

Telecommunications Policy Committee
Minutes
February 5, 2009

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 5, 2009 at the Oregon Public Safety Academy in Salem, Oregon. Chair Robert Poirier called the meeting to order at 10:12 a.m.

Attendees

Committee Members:

Robert Poirier, Public Safety Telecommunicators, Chair
Tamara Atkinson, Association of Public Safety Communications Officers
Bob Cozzie, Association of Public Safety Communications Officers
Molly Cotter, Oregon State Police
Elizabeth Morgan, Emergency Medical Services and Trauma Systems
Jennifer Brinlee, Public Safety Telecommunicators

Committee Members Absent:

Jack Jones, Oregon State Sheriff's Association
Tom Clemo, Oregon Fire Chiefs' Association
Brian Casey, Oregon Association Chiefs of Police
Chris Benson, Oregon Fire Medical Administrators' Association
LeAnne Senger, Public Safety Telecommunicators

DPSST Staff:

Eriks Gabliks, Deputy Director
Carolyn Kendrick, Administrative Assistant
Marilyn Lorange, Standards and Certification Supervisor
Bonnie Salle-Narvaez, Certification Coordinator
Jan Myers, Telecommunications Coordinator



Chair Poirier introduced and welcomed new committee member Molly Cotter with the Oregon State Police who has replaced James Rentz.

1. Minutes from November 6, 2008 Meeting

Approve meeting minutes from November 6, 2008.

See Appendix A for details

*Elizabeth Morgan moved to approve the minutes from the November 6, 2008 meeting.
Tamara Atkinson seconded the motion. The motion carried unanimously by all voting.*

2. OAR 259-008-0015 – Proposed Rule

Background Investigation
Presented by Bonnie Salle-Narvaez

See Appendix B for details

Bob Cozzie moved to approve incorporating telecommunicators and emergency medical dispatchers into the current requirement that a background investigation be conducted and retained. Molly Cotter seconded the motion. The motion carried unanimously by all voting.

Tamara Atkinson moved to recommend filing the proposed language for OAR 259-008-0015 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Bob Cozzie seconded the motion. The motion carried unanimously by all voting.

Bob Cozzie moved that there could be significant fiscal impact on individuals or small businesses if they are not already incorporating a more detailed background investigation. Elizabeth Morgan seconded the motion.

Staff stated if the committee thinks anything can or should be done to mitigate those potential impacts, then those would be things to be discussed in terms of implementation and how to facilitate doing that. One of the things the Department did was work with the Department of Justice in gaining their assurance that those standards are within DPSST's authority to require and are legally defensible in terms of guidelines. Staff will develop a template form that would be published as an option for agencies to use. The form would not be mandated but an option if agencies did not want to develop their own form.

The motion carried unanimously by all voting.

3. **OAR 259-008-0011(6)(g)**
Medical Standards for Telecommunicators/EMD
Presented by Bonnie Salle-Narvaez

See Appendix C for details

Tamara Atkinson moved to recommend filing the proposed language for OAR 259-008-0011(6)(g) with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Jennifer Brinlee seconded the motion. The motion carried unanimously by all voting.

It is the consensus of the committee that there is no significant fiscal impact on small businesses.

4. **Additional Business**
Presented by Eriks Gabliks

Eriks Gabliks stated that while the Criminal Justice programs here at the agency are looking at a 5.1 million dollar reduction in service delivery, the Telecommunications program is not impacted by the fiscal reductions. Our full-time Telecommunications Coordinator remains fully funded. We will continue to deliver the same amount of classes in order to meet your needs. Right now we are delivering one Basic Telecommunications class each quarter along with the Emergency Medical Dispatch classes. Jan Myers has been working with Bob Cozzie on the curriculum. That being said, the legislature is still in session and we don't know what we will end up with at the outcome of the legislature because there is discussion about other funding streams as well as possible infusions of

federal funds. Right now with the recommended Governor's budget the Telecommunications program stays status quo. We will keep you posted.

5. Next Telecommunications Policy Committee Meeting Date

Thursday, May 7, 2009 at 10:00 a.m.

With no further business before the committee the meeting adjourned at 10:35 a.m.

