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CHAPTER 259

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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RULES:

259-008-0060, 259-008-0064, 259-008-0065, 259-008-0078

AMEND: 259-008-0060

NOTICE FILED DATE: 11/23/2021

RULE SUMMARY: OAR 259-008-0060 sets minimum standards for obtaining certification. This rule requires First Aid and CPR certifications to obtain DPSST basic certification and upper levels of officer certification for all public safety professional disciplines. This rule change amended the rule to specify that the CPR certification requirement includes both adult and child CPR. For implementation, applications for certification received after the rule change will require a certification in adult and child CPR.

The change to specify CPR certification as a certification in adult and child cardiopulmonary resuscitation (CPR) is the result of the House Bill 2513 (2021) requirement for police officers to have and maintain a certification in adult and child CPR. The Telecommunications Policy Committee, the Corrections Policy Committee, and the Board on Public Safety Standards and Training approved application of the requirement for both adult and child CPR for all additional disciplines. As a result, the adult and child CPR certification requirement applies to all corrections officers, emergency medical dispatchers, parole and probation officers, police officers, telecommunicators, and regulatory specialists.

CHANGES TO RULE:

259-008-0060

Public Safety Officer Certification ¶

(1) Basic, Intermediate, and Advanced Certificates are awarded by the Department to law enforcement officers and telecommunicators meeting prescribed standards of training, education, and experience. Emergency medical dispatchers may be awarded basic certification only.¶

(2) Supervisory, Management, and Executive Certificates are awarded to law enforcement officers and telecommunicators meeting the prescribed standards in this rule and the ranks established by the employing law enforcement units, or public or private safety agencies.¶

- (3) Basic certification is mandatory and must be acquired by all police officers, parole and probation officers, telecommunicators, emergency medical dispatchers, and regulatory specialists within 18 months of employment, and by all corrections officers within 12 months of employment, unless an extension is granted by the Department.¶
- (4) To be eligible for the award of a certificate, law enforcement officers must:¶
- (a) Be full-time employees as defined in OAR 259-008-0005 or part-time parole and probation officers, as defined in OAR 259-008-0005;¶
- (b) Meet the prescribed minimum employment standards in OAR 259-008-0010;¶
- (c) Subscribe to and swear or affirm to abide by the Board-approved Criminal Justice Code of Ethics; and¶
- (d) Have valid ~~first-aid-ancertifications in adult and child~~ certifications in adult and child cardiopulmonary resuscitation (CPR) ~~certificationand~~ certificationand First Aid.¶
- (5) To be eligible for the award of a certificate, telecommunicators and emergency medical dispatchers must:¶
- (a) Meet the prescribed minimum employment standards as established by OAR 259-008-0011;¶
- (b) Subscribe to and swear or affirm to abide by the Board-approved Telecommunicator Code of Ethics; and¶
- (c) Have valid ~~first-aid-ancertifications in adult and child~~ certifications in adult and child cardiopulmonary resuscitation (CPR) ~~certificationand~~ certificationand First Aid.¶
- (6) Applications for certification must be submitted through a Department-approved submission process.¶
- (7) In addition to the requirements in sections (1) through (6) of this rule, each applicant must have completed the designated education and training, combined with the prescribed corrections, parole and probation, police, regulatory specialist or telecommunications experience for the award of an Intermediate, Advanced, Supervisory, Management, or Executive Certificate.¶
- (8) Training and Education:¶
- (a) Basic courses certified by the Department will be approved by the Board.¶
- (b) The Department may record training hours for departmental or other in-service training which is recorded and documented in the personnel files of the trainee's department. These records must include the subject, instructor, classroom hours, date, sponsor, and location.¶
- (c) Training completed in other states, military training, and other specialized training, if properly documented, may be accepted, subject to staff evaluation and approval. These records must include the subject, date, and classroom hours, and must be certified true copies of the original.¶
- (d) The Department must receive official transcripts, as prescribed in OAR 259-008-0045 (Education Credits), prior to entering education credits on an individual's official record.¶
- (e) Education credits awarded based on training completed must be documented on an official transcript from a recognized source, as defined in OAR 259-008-0045, and may be applied toward an application for certification as either training hours or education credits, whichever is to the advantage of the applicant. These credits cannot be applied towards certification as both education credits and training hours.¶
- (A) Prior to applying an applicant's education credits toward any level of certification, the Department must receive documentation of the number of education credits awarded based on training completed.¶
- (B) The training hours identified under paragraph (A) above and submitted as education credit toward a certification will not be included in any calculation of whether the applicant has earned sufficient training hours to qualify for the requested certification level.¶
- (9) Experience/Employment:¶
- (a) Experience gained as a corrections officer, parole and probation officer, police officer, or regulatory specialist employed full time with municipal, county, state, or federal agencies, may be accepted if the experience is in the discipline the certification is requested and is approved by the Department.¶
- (b) Experience acquired as a telecommunicator or emergency medical dispatcher employed with a public or private safety agency may be accepted if the experience is in the discipline the certification is requested and is approved by the Department.¶
- (c) Experience acquired as a certified part-time telecommunicator or emergency medical dispatcher as defined in OAR 259-008-0005, or part time parole and probation officer as defined ~~under~~ in OAR 259-008-0005, will count on a pro-rated basis.¶
- (d) Experience acquired as a multi-disciplined officer will be applied to the public safety officer's primary discipline.¶
- (e) For the purpose of this rule, creditable service time for experience will not accrue under the following circumstances:¶
- (A) When an individual is employed in a casual, seasonal, or temporary capacity;¶
- (B) When an individual is on leave, other than full-time military leave;¶
- (C) From the date a public safety officer's certification is suspended until it is reinstated by the Department;¶
- (D) When a public safety officer fails to obtain basic certification within a mandated timeframe and is prohibited from being employed as a public safety officer;¶

