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CHAPTER 259

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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FILING CAPTION: Amended Background Investigation Standards and Pre-employment Psychological Evaluation Standards for Public Safety Professionals

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**RULES:**

259-008-0010, 259-008-0011, 259-008-0015, 259-008-0080

AMEND: 259-008-0010

NOTICE FILED DATE: 12/02/2022

RULE SUMMARY: OAR 259-008-0010 defines the minimum standards for employing a police officer, corrections officer, parole and probation officer, or regulatory specialist or utilizing a reserve officer. The minimum standards for employment include standards the applicant must meet as an individual and processes the hiring agency must complete.

Section (3) adds the background investigation requirement to this rule for consistency.

Section (11) amends the pre-employment psychological screening standards for police officers and reserve officers to include corrections officers, parole and probation officers, and regulatory specialists. The amendments to section (11) include revised terms, clarification on when an evaluation is required, and adds the assessment of an applicant's tendencies, feelings and opinions toward diverse cultures, races and ethnicities and differing social, political, economic and life statuses, based on HB 2936.

**CHANGES TO RULE:**

259-008-0010

Minimum Standards for Employment as a Law Enforcement Officer or Utilization as a Reserve Officer ¶¶

**(1) Citizenship.¶¶**

(a) A person may not be employed as a corrections officer for more than one year unless the person is a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association.¶¶

(b) A person may not be employed as a police officer or a parole and probation officer for more than 18 months unless the person is a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association.¶¶

- (c) A person may not be employed as a regulatory specialist for more than 18 months unless the person is a citizen of the United States.¶
- (d) The citizenship requirement found in (c) does not apply to a person employed as a regulatory specialist on March 16, 2012, who continues full-time employment as a regulatory specialist without a lapse. ¶
- (2) Age. No law enforcement unit in this state may employ or utilize any person under the age of 21 years as a police officer, corrections officer, parole and probation officer, regulatory specialist, or reserve officer.¶
- (3) Background Investigation. A person may not be employed as a law enforcement officer or utilized as a reserve officer without a background investigation completed in accordance with OAR 259-008-0015.¶
- (4) Fingerprints. Within 90 days of the date of employment in a certifiable position, each law enforcement officer must be fingerprinted on a standard applicant fingerprint card.¶
- (a) The hiring agency is responsible for fingerprinting and must forward one card to the Oregon State Police Identification Services Section for processing and the assignment of an identification number.¶
- (b) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section, the Department must comply with the most current requirements.¶
- (c) Applications for certification will not be processed until an applicant's fingerprints have cleared Oregon State Police Identification Services.¶
- (45) Notification of Arrest or Criminal Citation to Appear. A law enforcement officer who is arrested, or receives a criminal citation to appear or its equivalent, for any offense punishable as a crime must notify the Department within five business days. Notification must be in writing and include the date of the arrest or citation, the location of the arrest or citation, the reason for the arrest or citation and the arresting or citing agency.¶
- (56) Moral Fitness. All law enforcement officers must meet moral fitness standards for certification. The moral fitness standards defined in OAR 259-008-0290 and OAR 259-008-0300 apply to law enforcement officers who are employed in a certifiable position but not yet certified, currently certified law enforcement officers and law enforcement officers with lapsed certification.¶
- (67) Education:¶
- (a) Applicants for the position of a law enforcement officer will be required to furnish documentary evidence of one of the following:¶
- (A) High School diploma;¶
- (B) Successful completion of the General Educational Development (GED) Test; or¶
- (C) A four-year, post-secondary degree issued by an accredited, degree-granting college or university recognized by the Oregon Office of Degree Authorization under the provisions of ORS 348.604.¶
- (i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.¶
- (ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.¶
- (b) Evidence of the above must consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.¶
- (c) Academic Proficiency Standard. Before beginning basic training or beginning the career officer development course, each applicant must provide evidence to DPSST that the applicant possesses the academic tools necessary to successfully complete basic training.¶
- (A) The hiring agency is responsible for ensuring a law enforcement proficiency test or validated written test designed to evaluate predictors of job-related skills and behaviors has been administered. The hiring agency must verify the completion of the test and report the date of completion to the Department on a Form F-5 (Application for Training) prior to the applicant being admitted to basic training.¶
- (B) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by the Department under the provisions of OAR 259-008-0045 are exempt from this testing requirement.¶
- (C) Individuals who have successfully completed training resulting in the award of certification in the discipline they are applying for training are exempt from this testing requirement. Individuals must submit proof of training and certification.¶
- (78) Physical Standards.¶
- (a) Prior to admittance into a basic training course, as described in OAR 259-008-0025, all law enforcement officers or applicants must demonstrate the physical abilities to perform the critical and essential tasks of a law enforcement officer. The critical and essential tasks for law enforcement officers have been determined by the following:¶
- (A) The 2015 DPSST Job Task Analysis for Police Officers;¶
- (B) The 2015 DPSST Job Task Analysis for Parole & Probation Officers;¶
- (C) The 2016 DPSST Job Task Analysis for Corrections Officers; and¶

(D) The 2013 Job Task Analysis for Liquor Enforcement Inspectors.¶

(b) The following minimum physical standards are required for all law enforcement officers:¶

(A) Visual Acuity.¶

(i) Monocular vision must be at least 20/30 (Snellen) corrected in each eye and not worse than 20/100 (Snellen) uncorrected in either eye.¶

(ii) Binocular vision must be at least 20/20 (Snellen) corrected.¶

(iii) Officers or applicants whose uncorrected vision is worse than 20/100 must wear soft contact lenses to meet the corrected vision requirement.¶

(B) Color Vision.¶

(i) Law enforcement officers or applicants must be able to distinguish red, green, blue, and yellow, as determined by the HRR Test, 4th Edition.¶

(ii) Red or green deficiencies may be acceptable, providing the officer or applicant can read at least nine of the first 13 plates of the Ishihara Test.¶

(iii) Officers or applicants who fail to meet the color vision standard may meet the standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer as approved by the examining licensed physician or surgeon.¶

(C) Depth Perception. Random Stereo Test equal to 60 seconds of arc or better.¶

(D) Peripheral Vision. Visual Field Performance must be 140 degrees in the horizontal meridian combined.¶

(E) Hearing.¶

(i) Law enforcement officers or applicants must have no average hearing loss greater than 25 decibels (db) at the 500, 1,000, 2,000 and 3,000-Hertz levels in either ear with no single loss in excess of 40 db.¶

