that the missed training was completed.

(6) Notwithstanding paragraph (4) 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) 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.

ACTION ITEM 1: Determine whether to recommend filing the proposed language amendments to OAR 259-008-0025(1)(d) with the Secretary of State as a proposed rule.

Randy Jackson moved to recommend to the Committee to file the proposed language amendments to OAR 259-008-0064 as a proposed rule with the Secretary of State. Bob Cozzie seconded the motion. The motion carried in a unanimous vote.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-008-0025(1)(d) with the Secretary of State as a permanent rule if no comments are received.

Randy Jackson moved to recommend to the Committee to file the proposed language in OAR 259-008-0064 as a permanent rule with the Secretary of State if no public comment is received. Bob Cozzie 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.

HB 3238: The Committee did not identify any significant fiscal impact on small businesses pertaining to HB 3238.

4. *Proposed Rule OAR 259-008-0085

Certification of Courses and Classes

Issue: The Department occasionally certifies a Telecommunicator or Emergency Medical Dispatcher course that is conducted by an entity or individual other than the Department. The Department no longer certifies any courses other than state mandated courses, due to the abolishment of its Accreditation section in 2003. It is necessary to revise the rules relating to certification of courses and classes and the process by which the Department recognizes training and attendance at certified and non-certified courses and classes.

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

259-008-0085

Certification of Courses and Classes

(1) The Department ~~shall~~ **will** certify **state mandated** courses; and classes deemed adequate to effectively teach one or more approved public safety subject(s) to **public safety professionals** ~~police, corrections, adult parole and probation, telecommunications, or emergency medical dispatch.~~

(2) Certification ~~shall~~ **will** be based on the evaluation of course curriculum or subjects for instruction, instructor qualifications, facilities for instruction, and method of instruction. The Department may cause inspections to be made pursuant to ORS 181.640(2).

(3) Facilities and equipment used for certified training ~~shall~~ **must** be accessible to all interested and qualified individuals.

(4) The Department ~~shall certify~~ **recognizes** courses at two levels: Content and Topical.

(a) **Content level c** ~~Courses certified at the content level~~ require a student demonstration of acquired knowledge, skill, or ability. Agencies, organizations, or individuals requesting course certification at the content level ~~shall~~ **must** submit an Application for Certification of Course (DPSST Form F-20), accompanied by clearly-defined performance objectives, test questions or evaluation criteria, and evidence of instructor certification as provided in OAR 259-008-0080. Applications received later than thirty (30) calendar days prior to the start of the course, ~~shall~~ **will** not be certified at the content level.

(b) **Topical courses** ~~Courses certified at the topical level~~ are **non-mandated courses that are** informational in nature. **The Department does not certify topical courses.** ~~Agencies, organizations, or individuals requesting course certification at the topical level shall submit an Application for Certification of Course (DPSST Form F-20), accompanied by a detailed course outline and evidence of instructor certification as provided in OAR 259-008-0080. Applicants are encouraged to apply for certification no later than thirty (30) calendar days prior to the start of the course, to ensure adequate~~

~~administrative processing time. Shorter time frames may be allowed for non-recurring, pressing circumstances.~~

(5) The Department shall **must** certify courses of instruction prior to course completion, or may approve exceptions to this requirement under documented ~~special and/or~~ unique circumstances. Records of attendance for ~~this~~ training shall **must** be maintained by the **entity conducting the training**, agencies, organizations, or individuals, and may be submitted to the Department on a Continuing Log of Training (DPSST Form F-15), when ~~applying for certification~~.

(6) The Department shall **will** notify the requester, in writing, of the denial or **approval** ~~the granted level~~ of course certification. ~~If certification is granted, that notification shall be accompanied by Course Rosters (DPSST Form F-6).~~

(7) Course rosters shall **must** be completed, indicating the actual number of hours attended by each student. ~~If the course was certified at the content level,~~ **Course** rosters shall **must** also indicate whether each student passed or failed. Rosters shall **must** be returned to the Department within thirty (30) calendar days of course completion; otherwise, the Department may decertify the course.