- (E) When a public safety officer is employed in a limited duration, administrative position, as described in OAR 259-008-0078; or¶
- (F) For a multi-disciplined officer toward a non-primary discipline.¶
- (10) The Basic Certificate. In addition to the requirements in sections (1) through (6) of this rule, applicants for basic certification must have satisfactorily completed the required basic training as prescribed in OAR 259-008-0025 in the discipline the certification is requested or have completed equivalent training as determined by the Department.¶
- (11) The Intermediate and Advanced Certificates. In addition to the requirements in sections (4) through (6) of this rule, applicants for Intermediate and Advanced Certification must have acquired a combination of work experience in the discipline the certification is requested, training hours and the education credits or college degree, as identified in the discipline specific Intermediate/Advanced Certification Charts.¶
- (a) The work experience, training hours and education credits or college degree being used to apply for certification must appear on the applicant's training record or be properly documented and submitted as supporting documentation with the application for certification.¶
- (A) Applicants for Intermediate or Advanced Certification in the Police, Corrections, Parole and Probation and Regulatory Specialist disciplines must also submit a Form F-7WS (Intermediate/Advanced Certification Supplemental Worksheet), with a copy of their training record, to document the training hours that are being applied toward the certification.¶
- (B) The Form F-7WS must include meaningful descriptions of the training events and must be reviewed and signed by the employing agency and the applicant attesting that the information is true and correct and meets the requirements for the award of an Intermediate or Advanced Certification.¶
- (C) Applicants for Intermediate or Advanced Certification in the Telecommunications discipline must also submit a Portfolio that identifies the portfolio points submitted, includes supporting documentation of the portfolio points and includes a recommendation by the department head or an authorized designee.¶
- (b) To be awarded an Intermediate Certification, applicants must possess or be eligible to possess a Basic Certificate in the discipline for which the applicant is requesting intermediate certification.¶
- (c) To be awarded an Advanced Certification, applicants must possess or be eligible to possess the Intermediate Certificate in the discipline for which the applicant is requesting advanced certification.¶
- (d) The training hours used to obtain basic certification cannot be used toward intermediate certification.¶
- (e) The training hours used to obtain basic and intermediate certifications cannot be used toward advanced certification.¶
- (f) If making application for Advanced Telecommunications Certification, events, awards and experiences submitted as portfolio points for intermediate certification cannot be applied toward advanced certification.¶
- (12) The Supervisory Certificate. In addition to requirements in sections (2) and (4) through (6) of this rule, applicants for the Supervisory Certificate must have acquired a combination of work experience, training hours and education credits, as prescribed in this rule:¶
- (a) Applicants may determine eligibility for supervisory certification by referencing either:¶
- (A) The eligibility requirements for supervisory certification effective until December 31, 2018; or¶
- (B) The eligibility requirements for supervisory certification effective July 1, 2017.¶
- (C) Applicants may apply for supervisory certification using the set of eligibility requirements that best fits their experience, education and training.¶
- (b) Eligibility requirements for supervisory certification effective until December 31, 2018:¶
- (A) Applicants must possess or be eligible to possess the Advanced Certificate in the discipline the supervisory certification is requested;¶
- (B) Applicants must have satisfactorily completed no less than 45 education credits as defined in OAR 259-008-0045 and in accordance with section (8) of this rule;¶
- (C) Applicants must have satisfactorily completed the prescribed supervision training within five years of the application for the Supervisory Certificate; and¶
- (D) Applicants must be presently employed in and have satisfactorily performed the duties of a first-level supervisor as defined in OAR 259-008-0005 for a period of one year. The required experience must have been acquired within five years of the date of the application.¶
- (E) Upon request of the employing agency, the Department may waive the requirements of paragraphs (C) or (D), provided the employing agency demonstrates that the applicant performs supervisory duties on a regular basis.¶
- (c) Eligibility requirements for supervisory certification effective July 1, 2017:¶
- (A) Applicants must possess or be eligible to possess the Basic Certificate in the discipline the supervisory certification is requested;¶
- (B) Applicants must have satisfactorily completed the prescribed supervision training within five years of the application for the Supervisory Certificate; and¶
- (C) Applicants must be presently employed in and have satisfactorily performed the duties of a first-level

supervisor as defined in OAR 259-008-0005 for a period of two years. The required experience must have been acquired within five years of the date of the application.¶