Appendix A

Telecommunications Policy Committee Minutes (Draft) November 6, 2008

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 6, 2008 at the Oregon Public Safety Academy in Salem, Oregon. Chair Robert Poirier called the meeting to order at 10:02 a.m.

Attendees

Committee Members:

Robert Poirier, Public Safety Telecommunicators, Chair
Tamara Atkinson, Association of Public Safety Communications Officers
Bob Cozzie, Association of Public Safety Communications Officers
James Rentz, Oregon State Police
LeAnne Senger, Public Safety Telecommunicators
Chris Benson, Oregon Fire Medical Administrators' Association
Elizabeth Morgan, Emergency Medical Services and Trauma Systems

Committee Members Absent:

Jack Jones, Oregon State Sheriff's Association
Jennifer Brinlee, Public Safety Telecommunicators
Tom Clemo, Oregon Fire Chiefs' Association
Brian Casey, Oregon Association Chiefs of Police

DPSST Staff:

Eriks Gabliks, Deputy Director
Carolyn Kendrick, Administrative Assistant
Marilyn Lorange, Standards and Certification Supervisor
Theresa King, Professional Standards Coordinator
Bonnie Salle-Narvaez, Certification Coordinator
Brenda Anderson, Curriculum Specialist
Heather Hatch, Testing Specialist



6. Minutes from August 7, 2008 Meeting

Approve meeting minutes from August 7, 2008.

See Appendix A for details

James Rentz moved to approve the minutes from the August 7, 2008 meeting. Elizabeth Morgan seconded the motion. The motion carried unanimously by all voting.

7. OAR 259-001-0005 – Proposed Rule

Housekeeping Changes to Administrative Rule Making
Presented by Bonnie Salle-Narvaez

See Appendix B for details

Tami Atkinson moved to recommend filing the proposed language for OAR 250-001-0005 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Bob Cozzie seconded the motion. The motion carried unanimously by all voting.

It is the consensus of the committee that there is no significant fiscal impact on small businesses.

8. OAR 259-008-0020

Issuance of DPSST Number

Presented by Bonnie Salle-Narvaez

See Appendix C for details

After clarification from staff and the assurance that this is a common occurrence, Jim Rentz moved to recommend filing the proposed language for OAR 259-008-0020 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. LeAnne Senger seconded the motion. The motion carried unanimously by all voting.

It is the consensus of the committee that there is no significant fiscal impact on small businesses.

9. Maintenance Training – Policy Discussion

Presented by Bonnie Salle-Narvaez

See Appendix D for details

Staff asked the committee for guidance on the following questions:

- *Question 1: should an individual who is not employed, but maintains certification after separation, be required to meet annual maintenance training requirements?*
- *Question 2: Should the Department recall a telecommunicator's or emergency medical dispatcher's certification if the individual fails to complete annual maintenance training during a period when the individual maintains certification, but is not employed?*

The consensus of the committee is "yes" on both questions. Staff asked the committee if it would find value in clarification of the process. The committee agreed it would. Staff stated this issue would come before the committee as a proposed rule at the next Telecommunications Policy Committee meeting in February 2009.

10. Margaret M. Edwards – DPSST #44556

Presented by Theresa King

See Appendix E for details

Staff requests the Telecommunications Policy Committee review the matter and make a recommendation to the Board whether or not to revoke Edwards' certifications, based on a violation of the established moral fitness standards using the following guidelines:

1. *Elizabeth Morgan moved that the Committee adopts the staff report and related documents as the record on which the recommendation is based. Tami Atkinson seconded the motion. The motion carried unanimously by all voting.*
2. By discussion and consensus:
 - a. What conduct is at issue? *The committee agreed that dishonesty, falsification of records, fraud, deceit, and misrepresentation was the issue at hand.*
 - b. What specific grounds do the facts relate to? *The committee agreed the conduct was consistent with the violations listed in the established moral fitness standards in OAR 259-008-001(3)(a)(B,C, and E)*
 - c. Is there enough evidence to find, by a preponderance, that Edwards engaged in this conduct? *The committee agreed there is enough evidence that Edwards engaged in this conduct.*
 - d. Does the conduct constitute grounds for revocation? *The committee agreed Edwards' conduct does constitute grounds for revocation based on dishonesty, fraud, deceit, and misrepresentation.*
 - e. Does the conduct rise to the level that warrants revocation? *The committee agreed there was no mitigating factors and noted there was no response to attempts by the Department to contact Edwards. The committee also believes Edwards' conduct does rise to the level that warrants revocation.*
3. *Bob Cozzie moved that the committee recommend to the Board the revocation of Margaret Edwards' certifications based on a violation of the established moral fitness standards. Elizabeth Morgan seconded the motion. The motion carried unanimously by all voting.*

Due to time constraints staff asked that the order of agenda items six and seven be switched.