(8) It is the responsibility of the requesting agency, organization, or individual, to:

(a) Oversee the preparation of curriculum and to insure its compliance with the requirements of the Department;

(b) Obtain a facility and instructor(s) to be used for the course, and insure their compliance with the requirements of the Department;

(c) Develop rules and regulations governing the operation of the facility and the conduct of the trainees;

(d) Administer the course;

(e) Maintain an accurate record of attendance; and

(f) Maintain all forms required by the Department, forwarding them within the stipulated time period.

(9) Once a course is certified, it remains certified for unlimited delivery during that calendar year, unless there is a significant change in course content, number of hours or instructor(s); or unless it is decertified by the Department as provided in section (7) and (11) of this rule. The Department shall **must** be notified of significant changes.

(10) All course certification shall **will** expire on December 31 of each year. Agencies, organizations or individuals shall **must** request recertification to continue a course into a new calendar year.

(11) The Department may decertify a course whenever that course is deemed inadequate. The course may be recertified by the Department when satisfactory proof has been presented to the Department that the deficiencies have been corrected.

(12) Any law enforcement unit or public or private public safety agency, or any college, university, or academy may align their training or education programs with the standards set by the Department (OAR 259-008-0025) and apply for course certification in the manner described in section (4) of this rule.

(13) Unless written approval is granted otherwise, any course that has been declared mandatory by the Department shall require a minimum number of training hours in each specific subject that constitutes the course, as determined and modeled by the course being offered at the Oregon Public Safety Academy.

(14) Effective ~~July 1, 2004~~ **January 1, 2007**, the department may not accredit any ~~public safety personnel~~ **police** training program provided by a public safety agency **in Oregon** or any educational program as equivalent to the minimum training **provided by the Department and** required for basic certification as a police officer. ~~Subsection (14) does not apply to the Department of State Police.~~

ACTION ITEM 1: Determine whether to recommend filing the proposed language amendments to OAR 259-008-0025(1)(d) with the Secretary of State as a proposed rule. *James Rentz moved to recommend to the Committee to file proposed language amendments to OAR 259-008-0085 as a proposed rule with the Secretary of State. Randy Jackson seconded the motion. The motion carried in a unanimous vote.*

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-008-0025(1)(d) with the Secretary of State as a permanent rule if no comments are received. *Bob Cozzie moved to recommend to the Committee to file proposed language in OAR 259-008-0085 as a permanent rule with the Secretary of State if no public comment is received. Randy Jackson 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. *HB 3238: The Committee did not identify any significant fiscal impact on small businesses pertaining to HB 3238.*

5. *Proposed Rule OAR 259-012
Administrative Rules Relating to Student Conduct

Issue: The Department has revised the standards relating to Student Conduct. In order to enforce the new rules and regulations with an effective implementation date of July 1, 2006, when the Department moved to the new Academy, the Department filed temporary rules relating to student conduct while the permanent rulemaking process took place. Additional formatting revisions were also made for clarity and readability.

A temporary rule is in effect for a period of six (6) months from the date of filing. Approval to file a temporary rule was made by the Executive Committee on June 8, 2006 to allow the respective Policy Committees time to present a proposed permanent rule to the Board. If the Board approves the proposed permanent rule, the proposed rule will be filed with the Secretary of State and open for comment. If no comments are received, or if no hearing is held, the Department will file the rule as permanent.

The following proposed language contains recommended deletions (~~striketrough text~~) and additions (**bold and underlined text**).

ACTION ITEM 1: Determine whether to recommend filing the proposed language amendments to OAR 259-012-0005 through 259-012-0035 with the Secretary of State as a proposed rule.

Randy Jackson moved to recommend to the Committee to file proposed language amendments to OAR 259-012-005 through 259-012-0035 as a proposed rule with the Secretary of State. Scott Russell seconded the motion. The motion carried in a unanimous vote.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-012-0005 through 259-012-0035 with the Secretary of State as a permanent rule if no comments are received.