(D) Upon request of the employing agency, the Department may waive the requirements of paragraphs (B) or (C), provided the employing agency demonstrates that the applicant performs supervisory duties on a regular basis.¶

(13) The Management Certificate. In addition to requirements in sections (2) and (4) through (6) of this rule, the following are required for the award of the Management Certificate:¶

(a) Applicants must possess or be eligible to possess the Supervisory Certificate in the discipline the management certification is requested;¶

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in OAR 259-008-0045 and in accordance with section (8) of this rule;¶

(c) Applicants must have satisfactorily completed the prescribed middle management training within five years of the application for the Management Certificate; and¶

(d) Applicants must be presently employed in and must have satisfactorily served in a middle management position as a department head or assistant department head as defined in OAR 259-008-0005 for a period of two years. The required experience must have been acquired within five years of the date of the application.¶

(e) Upon request of the employing agency, the Department may waive the requirements of section (13) (c) or (d), provided the employing agency demonstrates that the applicant performs management duties on a regular basis.¶

(14) The Executive Certificate. In addition to requirements in section (2) and (4) through (6) of this rule, the following are required for the award of the Executive Certificate:¶

(a) Applicants must possess or be eligible to possess the Management Certificate in the discipline the executive certification is requested;¶

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in OAR 259-008-0045 and in accordance with section (8) of this rule;¶

(c) Applicants must have satisfactorily completed 100 hours of Department-approved executive level training within five years of the application for the Executive Certificate; and¶

(d) Applicants must be presently employed in and must have satisfactorily served in a middle management position as department head or assistant department head, as defined in OAR 259-008-0005 for a period of two years. The required experience must have been acquired within five years of the date of the application.¶

(e) Upon request of the employing agency, the Department may waive the requirements of section (14) (c) or (d), provided the employing agency demonstrates that the applicant performs the duties of a department head or assistant department head on a regular basis.¶

(15) Multi-discipline Certification. The Department may approve multi-discipline certification for a public safety officer when all of the following conditions have been met:¶

(a) The employing agency employs public safety officers to work in the disciplines for which employment and certification are requested;¶

(b) The employing agency notifies the Department of a personnel action in accordance with OAR 259-008-0020 identifying the public safety officer as employed in more than one discipline and specifying the public safety officer's primary discipline;¶

(c) The employing agency attests that a justified and demonstrated need exists, for the efficient operation of the employing agency, to employ and certify the public safety officer in more than one discipline; and¶

(d) The public safety officer meets all of the minimum employment, training and certification requirements established in OAR chapter 259 division 008 for each identified discipline.¶

(16) Employing agencies are exempt from the requirement specified in subsection (15)(c) of this rule when the employing agency is only seeking multi-discipline employment and certification for a public safety officer as a telecommunicator and an emergency medical dispatcher.¶

(17) Certificates and awards are the property of the Department. The Department has the power to revoke or suspend any certificate or award as provided in the Act.

Statutory/Other Authority: ORS 181A.410

Statutes/Other Implemented: ORS 181A.410, ORS 181A.490, ORS 181A.520, ORS 181A.530, ORS 181A.560, ORS 181A.570, ORS 181A.440

NOTICE FILED DATE: 11/23/2021

RULE SUMMARY: OAR 259-008-0064 sets minimum standards for maintaining DPSST-issued telecommunicator and emergency medical dispatcher (EMD) certifications. This rule requires telecommunicators and EMDs to maintain First Aid and CPR certifications. This rule change amended the rule to specify that the CPR certification requirement includes both adult and child CPR. For the implementation of maintenance requirements, when the telecommunicator's or EMD's CPR certification expires the new certification must include both adult and child CPR.

The change to specify CPR certification as a certification in adult and child cardiopulmonary resuscitation (CPR) is the result of the House Bill 2513 (2021) requirement for police officers to have and maintain a certification in adult and child CPR. The Telecommunications Policy Committee, the Corrections Policy Committee, and the Board on Public Safety Standards and Training approved application of the requirement for both adult and child CPR for all additional disciplines. As a result, the adult and child CPR certification requirement applies to all corrections officers, emergency medical dispatchers, parole and probation officers, police officers, telecommunicators, and regulatory specialists.