11. Basic Telecommunications Course Overtime Impacts

Presented by Eriks Gabliks

See Appendix F for details

Staff shared that this issue is not unique to the Telecommunications discipline. Some different collective bargaining agreements state the work day starts when the students show up for training and ends when they leave at the end of the day regardless of how many breaks are taken. The committee stated that typically the unions are not opposed to memorandums of understanding stating something to the effect of while the employee is still on a probationary period the hours of training is dictated by the training institution. The committee agreed that the solution may be within their individual collective bargaining unit when they are in training in so far as the 40-hour week is met. The committee offered that OSPOA could be contacted for possible language for a memorandum of understanding.

12. Terry J. Vandehey – DPSST #39371

Presented by Theresa King

See Appendix G for details

James Rentz stated for the record that he would abstain from participation in this vote as he was Terry Vandehey's supervisor.

Staff requests the Telecommunications Policy Committee review the matter and make a recommendation to the Board whether or not to revoke Vandehey's certifications, based on a violation of the established moral fitness standards, the discretionary disqualifying convictions, or both, using the following guidelines:

- 1. Bob Cozzie moved that the Committee adopts the staff report and related documents as the record on which the recommendation is based. Chris Benson seconded the motion. The motion carried unanimously by all voting.*
- 2. By discussion and consensus:*
 - a. What conduct is at issue? The committee agreed intoxication and personal habits off the job, as well as discretionary disqualifying convictions were the issue at hand.*
 - b. What specific grounds do the facts relate to? The committee agreed the conduct is consistent with violations listed in the established moral fitness standards in OAR 259-008-0011(3)(b)(E), and applicable discretionary disqualifying conduct listed in OAR 259-008-0070(3)(XI and XII).*
 - c. Is there enough evidence to find, by a preponderance, that the officer engaged in this conduct? The committee agreed there is enough evidence to find that Vandehey engaged in this conduct.*
 - d. Does the conduct constitute grounds for revocation? The committee agreed this conduct does constitute grounds for revocation.*
 - e. Does the conduct rise to the level that warrants revocation? The committee agreed there were no mitigating circumstances and there were aggravating circumstances based on the fact Vandehey blew a .23 BAC which would indicate probable substance addiction.*
- 3. Elizabeth Morgan moved to recommend to the Board the revocation of Terry J. Vandehey's certifications based on a violation of the established moral fitness standards and the discretionary disqualifying convictions. LeAnne Senger seconded the motion. The motion carried unanimously by all voting with James Rentz abstaining.*

13. Additional Business

Telecommunication Curriculum Meeting Overview
Presented by Bob Cozzie

Bob Cozzie stated that the Telecommunications Curriculum Committee agreed to include a CD with the text, that the text should be bound rather than in binders, and test questions should be changed. An advanced instructor certification course was suggested but not discussed in depth.

14. Next Telecommunications Policy Committee Meeting Date

Thursday, February 5, 2009 at 10:00 a.m.

With no further business before the Committee, Bob Cozzie moved to adjourn the meeting. Elizabeth Morgan seconded the motion. The motion carried unanimously by all voting and the meeting adjourned at 11:09 a.m.

Appendix B

Department of Public Safety Standards and Training Memo

Date: January 8, 2009

To: Telecommunications Policy Committee

From: Bonnie Sallé-Narváez
Rules Coordinator

Subject: OAR 259-008-0015 – Proposed Rule
Background Investigation

Issue: The Department is responsible for recommending reasonable minimum standards for public safety personnel, which includes telecommunicators and emergency medical dispatchers. A background investigation is currently required to be conducted on each law enforcement officer (police, corrections and parole and probation officers) to determine moral fitness (professional fitness), but not telecommunicators or emergency medical dispatchers.