(ii) Law enforcement officers or applicants who fail to meet the hearing standard must be examined by a licensed audiologist or otorhinolaryngologist to determine if an amplification device will allow them to meet the hearing standard.¶

(iii) An amplification device may be used to meet the hearing standard, if a licensed audiologist or otorhinolaryngologist determines an amplification device will allow the officer or applicant to meet the hearing standard.¶

(F) Cardiovascular.¶

(i) Resting blood pressure must be less than or equal to 160 mmHg systolic and 100 mmHg diastolic.¶

(ii) Law enforcement officers or applicants who fail to meet the cardiovascular standards must be examined by a general practitioner to address the issue.¶

(iii) Law enforcement officers or applicants who have a history of organic cardiovascular disease will necessitate further medical evaluation.¶

(G) Pulmonary Capacity. Officers and applicants with obstructive or restrictive spiograms (FVC or FEV1 less than 80% or FVC/FEV1 ratio of less than 70%) require further evaluation.¶

(H) Medications. The side effects of any prescribed medication must not interfere with the law enforcement officer's or applicant's ability to perform the critical and essential tasks of the job.¶

(I) Medical Recommendations.¶

(i) It is recommended that officers or applicants with a history of seizures or diabetes be evaluated following American College of Occupational and Environmental Medicine's Guidance for the Medical Evaluation of Law Enforcement Officers, to include post-employment monitoring.¶

(ii) It is recommended that officers or applicants with a history of hypertension (resting blood pressure exceeding 160 mmHg systolic and 100 mmHg diastolic (160/100) have post-employment medical monitoring.¶

(89) Medical Examinations. To ensure that law enforcement officers and applicants meet the minimum physical standards listed in section (78) of this rule, all officers and applicants must be examined by a licensed physician or surgeon.¶

(a) The licensed physician or surgeon performing the medical examination must be provided with a current DPSST Medical Examination Report (Form F-2) for completion at the time of the examination.¶

(b) The medical examination must conform to applicable standards of the Americans with Disabilities Act (ADA) Title 42 USC 1210.¶

(c) The medical examination must be completed within 180 days prior to the start of employment as a law enforcement officer.¶

(d) Upon completion of the medical examination, the examining licensed physician or surgeon must sign the final page of the Form F-2 (Form F-2A) attesting that the officer or applicant has met or has not met the minimum physical standards listed in section (78) of this rule.¶

(e) The Form F-2A must be submitted to the Department no later than 90 days after the start of employment.¶

(f) Law enforcement officers and applicants will not be admitted into a basic course until the Department receives a Form F-2A attesting that the minimum physical standards have been met or a physical standard waiver has been granted, as described in section (910) of this rule.¶

- (g) DPSST may require that a law enforcement officer or applicant take a subsequent examination by a licensed physician or surgeon of the Department's choice at the expense of the officer, the applicant or the hiring agency.¶
- (h) Certified individuals who are hired into a discipline they are not certified for are required to successfully complete a new physical examination.¶
- (i) A law enforcement officer whose certification has lapsed will be required to complete a new medical examination prior to re-applying for certification.¶
- (j) Individuals employed in a limited duration, administrative position, as described in OAR 259-008-0078, are exempt from the medical examination requirement.¶
- (k) Regulatory Specialists employed by OLCC prior to July 1, 2015 who have previously completed OLCC basic training are exempt from completion of the physical examination.¶
- ~~(910) Physical Standard Waivers.¶~~
- (a) An individual or department head may request a waiver of any physical standard in section (78) of this rule by:¶
- (A) Submitting a request to the Department in writing; and¶
- (B) Providing documentation or pertinent testimony that supports the physical standard waiver request.¶
- (C) If further clarification is needed, the Department may require additional documentation or testimony from the individual or department head requesting the physical standard waiver.¶
- (D) The requesting individual may be required to demonstrate the ability to perform the critical and essential job tasks.¶
- (E) If the Department finds that the physical standard waiver request would not prohibit the requesting individual's ability to successfully complete training and the performance of the critical and essential tasks, the waiver will be granted.¶
- (F) Any expense associated with providing physical standard waiver documentation or testimony will be the responsibility of the requesting individual or the requesting agency.¶
- (G) If an individual requests and is granted a medical waiver, but does not obtain employment within one year from the date the waiver is granted, the waiver will be void.¶
- (H) If the Department denies a request for a waiver of any physical standard in section (78) of this rule, the Department will issue Notice and proceed as provided in section (910)(b) of this rule.¶
- ~~(b) Contested Case Hearing Process for Denial of Physical Standard Waivers.¶~~
- (A) Initiation of Proceedings: A contested case notice will be prepared when the Department denies a physical standard waiver after determining that factual data meeting the statutory and administrative rule requirements justifies the denial.¶
- (B) Contested Case Notice: The contested case notice will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.¶
- (C) Response Time: A party who has been served with a "Contested Case Notice of Intent to Deny a Waiver" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.¶
- (D) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying the requested waiver pursuant to OAR 137-003-0672.¶
- (E) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.¶
- (F) Proposed and Final Orders: In cases where a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.¶
- ~~(101) Police Officer and Reserve Officer Pre-employment Psychological Screening. Effective January 1, 2020, a law enforcement unit may not hire a police officer or reserve officer without a pre-employment psychological screening evaluation conducted in accordance with this rule. ¶~~
- ~~(a) This requirement applies to police officers and reserve officers hired on or after January 1, 2020, including:¶~~
- ~~(A) Police and corrections officers, parole and probation officers, and reserve officers who move from one law enforcement unit to another law enforcement unit on or after January 1, 2020; and ¶~~
- ~~(B) Regulatory specialists hired on or after July 1, 2023.¶~~
- ~~(a) As used in this section, "psychological evaluation" or "evaluation" refers to a pre-employment psychiatric or psychological evaluation.¶~~
- ~~(b) A psychological evaluation is required as follows:¶~~
- ~~(A) When an applicant is initially hired by the hiring agency;¶~~
- ~~(B) When a law enforcement officer or reserve officer employed by a law enforcement unit is rehired by the same agency after a separation of employment that is more to January 1, 2020, when the reserve officer has 180 days; or ¶~~
- ~~(C) When a public safety professional who has been continuously employed or utilized by the hiring agency~~

becomes a police officer for the law enforcement unit on or after January 1, 2020, and the reserve officer has not completed a pre-employment psychological screening conducted in accordance with this rule reserve officer for that agency and the person has not completed a psychological evaluation that is equal to the evaluation used by the hiring agency when hiring an applicant as a police officer or reserve officer.¶