CHANGES TO RULE:

259-008-0064

Maintenance of Certification for Telecommunicators and Emergency Medical Dispatchers ¶¶

- (1) It is the responsibility of the Board to set the minimum standards for the maintenance of certification for currently employed and certified telecommunicators and emergency medical dispatchers (EMD).¶¶
- (a) While it is the responsibility of the Department to uphold those standards, each agency may determine what training will be provided to meet the standards.¶¶
- (b) The Board recommends that agencies provide training time and training opportunities to enable telecommunicators and EMD to meet the standards.¶¶
- (2) The requirements established by the Board to maintain certification apply to telecommunicators and EMD who are currently employed and certified.¶¶
- (3) The Department will establish a maintenance cycle for each telecommunicator and EMD upon issuance of a basic certification.¶¶
- (a) The maintenance cycle will begin on January 1st and end on December 31st of the calendar year.¶¶
- (b) Basic certifications granted between January 1st and June 30th of the current year will have maintenance cycles that are effective January 1st of the current year.¶¶
- (c) Basic certifications granted between July 1st and December 31st of the current year will have maintenance cycles that are effective January 1st of the following year.¶¶
- (d) If a telecommunicator's or an EMD's certifications lapse, a new maintenance cycle will be established upon reissuance of a basic certification.¶¶
- (4) In order to maintain basic certification:¶¶
- (a) A telecommunicator must complete a minimum of 12 hours of maintenance training specific to the telecommunicator discipline.¶¶
- (b) An EMD must complete a minimum of eight hours of maintenance training specific to the EMD discipline.¶¶
- (c) A telecommunicator who is multi-discipline certified as a telecommunicator and an EMD must complete a minimum of 12 hours of maintenance training specific to the telecommunicator discipline and a minimum of four hours of maintenance training specific to the EMD discipline.¶¶
- (d) Telecommunicators and EMD must complete a minimum of one hour of Ethics training annually. Ethics training hours will be applied toward the minimum maintenance training requirements. Multi-discipline certified telecommunicators and EMD only need to satisfy the ethics training requirement once each maintenance cycle.¶¶
- (e) Telecommunicators and EMD must maintain current First Aid and CPR a certification in adult and child cardiopulmonary resuscitation (CPR) and a certifications in First Aid.¶¶
- (5) Telecommunicators and emergency medical dispatchers who are multi-discipline certified in a law enforcement officer discipline must complete the telecommunicator and emergency medical dispatcher maintenance requirements as defined in this rule and are also required to complete the requirements to maintain a law enforcement officer discipline as defined in OAR 259-008-0065. The same training may be used for more than one discipline if the content is applicable to each discipline. It is the responsibility of the department head to determine if the training is appropriate for more than one discipline.¶¶

(6) Leadership Training for Telecommunicators. Telecommunicators with supervisory certification must complete two hours of Leadership training annually. The Leadership training requirement is in addition to the annual maintenance training requirements for basic certification.¶

(7) Instructors may apply hours spent instructing a class one time annually toward maintenance training.¶

(a) Instructed hours reported for a class may not exceed the lesser of:¶

(A) The actual class hours; or¶

(B) The actual number of hours the instructor spent instructing the class.¶

(b) The total number of instructed hours applied towards the annual maintenance training requirement may not exceed:¶

(A) Six hours for the telecommunications discipline;¶

(B) Four hours for the EMD discipline; or¶

(C) When multi-discipline certified as a telecommunicator and an EMD, a combination of six hours for the telecommunications discipline and two hours for the EMD discipline.¶

(8) Documentation of Completed Maintenance Requirements.¶

(a) The employing agency must:¶

~~(A) Maintain documentation for all required of the maintenance training and current First Aid and CPR certifications for each telecommunicator and EMD.¶~~

~~(b) Certification requirements:¶~~

~~(B) Report the expiration dates for the adult and child CPR and First Aid and CPR certification expiration dates must be reported to the Department through a Department-approved submission process to document maintenance of current First Aid and CPR certifications for each telecommunicator and EMD.¶~~

~~(c) F: and¶~~

~~(C) Report the training and hours used to complete the requirements for maintenance of certification must maintenance training requirements to the Department by December 31st of each calendar year through a Department approved submission process through a Department-approved submission process by December 31st of each calendar year. Training hours will be credited to the maintenance training category identified on the course attendance roster.¶~~

~~(d) The Department will update the telecommunicator's or EMD's DPSST training record to reflect the telecommunicator's or EMD's completion of the maintenance requirements for certification. Training hours will be credited to the maintenance training category identified on the course attendance roster completion of the maintenance training and certification requirements.¶~~

(9) Maintenance Requirements for Telecommunicators and Emergency Medical Dispatchers on Leave.¶

(a) The employing agency must notify the Department whenever a telecommunicator or EMD is on leave for 91 days or more pursuant to OAR 259-008-0020.¶

(b) When a telecommunicator or EMD is on leave, their certifications will not lapse pursuant to OAR 259-008-0067.¶

(c) A telecommunicator or EMD who is on leave for any period up to 180 days will have the same maintenance cycle.¶

(d) A telecommunicator or EMD who is on leave for more than 180 days will receive a one year extension of the maintenance cycle.¶

(e) If ~~First Aid or adult and child CPR certifications have~~ or First Aid certification expired while on leave, the telecommunicator or EMD will have 30 days after returning from leave to obtain current ~~First Aid and CPR~~ certifications.¶

