

**Telecommunications Policy Committee  
Minutes  
February 1, 2007**

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 1, 2007 at the Oregon Public Safety Academy in Salem, Oregon. Chair Eric Swanson called the meeting to order at 8:30 a.m.

**Attendees**

Committee Members:

Eric Swanson, Public Safety Telecommunicators, Chair (teleconference)  
Randy Jackson, Oregon Fire Medical Administrators' Association (teleconference)  
Scott Russell, Oregon Association Chiefs of Police (teleconference)  
James Rentz, Oregon State Police  
Bob Cozzie, Clackamas County Communications (teleconference)  
Corey Henderson, Public Safety Telecommunicators (teleconference)  
Leslie Senger, Public Safety Telecommunicators (teleconference)  
Tami Atkinson, Associated Public Safety Communications Officers (teleconference)

Committee Members Absent:

Elizabeth Morgan, Emergency Medical Services and Trauma Systems  
Ted Kunze, Oregon Fire Chief's Association  
Mark Metcalf, Oregon State Sheriff's Association

DPSST Staff:

Eriks Gabliks, Deputy Director  
Pam Collett, Telecommunications Program Coordinator  
Cameron Campbell, Director Academy Training  
Marilyn Lorance, Standards & Certification Supervisor  
Teresa King, Professional Standards Coordinator  
Bonnie Salle, Rules Coordinator  
Rick Gardner, JTA Coordinator  
Doug Burch, Curriculum Supervisor  
Annola DeJong, Administrative Support



**1. Minutes of September 7, 2006 Meeting**

*Randy Jackson motioned to approve the minutes of the September 7, 2006, Telecommunications Policy Committee meeting. Bob Cozzie seconded the motion. The motion carried in a unanimous vote.*

## 2. OAR 259-012-0035 – Proposed Administrative Rule Change

Bonnie Salle' reviewed the issue before the committee.

**Issue:** Current rules pertaining to the dismissal of a student from the Academy provide for an appeal through the contested case due process. However, the contested case process is lengthy and in many cases can provide no administrative relief for the dismissed student if s/he was discharged by their agency and no longer under DPSST jurisdiction following their dismissal.

Additionally, a speedy determination about subsequent eligibility to return to the Academy may help employers to make appropriate employment decisions regarding students dismissed from the Academy.

DPSST has reviewed this matter with the Department of Justice (DOJ). DOJ staff concur that the procedures outlined in the following proposed rule change do provide adequate review for Academy dismissals while providing for due process protection when more long-term matters of eligibility for employment training and certification are at stake.

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

### **259-012-0035**

#### **Penalties**

(1) A person attending any course as a student or other participant, or a person residing at the Academy for any purpose, is subject to the rules which have been promulgated by the Department. The rules will be posted in a prominent location at the Academy. All persons attending the Academy will be expected to be knowledgeable of and to conform their conduct to the standards set forth in the rules.

(2) Failure to comply with the rules may result in the person being dismissed from the Academy, suspended from participating in Academy activities, or any other disciplinary action deemed appropriate. A student dismissed from the Academy or suspended from Academy participation for conduct or behavior in violation of the rules may not be given training credit or credit for completion of the course in which that student was enrolled. Any decision to withhold credit will be subject to Department approval.

(3) Any alleged violation of these rules, wherein a formal written report is made, shall be communicated to the student's department administrator by the DPSST staff. All disciplinary actions shall be made in accordance with the Oregon Public Safety Academy Student Rules and Regulations.

(4) Dismissal, suspension, or other disciplinary action may be ordered by the Director, or any DPSST staff delegated that authority.

(a) In addition to the procedures for due process outlined in the Student Rules and Regulations, if If a student is to be dismissed from the Academy, the student may request a meeting with the Director and present written evidence on his/her behalf.

(b) If the Director, or designee, upholds the dismissal, the student's employer may appeal the Director's decision to the Board within 30 days of the dismissal. The appeal must be in writing and state the employer's reason for disagreeing with the dismissal.

(A) If the student's employer does not appeal the student's dismissal within 30 days, the dismissal is final.

(B) If the Board upholds the student's dismissal, the dismissal is final.

(c) Eligibility to return to the Academy, following a final dismissal, is subject to the provisions of this rule. This applies whether the Board upholds a dismissal or an employer fails to appeal a student's dismissal within 30 days.

(d) If the Board upholds the Department's dismissal, or an employer fails to appeal a student's dismissal within 30 days, any student coursework previously completed in a Basic Course will be considered unsuccessfully completed. If the student is eligible to return to the Academy, the entire course must be retaken and successfully completed for credit toward certification.

(e) If the Board overturns the Department's dismissal, the student will be eligible to return to the Academy to attend a subsequent Academy class if the employer submits a new Application for Training. If the Department determines training effectiveness would not be compromised, the student may be allowed to complete only the remaining coursework not previously completed due to the dismissal.