Randy Jackson moved to recommend to the Committee to file proposed language in OAR 259-012-005 through 259-012-0035 as a permanent rule with the Secretary of State if no public comment is received. 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.

HB 3238: The Committee did not identify any significant fiscal impact on small businesses pertaining to HB 3238.

6. *OAR 259-008-0011 – Proposed Rule

Medical Standards for Telecommunicators/EMD

Issue: This review was undertaken because there were no medical standards previously in effect for Telecommunicators and Emergency Medical Dispatch (EMD) personnel. Staff has identified two options for establishing minimum physical standards related to vision and hearing for Telecommunicators and Emergency Medical Dispatchers.

OPTION 1: A Job Task Analysis was conducted and identified essential tasks related to Telecommunicators and EMD's to ensure that the Department's curriculum is in compliance with the American Disabilities Act (ADA) standards related to certification. A medical panel at Oregon Health Sciences University, comprised of an Ophthalmologist, a Cardiovascular specialist and an Audiologist, developed standards and made recommendations for entry level applicants. (It should be noted that although the

following standards are recommended, documentation of the OHSU medical panel review and recommendations is incomplete.) Below is a summary of the proposed rule changes for your review:

Subsections (1) through (5) are the current minimum standards. The recommended additions (**bold and underlined text**) for Option 1 are found in (6) through (12) below:

259-008-0011

Minimum Standards for Employment as a Telecommunicator and Emergency Medical Dispatcher

(1) On or before the date of employment, each telecommunicator and emergency medical dispatcher shall be fingerprinted on standard applicant fingerprint cards.

(a) The hiring agency, if a public agency, is responsible for fingerprinting and shall forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(b) If the hiring agency is a private agency it is responsible for fingerprinting and shall forward two (2) cards to the Department along with the appropriate fee.

(A) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(B) The Oregon State Police Identification Services Section shall notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(C) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section, the Department shall comply with the most current requirements.

(D) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department shall be completed and returned to the Department by the applicant pending fingerprint clearance.

(2) Criminal Records. No telecommunicator or emergency medical dispatcher shall have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(3) Moral Fitness (Moral Character). All telecommunicators and emergency medical dispatchers must be of good moral fitness.

(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state and/or the nation.

(b) The following are indicators of a lack of good moral fitness:

(A) Illegal conduct involving moral turpitude;

(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, or other document for securing certification or eligibility for certification;

(D) Conduct that is prejudicial to the administration of justice;

(E) Conduct that adversely reflects on his or her fitness to perform as a telecommunicator or emergency medical dispatcher. Examples include but are not limited to: Intoxication while on duty, untruthfulness, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which would affect the telecommunicator or emergency medical dispatcher's performance on the job which makes the telecommunicator or emergency medical dispatcher both inefficient and otherwise unfit to render effective service because of the agency's and/or public's loss of confidence in the telecommunicator or emergency medical dispatcher's ability to perform competently.

(c) If reliable evidence is received by the Board or Department that a telecommunicator or emergency medical dispatcher lacks good moral fitness, a rebuttable presumption will be raised that the telecommunicator or emergency medical dispatcher does not possess the requisite moral fitness to be a telecommunicator or emergency medical dispatcher. The burden shall be upon the telecommunicator or emergency medical dispatcher to prove good moral fitness.

(4) Education:

(a) Applicants for the position of a telecommunicator or emergency medical dispatcher will be required to furnish documentary evidence of one of the following:

(A) High School diploma; or

(B) Successful completion of the General Educational Development (GED) Test.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(b) Evidence of the above shall consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(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. 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.

(6) Physical Examination. All Telecommunicator and Emergency Medical Dispatcher applicants must be examined by a licensed physician.

(a) The medical examination shall be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and shall conform to applicable standards of the Americans with Disabilities Act (ADA). Title 42 USC 12101.