(10) Suspension for Failure to Meet Maintenance Requirements for Certification.¶

(a) When a telecommunicator or EMD is identified as deficient for maintenance training ~~hour~~ requirements or a failure to maintain ~~First Aid and CPR certifications~~ certifications in adult and child CPR and First Aid, a deficiency notice will be sent to the telecommunicator or EMD and a copy of the deficiency notice will be sent to the telecommunicator's or EMD's employing agency.¶

(b) A telecommunicator or EMD has 30 days from the date of the deficiency notice to complete the maintenance requirements identified as deficient or to request a time extension.¶

(c) When a telecommunicator or EMD fails to complete the deficient maintenance requirements or fails to request a time extension within 30 days of the date of the deficiency notice, a Contested Case Notice of Intent to Suspend will be prepared by the Department and served on the telecommunicator or EMD pursuant to ORS 181A.640(1)(c) and these rules. A copy of the Notice of Intent will be sent to the telecommunicator's or EMD's employing agency.¶

(d) A Notice of Intent to Suspend based on a deficiency that is only for Leadership training applies only to the telecommunicator's supervisory, management, and executive certifications.¶

(e) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.¶

(ef) A telecommunicator or EMD who has been served with a Contested Case Notice of Intent to Suspend has 30 days from the date of mailing or personal service of the notice to provide documentation to the Department showing the completion of the maintenance requirements identified as deficient during the reporting period or to file a written request for hearing with the Department.¶

(fg) Default Order. If the required training or certification is not reported to the Department or a request for hearing received by the Department within 30 days from the date of the mailing or personal service of the Notice, the Contested Case Notice will become a final order suspending certification pursuant to OAR 137-003-0672.¶

(11) Time Extensions.¶

(a) The Department may grant a time extension for a telecommunicator or EMD to complete the deficient maintenance training requirements upon receipt of a written request from the telecommunicator or EMD or their employing agency's department head. The written request must include an action plan for completing the training requirements that were identified as deficient.¶

(b) No time extension will be granted beyond December 31st of the year following the expiration date of the required maintenance training.¶

(c) Training used to complete the deficiencies for a maintenance cycle that has been granted a time extension cannot be applied toward the next maintenance cycle.¶

(d) A time extension for deficient maintenance training does not change the period for the following maintenance cycle.¶

(e) If a telecommunicator or EMD fails to complete the deficient maintenance training requirements before the expiration of the time extension, a Notice of Intent to Suspend will be served on the telecommunicator or EMD by the Department.¶

(12) A telecommunicator or EMD whose basic certification has been suspended is prohibited from performing the duties of a telecommunicator or EMD.¶

(13) Recertification Following a Suspension:¶

(a) Recertification following a suspension may be obtained by submitting documentation to the Department showing completion of the maintenance requirements.¶

(b) Prior to reinstatement of certifications from a suspension for failure to meet certification maintenance requirements, a telecommunicator or EMD must meet the minimum employment, training and certification requirements outlined in OAR chapter 259 division 008.

Statutory/Other Authority: ORS 181A.410

Statutes/Other Implemented: ORS 181A.410

AMEND: 259-008-0065

NOTICE FILED DATE: 11/23/2021

RULE SUMMARY: OAR 259-008-0065 sets minimum standards for maintaining DPSST-issued police officer, corrections officer, parole and probation officer, and regulatory specialist certifications. This rule requires law enforcement officers to maintain First Aid and CPR certifications and that law enforcement officers complete 84 hours of training within a 3-year period (maintenance cycle). This rule change amended CPR certification references to specify adult and child CPR as the standard and added airway and circulatory anatomy and physiology training to the maintenance training requirements. This rule change also removed outdated phase-in language and included revisions for consistency and simplification.

The changes to specify CPR certification as a certification in adult and child cardiopulmonary resuscitation (CPR) and add required training in airway and circulatory anatomy and physiology are the result of House Bill 2513 (2021) requirements for police officers. House Bill 2513 requires police officers to have a certification in adult and child CPR to obtain and maintain a basic police officer certification. House Bill 2513 requires police officers to complete at least 2 hours of airway and circulatory anatomy and physiology training within each maintenance period.

The Police Policy Committee, the Corrections Policy Committee, and the Board on Public Safety Standards and Training approved application of the House Bill 2513 maintenance requirements to all of the law enforcement officer disciplines. As a law enforcement officer standard, these maintenance requirements apply to all corrections officers, parole and probation officers, police officers, and regulatory specialists.

Section (7)(a) identifies the CPR certification maintenance requirement as a certification in adult and child CPR. For the implementation of the maintenance requirement, when a law enforcement officer's current CPR certification expires the new certification must include adult and child CPR.

Section (7)(c)(D) provides the addition of the airway and circulatory anatomy and physiology maintenance training requirement. As outlined in the bill, the maintenance requirement is a minimum of two hours of training to be completed within each maintenance cycle. These hours are included in the overall requirement to complete 84 hours of agency-approved training during each maintenance cycle. The rule includes a definition for airway and circulatory anatomy and physiology maintenance training to communicate the legislative intent of the training requirement and provide guidance to employing agencies. The definition for the airway and circulatory anatomy and physiology maintenance training closely mirrors the learning objectives for the training that will be provided during the DPSST basic police course. The definition does not limit employing agencies to a specific training course. The employing agency will have the discretion to determine what training meets the definition provided in the rule.

