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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 259
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

FILED
09/10/2020 8:10 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adds a reference for Event and Entertainment Private Security Professionals, correcting a missed citation.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/21/2020 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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Rules Coordinator

NEED FOR THE RULE(S):

This proposed rule change adds a reference for the new event and entertainment private security professional certification that was added to OAR chapter 259 Division 60 on January 24, 2020. This proposed rule change corrects a rule that was missed in the original permanent rule change.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

The Private Security and Investigators Policy Committee and the Board on Public Safety Standards and Training meeting minutes are available on the Department of Public Safety Standards and Training website, www.oregon.gov/dpsst. The DPSST staff memos prepared for each entity are available by submitting a records request to DPSST.

FISCAL AND ECONOMIC IMPACT:

This proposed rule change corrects a rule that was missed in the original permanent rule change. As the new certification has already been adopted and added to all other appropriate rules, this rule change provides clarification and does not have a fiscal or economic impact for DPSST or for the private security industry.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There are no state agencies or units of local government identified as likely to be economically affected by the rules.

The majority of individual private security providers or employers, businesses or entities that employ or utilize private security providers may be considered small businesses. Applicants may be considered small businesses or members of the public. There were no identified costs for compliance for these small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Potentially affected entities were involved through their representation on the Private Security and Investigators Policy Committee and the Board on Public Safety Standards and Training. Small businesses, as well as state agencies, units of local government and the public are invited to submit written comments to the agency rules coordinator during the public comment period on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact on business.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 259-060-0130

RULE SUMMARY: The proposed rule change, located in section (7), adds the event and entertainment private security professional certification category to the types of private security professionals a manager may issue a temporary work permit to. This rule change was missed during the original rule changes for the adoption of the event and entertainment private security professional certification which became effective on January 24, 2020.

CHANGES TO RULE:

259-060-0130

Private Security Executive Manager and Supervisory Manager Licensure and Responsibilities ¶¶

- (1) All private security executive or supervisory manager applicants must complete an application in accordance with OAR 259-060-0025.¶¶
- (2) All private security executive or supervisory manager applicants must be in compliance with the minimum standards for licensure as listed in OAR 259-060-0020.¶¶
- (3) Private security executive managers are responsible for ensuring compliance of all private security providers employed by businesses or entities by which the executive manager is employed or contracted. An executive manager is authorized to perform the duties defined in OAR 259-060-0010.¶¶
- (4) Private security supervisory managers have the responsibility and authority of supervising persons providing security services. A supervisory manager is authorized to perform the duties defined in OAR 259-060-0010.¶¶
- (5) Basic training for executive and supervisory private security managers consists of successful completion of the following:¶¶
 - (a) The required basic classroom instruction, exam and assessments as defined in OAR 259-060-0120; and¶¶
 - (b) Manager course, exam and assessments.¶¶
- (6) Biennial renewal training consists of the manager course, exam and assessments.¶¶
- (7) Employing, licensed managers may issue temporary work permits to ~~unarmed private security professional, alarm monitor~~ alarm monitor, unarmed, or event and entertainment private security professional and manager applicants upon verification that all application requirements have been completed.¶¶
- (8) An executive manager is authorized to contract with businesses or entities to provide services as an executive manager. For the purposes of this rule, an executive manager who contracts with businesses or entities to provide services as an executive manager is considered an employing, licensed manager.¶¶
- (9) An executive manager is required to submit a completed Form PS-24 to the Department within 48 hours of beginning employment or a contract and to provide changes of information as described in OAR 259-060-0015.¶¶
- (10) A licensed manager who performs private security services must complete the full training required for that

classification and be certified.¶¶

(11) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation of private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870