(b) Individuals who have had a successfully completed physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(c) The Department will not require a new physical examination when a Telecommunicator or Emergency Medical Dispatcher obtains employment, or re-employment, in the same discipline if the Telecommunicator or Emergency Medical Dispatcher:

(A) Has had a successfully completed physical examination, and

(B) Is currently certified; or

(C) Is currently employed full-time in another jurisdiction and has successfully completed a comparable physical examination in that jurisdiction.

(d) Notwithstanding subsection (c), a medical examination may be required by a hiring agency at its discretion.

(e) Telecommunicator and Emergency Medical Dispatcher applicants must meet the following criteria:

(A) Visual Acuity. Near and far corrected vision must be at least 20/30 (Snellen) when tested using both eyes together.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST.

(C) Peripheral Vision. Visual Field Performance must be 120 degrees in the horizontal meridian combined.

(f) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 25 decibels (db) at the 500, 1,000, 2,000 and 3,000-Hertz levels in either ear with no single loss in excess of 40 db.

(g) If an amplification device is necessary to meet the criteria in (f) above, or if applicant cannot meet the above criteria and wishes to pursue application, applicant must:

(A) Obtain a hearing evaluation by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) to determine current hearing aid requirement; and

(B) Achieve a Speech Reception Threshold (SRT) of no greater than 25 db for each ear;

(C) Telecommunicators and Emergency Medical Dispatchers must achieve a Speech Discrimination test score of no less than 90% utilizing a standard 50-word presentation at 50 db Hearing Threshold Level (HTL). The Department may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, and throat) designated by the Department to verify that the applicant's hearing meets the Board's minimum hearing standard. The verification examination will be at the expense of the applicant or the applicant's employing agency. The equipment utilized for all of these evaluations must be calibrated annually using current ANSI standards.

(D) Hearing amplification devices used to meet the hearing standard must be worn and functioning at all times while on duty.

(h) Applicants for the position of Telecommunicator and Emergency Medical Dispatcher must be able to use vocal cords and have significant speaking ability to perform speaking-related essential tasks.

(7) If further medical examination is required, it will be at the expense of the applicant or the hiring authority.

(8) All Telecommunicator and Emergency Medical Dispatcher applicants must submit a current-version DPSST Medical Examination Report for Telecommunicators and Emergency Medical Dispatchers (DPSST Form F-2T), or a medical report completed by a licensed physician containing at a minimum the information on Form F2T. This Report will be furnished to the examining physician by the hiring agency.

(9) A copy of the Medical Examination Report must be sent to the Department prior to acceptance into a basic course, or any course where such report is required by the Department.

(10) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(11) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of a Telecommunicator or Emergency Medical Dispatcher's duties. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(12) A person or department head requesting a waiver of any physical requirement set forth in section (11) of this rule must submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed. Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void. If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

OPTION 2: The National Emergency Number Association (NENA) Accessibility Committee and Human Resources Sub-Committee recently established ADA-compliant hearing standards for public safety telecommunicators. This standard is intended to provide reasonable and defensible industry accepted minimum hearing standards and establish recommended audiometric testing policies. The full text of the standard is attached as Exhibit "A." The Department also recommends adopting the visual acuity standards previously recommended by the OHSU medical panel for telecommunicators and emergency medical dispatchers.

The following recommended language for (6) through (12) contains the additions (**bold and underlined text**) to the current minimum standards for employment if the Committee approves moving forward with Option 2. The recommended language for Option 2 differs from Option 1 only in (6)(f):

(6) Physical Examination. All Telecommunicators and Emergency Medical Dispatcher applicants must be examined by a licensed physician.

(a) The medical examination must be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and must conform to applicable standards of the Americans with Disabilities Act (ADA). Title 42 USC 12101.