CHANGES TO RULE:

259-008-0065

Maintenance of Law Enforcement Officer Certification ¶

(1) It is the responsibility of the Board to set the standards for law enforcement officer training and the maintenance of certification for currently employed and certified law enforcement officers.¶

(a) While it is the responsibility of the Department to uphold those standards, each agency may determine what training will be provided to meet the standards.¶

(b) The Board recommends that agencies provide training time and training opportunities to enable law enforcement officers to meet the required maintenance training hour standards.¶

(2) The requirements established by the Board for the completion of training to maintain certification apply to law enforcement officers who are currently employed and currently certified.¶

~~(a) Maintenance training is required for police officers.¶~~

(b) Effective January 1, 2017, maintenance training will be recommended for corrections officers, parole and probation officers and regulatory specialists. Effective January 1, 2020 maintenance training for corrections officers, parole and probation officers and regulatory specialists will be required.¶

(c) Certifications cannot be maintained when a law enforcement officer is not employed in a certifiable position.¶

(3) Law enforcement officers who are multi-discipline certified in more than one law enforcement officer discipline will be assigned one maintenance cycle and must complete the requirements as defined in this rule.¶

(4) Law enforcement officers who are multi-discipline certified as a telecommunicator or emergency medical dispatcher must complete the requirements to maintain a law enforcement discipline as defined in this rule and are also required to complete the telecommunicator and emergency medical dispatcher maintenance requirements as defined in OAR 259-008-0064. The same training may be used for more than one discipline if the content is applicable to each discipline. It is the responsibility of the department head to determine if the training is appropriate for more than one discipline.¶

(5) The Department will establish a three-year maintenance training cycle for each law enforcement officer upon issuance of a basic certification.¶

(a) The maintenance cycle will begin on January 1st and end on December 31st of the third year.¶

(b) Basic certifications granted between January 1st and June 30th of the current year will have maintenance cycles that are effective January 1st of the current year.¶

(c) Basic certifications granted between July 1st and December 31st of the current year will have maintenance cycles that are effective January 1st of the following year.¶

(d) If a law enforcement officer's certifications lapse pursuant to OAR 259-008-0067, a new maintenance training cycle will be established upon reissuance of a basic certification.¶

(6) Upon issuance of a supervisory certification, the Department will update the law enforcement officer's current maintenance training cycle to indicate the requirement for Leadership maintenance training.¶

(7) In order to maintain certification, a law enforcement officer must:¶

(a) Maintain current First Aid and CPRa certification in adult and child cardiopulmonary resuscitation (CPR);¶

(b) Maintain a certifications in First Aid; and¶

(bc) Complete a minimum of 84 hours of agency-approved training prior to the expiration of the established maintenance training cycle.¶

(A) The 84 hours of agency-approved training must include a:¶

(A) A minimum of eight hours of Firearms or Use of Force related training completed annually;¶

(B) Effective January 1, 2017, it is recommended that law enforcement officers complete a minimum of one hour of Ethics training annually. Effective January 1, 2020, a completed annually;¶

(C) A minimum of onthree hours of ethics training will be an annual training requirement to maintain certification. Ethics training hours will be applied toward the minimum requirement to complete 84 hours of agency approved trainingMental Health/Crisis Intervention related training completed within the three-year maintenance cycle;¶

(CD) Effective October 1, 2017, it is recommended that law enforcement officers complete a minimum of threewo hours of Mental Health/Crisis Intervention related training prior to the expiration of the establishedAirway and Circulatory Anatomy and Physiology training completed within the three-year maintenance training cycle. Effective January 1, 2020, completion of a minimum of three hours of Mental Health/Crisis Intervention related training prior to the expiration of the established maintenance training cycle will be a requirement to maintain certification. Mental Health/Crisis Intervention training hours will be applied toward the minimum requirement to complete 84 hours of agency approved training within the three year maintenance cycle.cycle. Airway and circulatory anatomy and physiology training includes the risk of various holds on respiratory compromise, the signs of a person in respiratory compromise, and the law enforcement officer's responsibility to render or obtain aid;¶

(DE) If a law enforcement officer holds supervisory certification, the law enforcement officer will be required to complete 24 hours of Leadership training. Leadership training hours will be applied toward the minimum requirement to complete 84 hours of agency approved traininga minimum of 24 hours of Leadership training completed within the three-year maintenance cycle; and¶

(EF) TheAny remaining hours of the required 84 total training hours may include additional Firearms or Use of Force, Leadership, Ethics, Mental Health/Crisis Intervention or Other training.¶

(c) Failure to maintain First Aid and CPR certifications may result in suspension of the law enforcement officer's certifications pursuant to section (10) of this rule.¶

(d) Failure to complete eight hours of Firearms or Use of Force training annually may result in suspension of the law enforcement officer's certifications pursuant to section (10) of this rule.¶