The rule for law enforcement officers is currently silent on the content of the background investigation. A workgroup was established in 2008 and developed proposed rule language to more clearly define the areas to be addressed when conducting a background investigation. The proposed language included a purpose statement to clarify the Department's intent as it related to making employment decisions based upon information gathered during a background investigation. The proposed rule language was forwarded to the Department of Justice (DOJ) for review and DOJ has responded that they are very comfortable with the rule language as proposed.

ACTION ITEM 1: The Department is seeking guidance from the Telecommunications Policy Committee to determine whether to adopt background investigation standards for telecommunicators and emergency medical dispatchers to determine moral fitness (professional fitness). If the Committee approves adoption of the background investigation standards, Action Items two through four will need to be completed.

(NOTE: The proposed rule language for law enforcement officers is attached. If this recommendation is adopted, staff would make appropriate changes to the language from “law enforcement officer” to “public safety professionals” to include telecommunicators and emergency medical dispatchers.)

The following proposed language for OAR 259-008-0015 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~):

259-008-0015

Background Investigation

PURPOSE: ORS 181.640(1)(a) requires the Department to recommend and the Board to establish by rule reasonable minimum standards of physical, emotional, intellectual and moral fitness for public safety personnel and instructors.

ORS 181.640(1)(c) requires the Department to establish by rule, in consultation with the Board, procedures for law enforcement units to use to determine whether public safety personnel meet minimum standards.

Consistent with ORS 181.640(1)(c), the purpose of OAR 259-008-0015 is to require law enforcement units to conduct background investigations that include, at a minimum, the elements identified within the rule.

It is not the purpose of this rule to mandate specific methods for conducting background investigations or to identify additional minimum standards for employment as a law enforcement officer. Minimum standards for employment are identified in OAR 259-008-0010 and OAR 259-008-0011. The authority to make an employment decision based on the required background investigation belongs to the public safety employer, unless the background investigation reveals that an applicant fails to meet established state minimum standards.

(1) A personal history investigation shall **must** be conducted by the employing agency on each law enforcement officer being considered for employment to determine if applicant is of good moral fitness (**professional fitness**).

(2) Each law enforcement applicant must have a completed background investigation conducted on or before the date of hire which includes, but is not limited to, the following information:

(a) Personal Identifying Information: To verify the applicant's identity and obtain contact information, to determine that the applicant meets statutory requirements, and to enable fingerprinting and the accurate acquisition of documents required to successfully conduct the background investigation.

(b) Relatives and Other References: Contact information for family members and other individuals sufficiently acquainted with the applicant, to assess moral fitness (professional fitness) and other relevant qualifications for employment as a law enforcement officer.

(c) Education and Training History: To establish that the applicant meets minimum educational requirements and to assess the ability to master the knowledge required for successful completion of Basic training as a law enforcement officer.

(d) Residential History: To permit inquiries and contacts with those acquainted with the applicant, to assess moral fitness (professional fitness) and other relevant qualifications for employment as a law enforcement officer.

(e) Employment/Experience History: To review and evaluate whether the applicant's employment and experience history is consistent with moral fitness (professional fitness) standards for employment as a law enforcement officer.

(f) Military Experience: To review and evaluate whether the applicant's military history is consistent with moral fitness (professional fitness) standards for employment as a law enforcement officer.

(g) Financial History: To assess the applicant's ability and willingness to effectively manage financial responsibilities and comply with state and federal requirements, as an indication of the applicant's dependability and integrity, and compliance with legal obligations, consistent with the moral fitness (professional fitness) standards for employment as a law enforcement officer.

(h) Legal/Criminal History: To establish legal eligibility for employment and to evaluate past behavior associated with compliance with the law.

(i) Motor Vehicle Operation: To enable acquisition of all official driving records and to assess the ability to safely and lawfully operate a motor vehicle for those positions for which motor vehicle operation is an essential task.

(j) Other topics: As necessary to assess moral fitness (professional fitness) through the evaluation of relevant aspects of the applicant's past behavior.

(3) The background investigation for each law enforcement officer applicant must include a minimum inquiry into the following specific sources of information for the purposes indicated in subsection (2):

(a) The Department of Motor Vehicles – to determine the applicant's driving record and adherence to the law.