(f) Following any dismissal from the Academy, the Department will also review a student's file and all materials relating to the dismissal to determine whether the student's conduct should be reviewed by the appropriate Policy Committee and Board for possible violation of the minimum standards for public safety officers. The provisions of OAR 259-008-0070 (Denial and Revocation) will apply.

(A) If Policy Committee and Board review is required, the student will remain ineligible to return to the Academy until the Board makes a determination regarding denial or revocation of a student's certification.

(B) A student will remain ineligible to return to the Academy pending any contested case proceeding initiated under the provisions of OAR 259-008-0070.

(A) If the Director, or designee, agrees with the dismissal, the student's agency may appeal within 30 days of the dismissal to the Board. The appeal must be in writing and state the agency's case against the dismissal.

(5) Any person subject to sanctions for violation of these rules can request a hearing in accordance with OAR 259-005-0015.

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

*Scott Russell moved to recommend filing the proposed language for OAR 259-012-035 with the Secretary of State as a proposed rule. 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 259-012-0035 with the Secretary of State as a permanent rule if no comments are received.

*Scott Russell moved to recommend filing the proposed language with the Secretary of State as a permanent rule 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.

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

### 3. **OAR 259-008-0090 – Proposed Administrative Rule Change**

Bonnie Salle' reviewed the issue before the committee.

**Issue**: The current Oregon Administrative Rules do not delineate whether a public safety professional should report general training hours on an F-6 (Attendance Roster) or an F-15 (Continuing Log of Training). Prior to July 1, 2003, the Department certified content and topical courses. However, since July 1, 2003, the Department has only certified state mandated courses. Since that time, the Department has encouraged all public safety professionals to report training on a Form F-6.

In order to streamline the reporting process for general training, the Department seeks to amend current rules to identify when individuals or agencies must report training on a Form F-6 or Form F-15.

The following revised language contains recommended additions (**bold and underlined text**). For ease of review, only the recommended new language has been included. (If the new language is adopted, subsequent subsections of the current rule will be renumbered as required.)

#### **259-008-0090**

##### **Training Records**

(1) Upon receipt by the Department of a Personnel Action Report (**BPSST Form F-4**), properly identifying a **public safety professional** law enforcement officer,

telecommunicator, or emergency medical dispatcher, the Department shall will initiate a file for that individual and record completion of approved training, as well as other personnel information, if properly documented.

**(2) Upon receipt of the appropriate form, the Department will enter training hours for training a public safety professional attended.**

**(a) Beginning April 1, 2007, F-6 (Attendance Rosters) will only be accepted to report training that occurred in the current calendar year and the two previous years.**

**(b) Any training occurring three or more years prior to the current year, or any training received while a public safety professional was employed in a jurisdiction outside of Oregon, must be reported on an F-15 (Continuing Log of Training). Approved training will appear on a public safety professional's training record as a lump sum number of hours of "approved training" for each year reported.**

**(3) Beginning January 1, 2007, all training submitted to the Department must be submitted on the current version F-6 (Attendance Roster) or F-15 (Continuing Log of Training) available upon request, or from the Department's internet website.**

**(4) Any Form F-6 (Attendance Roster) or F-15 (Continuing Log of Training) received by the Department that is insufficient, or not in compliance with this rule will be returned to the originating agency. The Department will identify any deficiencies needing completion or correction.**

~~(2)~~ **(5)** Upon display of proper identification, a department head, or authorized representative, may review their employee's file as maintained by the Department. Proper identification shall will also be required of individuals interested in reviewing their own file.

~~(3)~~ **(6)** Review or release of non-public information under Oregon law to other than the individual whose file is the subject of the information request or to the employing law enforcement agency, or public or private safety agency shall will only be permitted by the Department upon advisement by the Attorney General, by court order, or with a signed consent from the individual whose file is the subject of the information request.

[ED. NOTE: The Form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

**ACTION ITEM 1:** Determine whether to recommend filing the revised language for OAR 259-008-0090 with the Secretary of State as a proposed rule.

*Bob Cozzie moved to recommend filing the revised language for OAR 259-008-0090 with the Secretary of State as a proposed rule. Corey Henderson seconded the motion. The motion carried in a unanimous vote.*

**ACTION ITEM 2:** Determine whether to recommend filing the revised language for OAR 259-008-0090 with the Secretary of State as a permanent rule if no comments are received and no hearing is held.

*Bob Cozzie moved to recommend filing the revised language for OAR 259-008-0090 with the Secretary of State as a permanent rule if no comments are received and no hearing is held. Corey Henderson 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.

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

#### 4. **Policy Discussion**

Bonnie Salle' reviewed the issue before the committee.

**Issue:** Current rules relating to Middle Management and Executive level certification require being "presently employed in" a position in order to obtain initial certification. However, the rules are currently silent for any individual who is either transferred, demoted or no longer employed in a position performing Supervisory, Middle Management or Executive level functions.

It is not clear whether the intent of the Policy Committee and the Board is to allow an individual to continue to maintain Supervisory, Middle Management and Executive level certifications when they are no longer performing the duties or whether a certification should lapse after a period of time when an individual is no longer employed in or performing the duties associated with a position designated as Supervisory, Middle Management or Executive level.