(e) Failure to complete 24 hours of Leadership training for a law enforcement officer who holds supervisory certification may result in suspension of the law enforcement officer's supervision, management and executive certifications pursuant to section (10) of this ruletraining hours needed to complete 84 hours of agency-approved training must be completed within the three-year maintenance cycle and may include additional training in any of

~~the previously listed training categories or any other agency-approved training.~~

~~(8) Documentation of Completed Maintenance Training Requirements.~~

~~(a) The employing agency must:~~

~~(A) Maintain documentation of required for all of the maintenance training and First Aid and CPR certifications on each law enforcement officer. certification requirements;~~

~~(B) First Aid and CPR certification expiration dates must be reported. Report the expiration dates for the adult and child CPR and First Aid certifications to the Department through a Department-approved submission process to document a law enforcement officer's maintenance of current First Aid and CPR certifications.~~

~~(c) Training; and~~

~~(C) Report the training and hours used to complete the requirements for maintenance of certification must be reported maintenance training requirements to the Department through a Department-approved submission process using either of the following:~~

~~(A) A Course Attendance Roster. When an agency submits a course attendance roster to the Department pursuant to OAR 259-008-0090 (Training Records), the training will be entered into each law enforcement officer's DPSST training record and the training hours will be credited to the maintenance training category identified on the course attendance roster; or~~

~~(B) A Maintenance Training Log. When an agency submits a maintenance training log to document the completion of maintenance training hours and First Aid and CPR certification, the maintenance training log will be used solely to verify completion of maintenance training requirements and training hours will not be added to the law enforcement officer's DPSST training record.~~

~~(d) Training hours will be credited to the maintenance training category identified on the course attendance roster.~~

~~(b) Training hours that have been added to a law enforcement officer's DPSST training record as "passed" or "completed" may be used to meet maintenance training requirements.~~

~~(c) Instructor hours that have been added to a law enforcement officer's DPSST training record as "instructed" represent the hours reported where the law enforcement officer was the instructor for the training content and will not be used to meet maintenance training requirements.~~

~~(d) The Department will update the law enforcement officer's DPSST training record to reflect the law enforcement officer's completion of the maintenance training requirements for and certification requirements.~~

~~(9) Maintenance Training Requirements for Law Enforcement Officers on Leave.~~

~~(a) The employing agency must notify the Department whenever a law enforcement officer is on leave for 91 days or more pursuant to OAR 259-008-0020.~~

~~(b) When a law enforcement officer is on leave, their certifications will not lapse pursuant to OAR 259-008-0067.~~

~~(c) A law enforcement officer who is on leave for any period up to 180 days will have the same maintenance training deadline as the date established prior to the law enforcement officer's leave.~~

~~(d) A law enforcement officer who is on leave for more than 180 days but less than one year will receive a one-year extension from the maintenance training deadline established prior to the law enforcement officer's leave.~~

~~(e) A law enforcement officer who is on leave for more than one year will receive an extension of the maintenance training deadline. The extension will be prorated, based on the duration of the law enforcement officer's leave.~~

~~(f) Beginning on the date a law enforcement officer returns to work from leave, a law enforcement officer will have 30 days to complete the maintenance training requirements that will make their maintenance current for:~~

~~(A) Eight hours of Firearms or Use of Force related training to be applied to the current year's annual training requirement; and~~

~~(B) Current First Aid and CPR certifications. certifications in adult and child CPR and First Aid.~~

~~(g) Failure to complete the maintenance training requirements to become current within 30 days of the law enforcement officer's return to work from leave may result in a Notice of Intent to Suspend pursuant to section (10) of this rule.~~

~~(10) Suspension for Failure to Meet Maintenance Training Requirements for Certification.~~

~~(a) When a law enforcement officer is identified as deficient for the three-year maintenance training cycle, annual Firearms or Use of Force training, expired First Aid and CPR certifications or Leadership training requirements or a failure to maintain certifications in adult and child CPR and First Aid, a deficiency notice will be sent to the law enforcement officer and a copy of the deficiency notice will be sent to the law enforcement officer's employing agency.~~

~~(b) A law enforcement officer has 30 days from the date of the deficiency notice to complete the maintenance certification requirements identified as deficient or to request a time extension.~~

~~(c) When a law enforcement officer fails to complete the deficient maintenance training requirement or fails to request a time extension within 30 days of the date of the deficiency notice, a Contested Case Notice of Intent to Suspend will be prepared by the Department and served on the law enforcement officer pursuant to ORS~~

181A.640(1)(c) and these rules. A copy of the Notice of Intent will be sent to the law enforcement officer's employing agency.¶

(d) A Notice of Intent to Suspend based on a deficiency that is only for Leadership training applies only to the law enforcement officer's supervisory, management, and executive certifications.¶

(e) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.¶

(ef) A law enforcement officer who has been served with a Contested Case Notice of Intent to Suspend has 30 days from the date of mailing or personal service of the notice to provide documentation to the Department showing the completion of the maintenance requirements identified as deficient during the reporting period or to file a written request for hearing with the Department.¶