(b) The psychological screening process evaluation is used to:¶

(A) Identify mental conditions, personality disorders, personality traits, or behavior patterns that may adversely affect the officer applicant's ability to perform the essential functions of a police officer or reserve officer the job with reasonable skill, safety, and judgement based upon the pre-employment psychological screening evaluation criteria established by the law enforcement unit hiring agency; and¶

(B) Conduct an assessment of the applicant's tendencies, feelings and opinions toward diverse cultures, races and ethnicities and differing social, political, economic and life statuses.¶

(c) The psychological screening evaluation must be conducted by a licensed mental health professional who can demonstrate, to the law enforcement unit hiring agency's satisfaction, expertise in clinical assessment and the assessment of normal personality characteristics, skills, and abilities relevant to public safety personnel selection. "Licensed Mental Health Professional" includes:¶

(A) A physician with a specialty in psychiatry licensed by the Oregon Medical Board or the licensing body in the state where the psychiatrist provides the psychiatric services;¶

(B) A psychologist who is licensed by the Oregon Board of Psychology or the licensing body in the state where the person provides the psychological services; or¶

(C) A mental health professional who is licensed by the licensing body in the state where the person provides mental health services.¶

(d) The psychological screening evaluation must include the following:¶

(A) A written psychological test battery relevant to the pre-employment psychological screening evaluation criteria established by the law enforcement unit. The results of the written test should be reviewed and verified by the licensed mental health professional hiring agency;¶

(B) An assessment of the applicant's tendencies, feelings and opinions toward diverse cultures, races and ethnicities and differing social, prior to the in-person interview political, economic and life statuses;¶

(C) An in-person interview conducted by the licensed mental health professional; and¶

(D) A report provided by the licensed mental health professional in the manner requested by the law enforcement unit. hiring agency.¶

(e) The psychological screening evaluation must conform ~~to~~ with the applicable standards of the Americans with Disabilities Act (ADA) Title 42 USC 1210.¶

(f) Psychological screening Evaluations older than one year are no longer valid for the purposes of satisfying the pre-employment psychological screening requirement is rule.¶

(g) Hiring decisions are the responsibility of each law enforcement unit. The law enforcement unit hiring the police officer or reserve officer hiring agency. The hiring agency maintains the discretion to determine how the information provided in a psychological screening the evaluation report impacts the hiring decision.

Statutory/Other Authority: ORS 181A.410, ORS 183.341, ~~Chapter 78 Oregon Laws 2019~~ ORS 181A.485, ORS 181A.676

Statutes/Other Implemented: ORS 181A.410, ORS 183.341, ORS 181A.395, ORS 181A.490, ORS 181A.520, ORS 181A.530, ORS 181A.550, ORS 181A.640, ~~Chapter 78 Oregon Laws 2019~~ ORS 181A.485, ORS 181A.676, ORS 181A.688

AMEND: 259-008-0011

NOTICE FILED DATE: 12/02/2022

RULE SUMMARY: OAR 259-008-0011 defines the minimum standards for employing a telecommunicator or emergency medical dispatcher. The minimum standards for employment include standards the applicant must meet as an individual and processes the hiring agency must complete.

Section (1) adds the background investigation requirement to this rule for consistency.

Section (10) adds pre-employment psychological evaluation standards for telecommunicators and emergency medical dispatchers hired by law enforcement units and public safety agencies. Private ambulance companies employing emergency medical dispatchers who are required to be certified by the Department are exempt from the pre-employment psychological evaluation standards.

CHANGES TO RULE:

259-008-0011

Minimum Standards for Employment as a Telecommunicator and Emergency Medical Dispatcher ¶¶

(1) Background Investigation. A person may not be employed as telecommunicator or emergency medical dispatcher without a background investigation completed in accordance with OAR 259-008-0015.¶¶

(2) Fingerprints. Within 90 days of the date of employment in a certifiable position, each telecommunicator and emergency medical dispatcher must be fingerprinted on a standard applicant fingerprint card.¶¶

(a) If the hiring agency is a public agency, it is responsible for fingerprinting and forwarding one fingerprint card to the Oregon State Police Identification Services Section for processing and the assignment of an identification number.¶¶

(b) If the hiring agency is a private agency, it is responsible for fingerprinting and forwarding one fingerprint card to the Department along with the appropriate fee.¶¶

(c) Applications for certification will not be processed until an applicant's fingerprints have cleared Oregon State Police Identification Services.¶¶

(d) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section, the Department will comply with the most current requirements.¶¶

(23) Notification of Arrest or Criminal Citation to Appear. A telecommunicator or emergency medical dispatcher who is arrested, or receives a criminal citation to appear or its equivalent, for any offense punishable as a crime must notify the Department within five business days. Notification must be in writing and include the date of the arrest or citation, the location of the arrest or citation, the reason for the arrest or citation and the arresting or citing agency.¶¶

(34) Moral Fitness. All telecommunicators and emergency medical dispatchers must meet moral fitness standards for certification. The moral fitness standards defined in OAR 259-008-0290 and OAR 259-008-0300 apply to telecommunicators and emergency medical dispatchers who are employed in a certifiable position but not yet certified, currently certified telecommunicators and emergency medical dispatchers, and telecommunicators and emergency medical dispatchers with lapsed certification.¶¶

(45) Education:¶¶

(a) Applicants for the position of a telecommunicator or emergency medical dispatcher will be required to furnish documentary evidence of one of the following:¶¶

(A) High School diploma;¶¶

(B) Successful completion of the General Educational Development (GED) Test; or¶¶

(C) A four-year, post-secondary degree issued by a degree-granting college or university accredited by a recognized national or regional accrediting body, or recognized by the Oregon Office of Degree Authorization under the provisions of ORS 348.604.¶¶

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.¶¶

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.¶¶

(b) Evidence of the above must consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.¶¶

(56) Academic Proficiency Standard. Before beginning basic telecommunicator or Emergency Medical Dispatcher (EMD) training or challenging basic telecommunicator training, each applicant must provide evidence to DPSST that the applicant possesses the academic tools necessary to successfully complete basic telecommunicator or EMD training.¶

(a) The hiring agency is responsible for ensuring a telecommunicator/EMD proficiency test or validated written test designed to evaluate predictors of job-related skills and behavior has been administered. The hiring agency must verify the completion of the test and report the date of completion to the Department on a Form F-5 (Application for Training) prior to the applicant being admitted to basic telecommunicator or EMD training.¶

(b) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by DPSST under the provisions of OAR 259-008-0045 are exempt from this testing requirement.¶