Staff requests clarification and direction from the Committee.

*The Committee discussed voluntary demotions vs. disciplinary demotions, and the possibility of having a 'time line' of 2 or 3 years to achieve the previous certification level. DPSST thanked the Committee for their input on this matter.*

#### 5. **MARTIN, Karen DPSST #42447**

Theresa King reviewed the issue before the committee.

**ISSUE:**

Should Karen MARTIN's certification be revoked based on violation of the Moral Fitness standards defined in OAR 259-008-0011?

**BACKGROUND:**

On August 16, 2002, MARTIN was employed a telecommunicator with the Springfield Police Department (SPD). MARTIN holds a Basic Telecommunications certification.

On August 30, 2002, MARTIN signed a Telecommunicator's Code of Ethics.

On May 1, 2005, MARTIN resigned from the Springfield Police Department.

On August 17, 2006, DPSST received information that MARTIN had resigned in lieu of termination for misconduct.

On August 17, 2006, DPSST sent a letter to SPD asking for the underlying investigation that led to MARTIN's resignation.

On November 2, 2006, DPSST sent a second letter to SPD asking for the underlying investigation that led to MARTIN's resignation. This letter was sent certified mail return receipt requested.

On or about November 8, 2006, DPSST received the requested material from SPD. Upon review, DPSST determined that this matter must be heard before the Telecommunications Policy Committee.

On November 15, 2006, DPSST mailed MARTIN a letter advising her advising that her case would be heard before the Telecommunications Policy Committee. MARTIN was advised she had an opportunity to provide mitigating circumstances, in writing, for the Committee's consideration, by December 16, 2006. This letter was sent regular mail and certified mail, return receipt requested.

On or about December 1, 2006, DPSST received a certified mail return receipt, signed by MARTIN.

To date no response has been received from MARTIN.

**CONSIDERATIONS FOR THE POLICY COMMITTEE:**

Under OAR 259-008-0010(6):

1. Would MARTIN'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 MARTIN's conduct involve dishonesty, fraud, deceit, or misrepresentation?

3. Was MARTIN's conduct prejudicial to the administration of justice?
4. Would MARTIN's actions adversely reflect on her fitness to perform as a telecommunicator 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?

**STAFF CONCLUSION:**

It appears that MARTIN knowingly engaged in misconduct involving dishonesty and was untruthful about her misconduct.

**ACTION REQUESTED:**

Staff requests the Telecommunications Policy Committee review the matter and recommend to the Board whether MARTIN's certification should be revoked based on violation of the moral fitness standard. Staff reviewed the facts of the case with the committee.

*Corey Henderson moved to recommend to the Board that Karen Martin's certification be revoked based on violation of the moral fitness standard. Tami Atkinson seconded the motion. The motion carried in a unanimous vote.*

**6. Discussion Item – Student Uniforms**

Eriks Gabliks, Pam Collett and Cameron Campbell outlined for the Committee the points of consideration regarding Basic Telecommunications students wearing uniforms while attending the academy. Bob Cozzie explained the position of APCO/NENA, which is: The idea of uniforms is viewed positively. However, there is concern about the required footwear and potential cost to students, or their agencies. The Committee is in favor of having the students wear the uniform. It was decided that Pam Collett and Eric Swanson will provide information on footwear options to APCO/NENA at their next meeting.

**7. Discussion Item – Proposed Revision to the Code of Ethics**

Teresa King briefed the Committee on the proposed revisions to the Code of Ethics, in particular combining the Telecommunications Code of Ethics (F-11T) with the Criminal Code of Ethics (F-11). Jim Rentz encouraged the Committee to carefully review the language in the F-11T. He would like to see it incorporated into the revised F-11 as much as possible.

## **8. Status Report – Curriculum Advisory Committee**

Bob Cozzie inquired about the process to add new advisory committee members. He mentioned receiving a “draft committee charter” which will be forwarded to the rest of the committee. Pam Collett reported that the curriculum update process is moving forward.

## **9. Review and Renewal of the Telecommunications Policy Committee By-Laws**

Eriks Gabliks reviewed the renewal process for the Committee. The Committee concurred with the current language in the By-Laws.

## **10. Agency Update**

Eriks formally welcomed Tami Atkinson (Lincoln County 9-1-1) to the Telecommunications Policy Committee. Ms. Atkinson will serve as the APCO representative. Eriks briefed the Committee on the status of the Telecommunications Job Task Analysis (JTA): The Telecommunicators JTA conducted in 2000 is still relevant. However, since updates are being done to the JTA’s for Police and Corrections, Telecommunications will go forward with the process as well. Eriks will work with Chair Swanson to find participants. It was noted that the Committee has previously adopted the NENA Hearing Standard for Telecommunicators. Eriks also talked about the recently completed “Listening Tour” and DPSST’s Strategic Plan.

There being no further business to come before the Committee, Randy Jackson motioned that the Committee adjourn. James Rentz seconded the motion. The motioned carried, and the meeting was adjourned at 9:45 a.m.