(fg) Default Order. If the required training or certification is not reported to the Department or a request for hearing received by the Department within 30 days from the date of the mailing or personal service of the Notice, the Contested Case Notice will become a final order suspending certification pursuant to OAR 137-003-0672.¶

(11) Time Extensions.¶

(a) The Department may grant a time extension for a law enforcement officer to complete the deficient maintenance training requirements upon receipt of a written request from the law enforcement officer or the agency. The written request must include an action plan for completing the training requirements that were identified as deficient.¶

(b) No extension will be granted beyond December 31st of the year following the expiration date of the ~~required~~ three-year maintenance ~~training~~ cycle.¶

(c) Training used to complete the deficiencies for a maintenance cycle that has been granted a time extension cannot be applied toward the next maintenance ~~training~~ cycle.¶

(d) A time extension for a deficient three-year maintenance ~~training~~ cycle does not change the three-year period for the following maintenance ~~training~~ cycle.¶

(e) If a law enforcement officer fails to complete the deficient maintenance ~~training~~ requirements before the expiration of the time extension, a Notice of Intent to Suspend will be served on the law enforcement officer by the Department.¶

(12) A law enforcement officer whose basic certification has been suspended is prohibited from performing the duties of a law enforcement officer.¶

(13) Recertification following a suspension:¶

(a) Recertification following a suspension may be obtained by submitting documentation to the Department showing completion of the maintenance ~~training~~ requirements.¶

(b) Prior to reinstatement of certifications from a suspension for failure to meet certification maintenance ~~training~~ requirements, a law enforcement officer must meet the minimum employment, training and certification requirements outlined in OAR Chapter 259 Division 008.

Statutory/Other Authority: ORS 181A.410

Statutes/Other Implemented: ORS 181A.410, ORS 181A.440

AMEND: 259-008-0078

NOTICE FILED DATE: 11/23/2021

RULE SUMMARY: OAR 259-008-0078 is amended to reflect the changes made to OAR 259-008-0060, OAR 259-008-0064, and OAR 259-008-0065 that specify CPR certification as a certification in adult and child cardiopulmonary resuscitation (CPR).

CHANGES TO RULE:

259-008-0078

Eligibility Requirements for Limited Duration, Administrative Positions ¶¶

(1) To be employed in a limited duration, administrative position, a person must:¶¶

(a) Have been certified as a public safety officer in Oregon;¶¶

(b) Have honorably retired or left a certifiable position in good standing;¶¶

(c) Have 20 or more years of public safety experience;¶¶

(d) Have and maintain current ~~First Aid/CPR certification~~certifications in adult and child cardiopulmonary resuscitation (CPR) and First Aid;¶¶

(e) Have been employed as a full-time middle manager, assistant department head or department head for a minimum of three years immediately prior to honorably retiring or leaving a certifiable position; and¶¶

(f) Have satisfactorily completed Middle Management or Supervisory training.¶¶

(2) Employment in a limited duration, administrative position must begin within five years of honorably retiring or leaving a certifiable public safety position in good standing.¶¶

(3) A public safety officer, other than a corrections officer, may serve in a limited duration, administrative position for a period of no more than 18 months with any one agency.¶¶

(4) A corrections officer may serve in a limited duration, administrative position for a period of no more than 12 months with any one agency.¶¶

(5) Agencies employing an individual in a limited duration, administrative position must:¶¶

(a) Notify the Department as outlined in OAR 259-008-0020; and¶¶

(b) Submit a written request outlining the primary duties and duration of the position. The request must be on official letterhead and signed by the Department Head or individual directly responsible for the administration of the agency.¶¶

(6) If a public safety officer carries or is expected to carry a firearm at any time while employed in a limited duration, administrative position, the public safety officer must meet their employing agency's firearms qualification requirements.¶¶

(7) A public safety officer employed in a limited duration, administrative position will be required to be certified and meet all the minimum standards for employment found in OAR 259-008-0010, OAR 259-008-0011 and the minimum training requirements found in OAR 259-008-0025 if DPSST determines:¶¶

(a) A public safety officer, other than a corrections officer, has been employed in a limited duration, administrative position for longer than 18 consecutive months;¶¶

(b) A corrections officer has been employed in a limited duration, administrative position for longer than 12 consecutive months;¶¶

(c) The public safety officer's primary duties do not meet the definition of a limited duration, administrative position, as defined in OAR 259-008-0005;¶¶

(d) The public safety officer fails to maintain current ~~CPR/first aid certification~~certifications in adult and child CPR and First Aid; or¶¶

(e) The public safety officer is or has carried a firearm on duty and has failed to meet their employing agency's firearms qualification requirements.¶¶

(8) Certification requirements are calculated from the date an individual left a certified position.¶¶

(9) Experience gained in a limited duration, administrative position will not accrue as creditable service time.

Statutory/Other Authority: ORS 181A.410

Statutes/Other Implemented: ORS 181A.410