(c) Individuals who have successfully completed training resulting in the award of certification in the discipline they are applying for training are exempt from this testing requirement. Individuals must submit proof of training and certification.¶

(67) Physical Standards.¶

(a) Prior to admittance into a basic training course, as described in OAR 259-008-0025, all telecommunicators, emergency medical dispatchers and applicants must demonstrate the physical abilities to perform the critical and essential tasks of a telecommunicator or emergency medical dispatcher.¶

(A) The critical and essential tasks for telecommunicators have been determined by the 2015 DPSST Job Task Analysis for Telecommunicators.¶

(B) The critical and essential tasks for emergency medical dispatchers have been determined by the 1995 National Highway Traffic Safety Administration Emergency Medical Dispatcher (EMD) National Standards Curriculum.¶

(b) The following minimum physical standards are required for all telecommunicators and emergency medical dispatchers.¶

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) when tested using both eyes together.¶

(B) Color Vision.¶

(i) Telecommunicators, emergency medical dispatchers and applicants must be able to distinguish red, green, blue, and yellow as determined by the HRR Test, 4th Edition.¶

(ii) Red or green deficiencies may be acceptable, providing the telecommunicator, emergency medical dispatcher or applicant can read at least nine of the first 13 plates of the Ishihara Test.¶

(iii) Telecommunicators, emergency medical dispatchers or applicants who fail to meet the color vision standard may meet the standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer as approved by the examining licensed health professional.¶

(C) Hearing.¶

(i) Telecommunicators, emergency medical dispatchers or applicants must meet National Emergency Number Association (NENA) hearing standard NENA-STA-007.2-2014 (June 14, 2014).¶

(ii) Telecommunicators, emergency medical dispatchers or applicants who fail to meet the hearing standard must be examined by a licensed audiologist or otorhinolaryngologist to determine if an amplification device will allow them to meet the hearing standard.¶

(iii) An amplification device may be used to meet the hearing standard, if a licensed audiologist or otorhinolaryngologist determines an amplification device will allow the telecommunicator, emergency medical dispatcher or applicant to meet the hearing standard.¶

(D) Medications. The side effects of any prescribed medication must not interfere with the telecommunicator's, emergency medical dispatcher's or applicant's ability to perform the essential functions and tasks of the job.¶

(78) Medical Examinations. To ensure that telecommunicators, emergency medical dispatchers, and applicants meet the minimum physical standards listed in section (67) of this rule, telecommunicators, emergency medical dispatchers, and applicants must be examined by a licensed health professional.¶

(a) The licensed health professional performing the medical examination must be provided with a current DPSST Medical Examination Report (Form F-2T) for completion at the time of the examination.¶

(b) The medical examination must conform to applicable standards of the Americans with Disabilities Act (ADA) Title 42 USC 1210.¶

(c) The medical examination must be completed within 180 days prior to the start of employment as a telecommunicator or emergency medical dispatcher.¶

(d) Upon completion of the medical examination, the examining licensed health professional must sign the final page of the Form F-2T (Form F-2TA) attesting that the telecommunicator, emergency medical dispatcher or applicant has met or has not met the minimum physical standards listed in section (67) of this rule.¶

(e) The Form F-2TA must be submitted to the Department no later than 90 days after the start of employment.¶

(f) Telecommunicators, emergency medical dispatchers or applicants will not be admitted into a basic course until the Department receives a Form F-2TA attesting that the minimum physical standards have been met or a

physical standard waiver has been granted, as described in section (89) of this rule.¶

(g) The Department may require that a telecommunicator or emergency medical dispatcher take a subsequent examination by a licensed health professional of the Department's choice at the expense of the applicant or the hiring agency.¶

(h) Certified individuals who are hired into a discipline for which they are not certified are required to successfully complete a new physical examination.¶

(i) A telecommunicator or emergency medical dispatcher whose certification has lapsed will be required to complete a new medical examination prior to re-applying for certification.¶

(j) Individuals employed in a limited duration, administrative position, as described in OAR 259-008-0078, are exempt from the medical examination requirement.¶

(89) Physical Standard Waivers.¶

(a) An individual or department head may request a waiver of any physical standard in section (67) of this rule by:¶

(A) Submitting a request to the Department in writing; and¶

(B) Providing documentation or pertinent testimony that supports the physical standard waiver request.¶

(C) If further clarification is needed, the Department may require additional documentation or testimony from the individual or department head requesting the physical standard waiver.¶

(D) The requesting individual may be required to demonstrate the ability to perform the critical and essential job tasks.¶

(E) If the Department finds that the physical standard waiver request would not prohibit the requesting individual's ability to successfully complete training and the performance of the critical and essential tasks, the waiver will be granted.¶

(F) Any expense associated with providing physical standard waiver documentation or testimony will be the responsibility of the requesting individual or the requesting agency.¶

(G) If an individual requests and is granted a physical standard waiver, but does not obtain employment within one year from the date the waiver is granted, the waiver will be void.¶

(H) If the Department denies a request for a waiver of any physical standard in section (67) of this rule, the Department will issue Notice and proceed as provided in section (89)(b) of this rule.¶

(b) Contested Case Hearing Process for Denial of Physical Standard Waivers.¶

(A) Initiation of Proceedings: A contested case notice will be prepared when the Department denies a physical standard waiver after determining that factual data meeting the statutory and administrative rule requirements justifies the denial.¶

(B) Contested Case Notice: 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.¶

(C) Response Time: A party who has been served with a "Contested Case Notice of Intent to Deny a Waiver" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.¶

(D) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying the requested waiver pursuant to OAR 137-003-0672.¶

(E) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.¶

(F) Proposed and Final Orders: In cases where a hearing was requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.¶

(10) Pre-employment Psychological Evaluation. A person may not be employed as a telecommunicator or emergency medical dispatcher without a pre-employment psychological evaluation conducted in accordance with this rule. This requirement applies to telecommunicators and emergency medical dispatchers hired on or after January 1, 2024. This requirement does not apply to a person employed as an emergency medical dispatcher by a private safety agency that is an ambulance service provider.¶

(a) As used in this section, "psychological evaluation" or "evaluation" refers to a pre-employment psychiatric or psychological evaluation.¶

(b) A psychological evaluation is required as follows:¶

(A) When an applicant is initially hired by the hiring agency; or¶

(B) When a telecommunicator or emergency medical dispatcher is rehired by the same hiring agency after a separation of employment that is more than 180 days.¶

(c) The psychological evaluation is used to:¶

(A) Identify mental conditions, personality disorders, personality traits, or behavior patterns that may adversely affect the applicant's ability to perform the essential functions of the job with reasonable skill, safety, and judgment based upon the psychological evaluation criteria established by the hiring agency; and¶

(B) Conduct an assessment of the applicant's tendencies, feelings and opinions toward diverse cultures, races and



ethnicities and differing social, political, economic and life statuses.