(b) High school and all higher educational institutions that the applicant attended – to determine that the applicant has attained a minimum of a high school diploma or its equivalent, as stipulated in OAR 259-008-0010, and to assess the ability to master the knowledge required for successful completion of Basic training as a law enforcement officer.

(c) Appropriate official documents – to verify birth and age records, consistent with minimum standards for employment as a law enforcement officer. In the case of a foreign born applicant, obtain appropriate federal or local records to determine citizenship or eligibility for citizenship within the time frame required by statute.

(d) Criminal records of the Oregon State Police – to determine whether any criminal history exists.

(e) The Federal Bureau of Investigation records – to determine whether any criminal history exists.

(f) Previous employers for at least the past ten (10) years – to review and evaluate whether the applicant’s employment and experience history is consistent with moral fitness (professional fitness) standards for employment as a law enforcement officer.

(g) Within practical limits, references supplied by the applicant, and other references supplied by the initial references, if any – to determine whether the applicant is of good moral fitness (professional fitness), consistent with the minimum standards for employment as a law enforcement officer.

(h) The applicant’s present neighborhood, and where practicable, neighborhoods where the applicant may have previously resided – to determine whether the applicant is of good moral fitness (professional fitness), consistent with the minimum standards for employment as a law enforcement officer.

(i) The applicant’s financial history – to assess the applicant’s ability and willingness to effectively manage financial responsibilities and comply with state and federal requirements, as an indication of the applicant’s dependability, integrity, and compliance with legal obligations, consistent with the moral fitness (professional fitness) standards for employment as a law enforcement officer.

(j) When appropriate, military records in the service of the United States, jurisdictions therein, or foreign government – to review and evaluate the applicant’s prior service and proof of selective service registration where required by law, and to verify whether the applicant’s military record is consistent with the moral fitness (professional fitness) standards for employment as a law enforcement officer.

NOTE: Employers should insure that applicant is provided and signs all appropriate forms consistent with state and federal requirements.

(2) (4) Results of the personal history investigation on all law enforcement officers employed by a law enforcement unit in Oregon shall must be reduced to writing. Each law enforcement officer applicant must be informed that their personal history investigation will:

(a) Be retained by the employing agency; and shall

(b) Be available for review at any reasonable time by representatives of the Department.

(3) (5) All applicants for Each law enforcement officer applicant must shall be interviewed personally interviewed by the employing Department Head, or an authorized representative, prior to employment, by the department head or an authorized representative.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-001-0015 with the Secretary of State as a proposed rule.

ACTION ITEM 3: Determine whether to recommend filing the proposed language for OAR 259-001-0015 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 4: Determine whether there is a significant fiscal impact to individuals on small businesses (see attached).

Appendix C

Department of Public Safety Standards and Training Memo

DATE: January 8, 2009

TO: Telecommunications Policy Committee Members

FROM: Bonnie Salle-Narvaez
Standards and Certification

SUBJECT: OAR 259-008-0011(6)(g) – Proposed Rule
Medical Standards for Telecommunicators/EMD

Issue: Medical standards were previously adopted for Telecommunicators and Emergency Medical Dispatch (EMD) personnel based upon a Job Task Analysis that identified essential tasks related to Telecommunicators and EMD's to ensure the Department's curriculum is in compliance with the American Disabilities Act (ADA) standards related to certification.

Since the standards were adopted, the Department has received input from constituents indicating that some physicians have expressed concern with the language of the current speaking acuity standard. The concern expressed is that the phrase "significant speaking ability" does not reflect a measurable standard for a physician to assess. Based on this input, the Department is recommending an amendment to the speaking acuity standard to clarify that the intent is to require a physician completing an F-2T medical examination to indicate whether an applicant exhibits normal speech patterns.

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

259-008-0011

Minimum Standards for Employment as a Telecommunicator and Emergency Medical Dispatcher

* * *

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

* * *

(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 National Emergency Number Association (NENA) hearing standard 54-002 (June 10, 2006).

(g) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must be able to use vocal cords and **exhibit normal speech patterns, sufficient to** ~~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.

* * *

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

ACTION ITEM 2: 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 3: Pursuant to HB 3238, determine whether there is a significant fiscal impact on small businesses.