



MEMORANDUM

January 30, 2019

To: Management-Labor Advisory Committee

From: Julia Hier, Policy Analyst

Subject: HB 2418/SB 507: Who is Covered

The presumption outlined in current versions of HB 2418 and SB 507 would cover fire service professionals, public safety personnel, and employees of a public or private safety agency with job duties related to firefighting, police, ambulance or emergency medical services. These categories of workers are defined in ORS 181A.355. These definitions are outlined below, with the general types of workers placed in bold.

1. **Public safety personnel.** Defined in ORS 181A.355 to *include*:
 - a. **Corrections officers**
 - i. An officer or member employed full-time by a law enforcement unit who:
 1. Is charged with and primarily performs the duty of custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined in a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or
 2. A certified corrections officer with supervisory or management authority for corrections officers.
 - b. **Youth correction officers**
 - i. An employee of the Oregon Youth Authority who is charged with and primarily performs the duty of custody, control or supervision of youth offenders confined in a youth correction facility
 - c. **Emergency medical dispatchers**
 - i. A person who has responsibility to process requests for medical assistance from the public or to dispatch medical care providers.
 - d. **Parole and probation officers**
 - i. An officer who is employed full-time by the Department of Corrections, a county, or a court and who is charged with and performs the duty of:

1. Community protection by controlling, investigating, supervising and providing or making referrals to reformative services for adult parolees or probationers or offenders on post-prison supervision; or
 2. Investigating adult offenders on parole or probation or being considered for parole or probation; or
- ii. An officer who:
1. Is certified and has been employed as a full-time parole and probation officer for more than one year;
 2. Is employed part-time by the Department of Corrections, a county or a court; and
 3. Is charged with and performs the duty of:
 - a. Community protection by controlling, investigating, supervising and providing or making referrals to reformative services for adult parolees or probationers or offenders on post-prison supervision; or
 - b. Investigating adult offenders on parole or probation or being considered for parole or probation.

e. Police officers

- i. An officer, member or employee of a law enforcement unit employed full-time as a peace officer who is:
 1. Commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services, tribal government, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department, the Governor, or the Department of State Police; and
 2. Responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security;
- ii. An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or another state;
- iii. A humane special agent commissioned under ORS 181A.340 (Commissioning of humane special agents). These individuals are designated employees of a humane investigation agency.
 1. "Humane investigation agency" means a private, nonprofit animal care agencies that has maintained an animal welfare investigation department for at least five years and has had officers employed as special agents;
- iv. A certified judicial marshal appointed under ORS 1.177 (State plan for security, emergency preparedness and business continuity for court facilities)
- v. An authorized tribal police officer who is an employee of a tribal government whose duties include the enforcement of criminal law.

f. Certified reserve officers

- i. A reserve officer who has been designated by a local law enforcement unit, has received training necessary for certification and has met the minimum standards and training requirements established under ORS 181A.410 (Minimum standards and training for certification).

g. Reserve officers

- i. An officer or member of a law enforcement unit who is:
 1. A volunteer or employed less than full-time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services, tribal government, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police, the Governor, or the Department of State Police;
 2. Armed with a firearm; and
 3. Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.

h. Telecommunicators

- i. A person employed as an emergency communications worker or a public safety dispatcher whose primary duties are receiving, processing and transmitting public safety information received through the emergency communications system.
 1. “Emergency communications worker” means an individual whose official focal duties are receiving information through the emergency communications system, relaying the information to public or private safety agencies or dispatching emergency equipment or personnel in response to the information.

i. Regulatory specialists

- i. “Regulatory specialist” means a full-time employee of the Oregon Liquor Control Commission who is authorized to act as an agent of the commission in conducting inspections or investigations, making arrests and seizures, aiding in prosecutions for offenses, issuing citations for violations and otherwise enforcing alcoholic and malt beverage laws and the regulation of recreational cannabis...

j. Fire service professionals

- i. Paid firefighters
- ii. Volunteer firefighters
- iii. An officer or a member of a public or private fire protection agency that is
 1. Engaged primarily in any of the following:
 - a. Fire investigation
 - b. Fire prevention
 - c. Fire safety
 - d. Fire control
 - e. Fire suppression

2. Providing any of the following:
 - a. Emergency medical services
 - b. Light and heavy rescue services
 - c. Search and rescue services
 - d. Hazardous materials incident response

iv. *Note:* This definition does not include forest fire protection agency personnel

2. An employee of a public or private safety agency with job duties relating to firefighting, police, ambulance, or emergency medical services

- a. “Public or private safety agency” means a unit of state or local government, a special purpose district or a private firm that provides, or has authority to provide, fire fighting, police, ambulance or emergency medical services.