(d) The psychological evaluation must be conducted by a licensed mental health professional who can demonstrate, to the hiring agency's satisfaction, expertise in clinical assessment and the assessment of normal personality characteristics, skills, and abilities relevant to public safety personnel selection. "Licensed Mental Health Professional" includes:

(A) A physician with a specialty in psychiatry licensed by the Oregon Medical Board or the licensing body in the state where the psychiatrist provides the psychiatric services;

(B) A psychologist who is licensed by the Oregon Board of Psychology or the licensing body in the state where the person provides the psychological services; or

(C) A mental health professional who is licensed by the licensing body in the state where the person provides mental health services.

(e) The psychological evaluation must include the following:

(A) A written psychological test battery relevant to the psychological evaluation criteria established by the hiring agency;

(B) An assessment of the applicant's tendencies, feelings and opinions toward diverse cultures, races and ethnicities and differing social, political, economic and life statuses;

(C) An interview conducted by the licensed mental health professional; and

(D) A report provided by the licensed mental health professional in the manner requested by the hiring agency.

(f) The psychological evaluation must conform with the applicable standards of the Americans with Disabilities Act (ADA) Title 42 USC 1210.

(g) Evaluations older than one year are no longer valid for the purposes of satisfying this rule.

(h) Hiring decisions are the responsibility of each hiring agency. The hiring agency maintains the discretion to determine how the information provided in the evaluation report impacts the hiring decision.

Statutory/Other Authority: ORS 181A.410, ORS 183.341, ORS 181A.676

Statutes/Other Implemented: ORS 181A.410, ORS 183.341, ORS 181A.676, ORS 181A.688

AMEND: 259-008-0015

NOTICE FILED DATE: 12/02/2022

RULE SUMMARY: The background investigation standards defined in OAR 259-008-0015 are uniform requirements that every agency must use when hiring an applicant as a public safety officer.

Section (1) maintains the current requirement that agencies must complete a background investigation before hiring an applicant as a public safety officer. This rule will no longer apply to the background investigations required for instructors (see OAR 259-008-0080). Instructors are not included in the definition of public safety officer.

Section (2) identifies all parts of a background investigation that are required. The list includes the subject areas that must be investigated, items provided by the applicant, and the psychological evaluation. Subsections (2)(a) - (e) are components from the current rule that have been revised based on HB 2936 and the form and style of the revised rule language. A new investigation category was added in (2)(b)(G) relating to memberships and associations based on section 2 of HB 2936 (ORS 181A.688), which addressed legislative findings related to the intent of the bill. Subsection (2)(f) adds the psychological evaluation as a component of the background and pre-employment hiring process. The standards for psychological evaluations are defined in OAR 259-008-0010 and 259-008-0011.

Section (3) includes the implementation of a checklist or equivalent documentation for completed background investigations. DPSST will provide a checklist form for agency use. The checklist form is for documentation purposes. In acknowledgment that agencies may have documentation systems already in place, the intent of the rule is to allow agencies to continue to use those systems as long as they include the descriptions that are required by statute.

Section (4) defines the personal history questionnaire requirements. To create a standardized questionnaire for hiring law enforcement officers, the rule adopts a list of questions that must be used by every agency. DPSST will provide a questionnaire form for agency use. In acknowledgment that agencies may have personal history questionnaires that are conducted online or using other collection methods, the intent of the rule is to allow agencies to continue to use those collection methods as long as the questionnaire that they administer includes the questions provided in the personal history question list. All of the personal history questions must be included in the questionnaire provided by the agency and the questions must be included as written. The agency will be able to include the questions in any order and they are not limited to only using the questions in the list. Agencies hiring telecommunicators and emergency medical dispatchers must utilize a personal history questionnaire but may use any questionnaire.

Section (5) maintains current rule language requiring retention of background investigations and availability for DPSST review if requested.

CHANGES TO RULE:

259-008-0015

Background Investigations ¶¶

~~(1) A background investigation must be conducted by a public or private safety agency on each individual being considered for employment or utilization as a public safety professional or instructor, as defined in OAR 259-008-0080, to determine if the applicant is of good character.¶¶~~

(2) The background investigation must include, but is not limited to, iHiring agencies must complete a background investigation prior to hiring or utilizing an applicant as a public safety officer. The hiring agency's background investigation must meet or exceed the background investigation standards defined in this rule.¶¶

(2) A completed background investigation must include the following:¶¶

(a) A completed personal history questionnaire that meets the Applicant Personal History Questionnaire Standards defined in section (4) of this rule.¶¶

(b) Investigation into the following applicant's:

(a) Criminal History and Arrests;

(b) Department of Motor Vehicles (DMV) records PSST Regulatory Records Check;

(c) Drug and Alcohol Use;

(d) Education verification;

(e) Employment History;

(f) Military history verification;

(g) Personal and professional references. Personal and professional references may. When an applicant's employment history includes prior public safety or private security employment, the investigation must include review of complaints, personnel investigations, and disciplinary actions against the public safety officer or private security provider;

(F) Finances;

(G) Memberships and Associations. This includes but are not limited to, friends, associates, family members, and neighbors;

(h) Personal Interview. The personal interview may occur before or after the investigation and may be used to clarify discrepancies in the investigation the applicant's membership or participation in hate groups, racial supremacist organizations, or militant groups, or the applicant's display of symbols of racism or racial supremacy;

(H) Military History;

(I) Motor Vehicle Records;

(j) Department of Public Safety Standards and Training Professional Standards records References. This must include three or more personal or professional references provided by the applicant that were interviewed by the hiring agency;

(k) Residential History;

(l) Work Eligibility; and

(m) Other Records checks, which As Needed. These may include, but are not limited to:

(A) P out of state records, police records, district attorney, court and Oregon Judicial Information Network (OJIN) records, court records;

(B) O, open sources, or social media, as permitted by law; and;

(C) Financial information, as permitted by law An interview of the applicant conducted in conjunction with the background investigation.

(3d) Each individual being considered for employment A signed declaration acknowledging under penalty of perjury that the information provided by the applicant for utilization as a public safety professional the background investigation and the personal history questionnaire or instructor must provide a personal history statement. The statement must include, but is not limited to: naire is true and correct to the best of the applicant's knowledge.