(b) Individuals who have had a successfully completed physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(c) The Department will not require a new physical examination when a Telecommunicator or Emergency Medical Dispatcher obtains employment, or re-employment, in the same discipline if the Telecommunicator or Emergency Medical Dispatcher:

(A) Has had a successfully completed physical examination, and

(B) Is currently certified; or

(C) Is currently employed full-time in another jurisdiction and has successfully completed a comparable physical examination in that jurisdiction.

(d) Notwithstanding subsection (c), a medical examination may be required by a hiring agency at its discretion.

(e) Telecommunicator and Emergency Medical Dispatcher applicants must meet the following criteria:

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) when tested using both eyes together.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST.

(C) Peripheral Vision. Visual Field Performance must be 120 degrees in the horizontal meridian combined.

(f) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must meet NENA hearing standard 54-002 (June 10, 2006).

(g) If an amplification device is necessary to meet the criteria in (f) above, or if applicant cannot meet the above criteria and wishes to pursue application, applicant must:

(A) Obtain a hearing evaluation by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) to determine current hearing aid requirement; and

(B) Achieve a Speech Reception Threshold (SRT) of no greater than 25 db for each ear;

(C) Telecommunicators and Emergency Medical Dispatchers must achieve a Speech Discrimination test score of no less than 90% utilizing a standard 50-word presentation at 50 db Hearing Threshold Level (HTL). The Department may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, and throat) designated by the Department to verify that the applicant's hearing meets the Board's minimum hearing standard. The verification examination will be at the expense of the applicant or the applicant's employing agency. The equipment utilized for all of these evaluations must be calibrated annually using current ANSI standards.

(D) Hearing amplification devices used to meet the hearing standard must be worn and functioning at all times while on duty.

(h) Applicants for the position of Telecommunicator and Emergency Medical Dispatcher must be able to use vocal cords and have significant speaking ability to perform speaking-related essential tasks.

(7) If further medical examination is required, it will be at the expense of the applicant or the hiring authority.

(8) All Telecommunicator and Emergency Medical Dispatcher applicants must submit a current-version DPSST Medical Examination Report for Telecommunicators and Emergency Medical Dispatchers (DPSST Form F-2T), or a medical report completed by a licensed physician containing at a minimum the information on Form F2T. This Report will be furnished to the examining physician by the hiring agency.

(9) A copy of the Medical Examination Report must be sent to the Department prior to acceptance into a basic course, or any course where such report is required by the Department.

(10) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(11) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of a Telecommunicator or Emergency Medical Dispatcher's duties. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(12) A person or department head requesting a waiver of any physical requirement set forth in section (11) of this rule must submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed. Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void. If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

STAFF RECOMMENDATION: Adopt standards reflected in Option 2: visual acuity standards as recommended by OHSU panel, and NENA hearing standards (June 10, 2006 NENA 54-002 standard) as the industry standard for Oregon telecommunicators and emergency medical dispatchers.

The Telecommunications Policy Committee previously reviewed recommendations that included requiring completion of a Physical Activity Readiness Questionnaire (PAR-Q). However, staff is not recommending moving forward with that language at this time, because documentation of the link between the PAR-Q and the essential tasks for a telecommunicator or emergency medical dispatcher is not currently available.

ACTION ITEM 1: Determine whether to recommend adopting the administrative rule language in Option 1 or Option 2 as the minimum physical standards for Telecommunicators and Emergency Medical Dispatchers.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-008-0011 with the Secretary of State as a proposed rule.

ACTION ITEM 3: Determine whether to recommend filing the proposed language for OAR 259-008-0011 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 4: Pursuant to HB 3238, determine whether there is a significant fiscal impact on small businesses.

The committee agreed to review the rule further and vote on it at the next meeting on September 7.

6. Age and Citizenship Requirements

The committee had a discussion on minimum age and citizenship requirements for Telecommunicators and Emergency Medical Dispatchers. It was decided to leave decisions to the discretion of the individual agencies.

A strategic planning session will follow the regular meeting on September 7th in the Boardroom at the Oregon Public Safety Academy.

There being no further business to come before the Committee, the meeting adjourned at 10:45 a.m.