(e) A signed release that allows the applicant's background investigation information to be shared with other public or private safety agencies the applicant may become affiliated with.

(af) Verification of the background information A psychiatric or psychological evaluation of the applicant as required by OAR 259-008-0010 or OAR 259-008-0011. The documentation required to inform for section (2);

(b) A complete list of all public or private safety agencies an individual has applied with; 3) of this rule must include the evaluator's name and license number and a description of the evaluator's assessment of the applicant's tendencies, feelings and opinions toward diverse cultures, races and ethnicities and differing social, political, economic and life statuses.

(c) A signed declaration acknowledging under penalty of perjury that all of the information the applicant has provided during The hiring agency must document completion of the background investigation using the checklist form provided by DPSST or using a form or manner that clearly documents completion of the background investigation stand in the personal history statement is true and correct to the best of the applicant's knowledge; and standards defined in section (2) of this rule. Documentation must include a description of the findings of the investigation, a description of how the information was investigated, or any combination of the two.

(4) Applicant Personal History Questionnaire Standards.

(da) A signed release allowing background investigation information to be shared with other public or private safety agencies in which the applicant may become affiliated with.

(4) Results of the background investigation on all public safety professionals and instructor When hiring a police officer, reserve officer, corrections officer, parole and probation officer, or regulatory specialist, the hiring agency must use a personal history questionnaire that includes the Personal History Questions adopted by reference and dated July 1, 2023. (See the attached PDF file linked below.) The hiring agency may administer the Personal History Questions using the questionnaire form provided by DPSST or an alternate format. When using an alternate format, the questions may not be altered, but they may be used in any order. The hiring agency may add additional questions.

(b) When hiring a telecommunicator or emergency medical dispatcher, the hiring agency may use any personal

history questionnaire.

(5) Background investigations must be retained by the ~~public or private safety~~ hiring agency in accordance with the Secretary of State's Record Retention Schedule and must be made available for review ~~at any reasonable time by the Department~~ if requested by DPSST.

Statutory/Other Authority: ORS 181A.410, ORS 181A.676

Statutes/Other Implemented: ORS 181A.410, ORS 181A.676, ORS 181A.688

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

# PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

## ❖ Instructions

These Personal History Questions are adopted by reference in OAR 259-008-0015.

- Where noted in this document, the questions must be asked without alteration.
- The hiring agency may use the questions in any order.
- The hiring agency may add additional questions.

## ❖ Applicant Information

➤ *Data to Collect: The following information must be collected from the applicant.*

- Last Name
- First Name
- Middle Name
- DPSST Number
- Social Security Number
- Date of Birth
- Place of Birth
- Gender
- Height
- Weight
- Eye Color
- Hair Color
- Race
- Current Driver's License or Identification Number and the Issuing State
- Physical Address
- Mailing Address
- Home Phone
- Cell Phone
- Work Phone
- Email
- Former Names, Aliases, or Nicknames
- Citizenship Status
- Applications to Other Agencies. Data related to any other criminal justice agency the applicant has applied to.
  - Agency Name and State
  - Title of Position Applied
  - Approximate Date Application Submitted

# PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

## ❖ Personal History

➤ *Data to Collect: The following information must be collected from the applicant.*

- Current domestic partner, significant other, or spouse:
  - Full name
  - Other names used
  - Date of Birth (DOB)
  - Email address
  - Phone number
- Ex-domestic partners, significant others, or spouses:
  - Full name
  - Other names used
  - Date of Birth (DOB)
  - Address
  - Email address
  - Phone number
- ALL children (Including adopted, step, and/or foster children):
  - Full name
  - Date of Birth (DOB)
  - Child's additional parent/guardian
  - Child's relationship to applicant
  - Address
  - Email address
  - Phone number
- ALL family members to include father, mother, and siblings (including half, step, and in-laws):
  - Full name
  - Date of Birth (DOB)
  - Relationship to applicant
  - Address
  - Email address
  - Phone number
- List all of your current and past social media accounts with your username and/or screen name for each account.

➤ *Personal History Questions: The following questions must be asked of the applicant exactly as shown.*

- Have you ever been denied entry into another country?
- Have you ever accessed or used any part of a computer, computer system, software/web application, or program in a way that was against the law, contrary to policy, or without authorization?

## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

- Have you ever been a member of any foreign or domestic organization, association, movement, group, or combination of persons which has adopted or shows a policy of advocating for discrimination, the commission of force, or violence to deny other persons their rights under the Constitution of the United States of America or the State of Oregon; or which seeks to alter the form of government of the United States of America by unconstitutional means?
- Do you have, or have you ever had, a tattoo signifying membership in, or affiliation with, a criminal enterprise, street gang, or any group that advocates violence against individuals because of their race, religion, political affiliation, ethnic origin, nationality, gender, sexual orientation, or disability?
- Have you ever been a member or associate of a criminal enterprise, street gang, or any group that advocates for discrimination or violence against individuals because of their race, religion, political affiliation, ethnic origin, nationality, gender, sexual orientation, or disability?
- Have you ever had a complaint of unnecessary force or brutality filed against you?
- Have you ever hit or physically overpowered a current or former domestic partner, romantic partner, significant other, spouse, or family member?
- Have you ever been involved in a physical fight, confrontation, or other violent act?
- Have you ever used your position or authority to benefit yourself or another, or to harm another, contrary to policy or in violation of the law?
- Have you ever caused physical injury to another person?
- Is there any reason you would not be able to use deadly force, if necessary, in the line of duty?

### ❖ Drug/Alcohol Use

➤ *Data to Collect: The following information must be collected from the applicant.*

All impairing drugs/substances used that were not specifically prescribed by a medical professional. For each drug/substance provide:

- Date first used.
- Date last used.
- How the drug/substance was ingested, consumed, or topically applied.
- How the drug/substance was obtained.
- A description of involvement in:
  - growing, manufacturing, selling, smuggling, or transporting the drug/substance.
  - purchasing, using, possessing, or experimenting with the drug/substance.

➤ *Drug/Alcohol Use Questions: The following questions must be asked of the applicant exactly as shown.*

- Within the past five (5) years, have you associated with friends, acquaintances, housemates, or family members who have illegally possessed or used drugs or narcotics, as defined in federal law, or who have illegally used prescription medications?

## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

- Have you ever misused yours or anyone else's prescription medication?
- Have you ever forged or altered a prescription for drugs?
- Have you ever gone to work under the influence of drugs, including marijuana or alcohol?
- Have you ever caused a disruption or acted as a nuisance while under the influence of drugs, including marijuana or alcohol?
- Have you ever engaged in violent behavior while using or under the influence of drugs, including marijuana or alcohol?
- Have you ever furnished alcohol to anyone under the age of 21 years?
- Have you ever consumed alcohol within an hour prior to starting work/class?
- Have you ever consumed alcohol while working or during a class, including breaks or meal periods?
- Have you ever failed an employment related drug test?

### ❖ Employment

➤ *Data to Collect: The following information must be collected from the applicant.*

- At least ten years of employment history in part-time, full-time, temporary, seasonal, self-employment, and volunteer positions. To include:
  - Employer Name
  - Employment Status
  - Employer Address
  - Hire Date
  - Separation Date
  - Position Held
  - Supervisor's name, title, phone number, and email address
  - HR manager's name, title, phone number, and email address
  - Three co-workers' names, titles, phone numbers, and email addresses
  - Reason for leaving

➤ *Employment Questions. The following questions must be asked of the applicant exactly as shown.*

- Have you ever failed a background investigation?
- Have you ever had your probationary period extended for any reason?
- Have you ever received an unsatisfactory performance review?
- Have you ever been involved in a physical or verbal altercation with a supervisor, co-worker, or customer?
- Have you ever had your integrity questioned in an employment setting?
- Have you ever refused to follow a lawful direct order from a supervisor?
- Have you ever damaged a company vehicle?
- Have you ever failed to report damage to a company vehicle or other property?



## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

- Have you ever broken any rules, regulations, policies, or laws while driving a company vehicle?
- Have you ever removed equipment, components, or software from an employer for personal use?
- Have you ever used a company/department computer contrary to any company/department policy?
- Have you ever released confidential information that you were not authorized to release?
- Have you ever taken or used any money, property, or equipment for personal gain from a place where you worked?
- Have you ever taken a co-worker's property or money without permission?
- Have you ever received money from inaccuracies on an expense report?
- Have you ever falsified yours or someone else's timecard?
- Have you ever left work without permission?
- Have you ever slept on the job without permission?
- Have you ever called in to work sick when you were neither sick nor caring for a sick family member?
- Have you ever been talked to or warned at work about lateness, absences, or sick leave abuse, excluding protected leave?
- Have you ever missed days or been late to work due to drug or alcohol consumption?
- Have you ever been talked to or warned by an employer about your drinking or use of any drugs, including marijuana?
- Has your work performance ever been affected by your use of alcohol or drugs, including marijuana?
- Have you ever viewed or emailed pornographic material while at work?
- Have you ever engaged in sexual intercourse or touched, with or without clothing, the intimate body parts of another person while at work?
- Have you ever been accused of or investigated for discrimination or harassment?
- Have you ever been the subject of a job-related investigation?
- Have you ever been the subject of a complaint at work that resulted in disciplinary action?
- Have you ever received correction or discipline at work, to include verbal or written reprimands?
- Have you ever been fired, released from probation, or asked to resign from any place of employment?
- Have you ever been voluntarily or involuntarily demoted?
- Have you ever had a pay raise or promotion delayed or withheld due to performance or conduct?
- Have you ever quit without giving proper notice?
- Have you ever resigned in lieu of termination, had a negotiated resignation/settlement agreement, or resigned while under suspension or while dismissal proceedings were pending?

## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

- Will any of your past or present employers give you an unfavorable recommendation?
- Have you ever been informed by a previous employer that you were ineligible for rehire?
- Have you ever been denied employment by a public safety or criminal justice agency?
- Have you ever been accused of or investigated for untruthfulness, dishonesty, or misrepresentation?

### ❖ Education

➤ *Data to Collect: The following information must be collected from the applicant.*

- Does the applicant have a high school diploma or a certificate for passing an approved high school equivalency test (GED).
- Schools Attended:
  - School name
  - Start/end dates
  - Type of degree, certificate, or diploma earned OR the number of hours completed (quarter, semester or other)

➤ *Education Questions. The following questions must be asked of the applicant exactly as shown.*

- Have you ever been placed on academic probation or received discipline at any of the schools or institutions you attended?
- Have you ever been suspended or expelled from any of the schools, academies, or institutions you attended?
- Have you ever plagiarized, cheated, or engaged in any other intellectual dishonesty at any academy, training facility, or educational facility or assisted another person to cheat, plagiarize or engage in intellectual dishonesty?
- Have you been accused of plagiarism, cheating, or any other intellectual dishonesty from any academy, training facility, or educational facility or been accused of assisting another person to cheat, plagiarize or engage in intellectual dishonesty?
- Have you ever dropped out, failed, or been dismissed from a public safety academy?

### ❖ Residential History

➤ *Data to Collect: The following information must be collected from the applicant.*

- List all current and prior addresses for the last ten years or since age 17 if the applicant was a minor within the last ten years. Include the following information for each location:
  - Dates residing
  - Rent or own

## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

- Physical address
- Current contact information for the landlord or owner
- Current contact information for others who lived with you
- List any cities and states or countries lived in since birth.

➤ *Residential History Questions. The following questions must be asked of the applicant exactly as shown.*

- Have you ever been asked to leave, been issued an eviction notice, or been evicted?
- Have you ever left a residence owing rent, utilities, or other household expenses?
- Have you ever had any neighbor disputes?

### ❖ **Military History**

➤ *Data to Collect. The following information must be collected from the applicant.*

- List the following for each branch of the military served.
  - Enlistment Date
  - Discharge Date
  - Re-entry Code
  - Type of Discharge
  - MOS and Job Title
- Selective Service Registration Number

➤ *Military History Questions. The following questions must be asked of the applicant exactly as shown.*

- Have you ever held any type of secret clearance issued by a federal agency?
- Were you ever questioned, detained, the subject of any report, held on suspicion, cited, taken into custody, or arrested for any offense, or a defendant in any trial by civilian or military authorities?
- Have you ever taken military property without permission for personal use, to sell or give away?
- Were you ever A.W.O.L. or on any unauthorized leave while in the service?
- Have you ever performed duties that required certification under a “Human Reliability” or “Personnel Reliability” (PRP) program?
- Have you ever been denied or had your certification removed under a “Human Reliability” or “Personnel Reliability” (PRP) program?
- Have you ever had any type of clearance denied, revoked, suspended, or downgraded?
- Were you ever reduced in rank or grade while in the service?
- Did you ever receive any type of disciplinary action (NJP, Article 15, captain's masts, company punishments)?

## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

### ❖ Finances

➤ *Data to Collect. The following information must be collected from the applicant.*

- Current household monthly income to include:
  - Rental property income
  - Investment income
  - Employment Income
  - Any other sources of income, including income from domestic partner, significant other, or spouse.
- Current debt obligations, including:
  - Type of expense or debt (utilities, mortgages, rent, car loans, educational loans, and any other miscellaneous expenses)
  - Monthly payment amount
  - Current balance
  - Original debt amount and date incurred
  - Creditor's name, address, phone number
  - Any late payments
- Total amount of all monthly payments

➤ *Financial Questions. The following questions must be asked of the applicant exactly as shown.*

- If you become employed by this agency, do you anticipate any additional personal income other than your salary?
- Are you responsible for any court-ordered payments? (E.g., child support, alimony, judgment, restitution, etc.)
- Have you ever been over 30 days late in paying child support or alimony?
- Have your wages ever been garnished?
- Have you ever filed for or declared bankruptcy (Chapter 7, 11, or 13)?
- Have you ever been refused credit?
- Have you ever been referred to a collection agency?
- Have you ever had anything repossessed?
- Have you ever been delinquent on income or other tax payments?
- Have you ever failed to file income tax as required by law or falsified information on an income tax form?
- Have you ever avoided paying any lawful debt?
- Have you ever failed to repay a debt?
- Have you ever borrowed money to pay for a gambling debt?
- Do you currently have any outstanding debts because of gambling?
- Have you ever spent or received money for illegal purposes? (E.g., illegal drugs, prostitution, purchase of fraudulent documents, etc.)

## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

- Have you ever written a check when you knew you did not have enough money in your account?
- Have you ever been defrauded or been a victim of identity theft?
- Have you ever defrauded anyone?

### ❖ **Criminal History and Arrests/Legal**

➤ *Data to Collect: The following information must be collected from the applicant.*

- List all arrests, criminal citations to appear, convictions, juvenile adjudications, any police contacts, and any fish and wildlife offenses, regardless of outcome, from 16 years of age to present. Provide the following information for each reported incident.
  - Incident date
  - Type of incident
  - Description of incident
  - Investigating agency
  - Disposition of incident

➤ *Legal/Criminal History Questions. The following questions must be asked of the applicant exactly as shown.*

- Are there any criminal or other types of charges pending against you?
- Have you ever committed, been convicted of, been found guilty of, or entered a plea of guilt or no contest to any offense punishable as a crime (includes felonies, misdemeanors, and violations) or received an adjudication in ANY local, state, federal, military, or tribal jurisdiction?
- Have you ever entered a diversion or similar type program because of a criminal proceeding?
- Have you ever been a suspect in a criminal investigation that resulted in a civil compromise agreement?
- Have you ever been incarcerated for any reason in any jurisdiction?
- Do you have a court disposition in any jurisdiction for possession of less than one ounce of marijuana that occurred prior to July 1, 2015?
- Have you ever filed or been the subject of any restraining order, stay away order, protective order, or stalking order filed against you?
- Have you ever had a charge of contempt of court filed against you?
- Have you ever taken or refused to take a polygraph?
- Have you ever been referred to a juvenile department or required to appear before a juvenile court for unlawful or criminal conduct?
- Have you ever had a sanction imposed by any court (including those set aside/or a diversion)?
- Are you aware of any court that would not consider you a credible witness?
- Have you ever been placed on court ordered probation?
- Have you ever had a judgment rendered against you?

## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

- Are there any pending civil actions against you?
- Have you ever been the subject of any criminal or civil rights investigation?
- Have you ever been required to appear before a court or judge?
- Have you ever been a defendant in a civil action for collection of a debt?
- Have you ever been a party in a civil lawsuit? (E.g., small claims, actions, dissolutions, child custody, paternity, support, etc.)
- Have the police ever responded to any of your residences for any reason?
- Have you or a current or former domestic partner, significant other, or spouse ever been referred to or the subject of an investigation by a child or adult protective services agency?
- Have you settled any civil lawsuit which required payments from you or on your behalf to another party?
- Have you ever filed a false insurance or worker's compensation claim?
- Have you ever falsified any official report or statement?
- Has any member of your family (including in-laws), your current domestic partner, significant other or spouse, or anyone you are related to or lived with been arrested or convicted for anything other than traffic violations?
- Have you ever deliberately done anything to hurt a child?
- Have any dependent children in your care ever been taken into protective custody?
- Have you ever given or displayed pornographic material to anyone under the age of 18?
- Have you ever inappropriately touched the intimate body parts, with or without clothing, of a person under the age of 18?
- Have you ever engaged in any type of sexual activity with a person under the age of 18?
- Have you ever purposefully exposed or displayed your privates to a person under the age of 18?
- Have you ever taken pictures of a disrobed person under the age of 18?
- Have you ever bought or retained pictures of a disrobed person under the age of 18?
- Have you ever viewed sexual pictures of a person under the age of 18?
- Have you ever communicated with a person under the age of 18 with the intent to perform a sexual act?
- Have you ever had a search warrant executed on your person, property, or residence?
- Have you ever or are you now wanted for any reason by any law enforcement agency?
- Have you ever been involved in or committed any of the acts listed below?
  - Arson
  - Assault
  - Assault with a weapon
  - Blackmail or extortion
  - Burglary
  - Child abuse or neglect

## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

- Contributing to the delinquency of a minor
- Downloading, viewing, or possessing child sexual abuse material
- Driving while intoxicated
- Elder abuse or neglect
- Embezzlement
- Filing a false police report or call to 9-1-1
- Forgery
- Fraudulent use of credit/debit card, ATM, or bank card
- Hate or bias crime
- Hit and run collision
- Illegal gambling
- Illegal Hunting or fishing
- Impersonating a police officer or government official
- Indecent exposure or obscene conduct
- Insurance fraud
- Menacing or threatening with intent to harm
- Murder, homicide, attempted murder, manslaughter, or assault with the intent to kill someone
- Perjury
- Possession of alcohol as a minor
- Possession of an illegal explosive/destructive device
- Possession of falsified or altered identification, including use of another's ID
- Prostitution or solicitation of prostitution
- Public intoxication
- Rape or sexual assault
- Reckless driving
- Resisting arrest or obstructing a law enforcement officer
- Robbery
- Stalking
- Theft
- Trespassing
- Using a false identification
- Vandalism
- Voyeurism or peeping
- Any other criminal act whether or not you were caught.

## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

### ❖ **Motor Vehicle Records/Operations**

➤ *Data to Collect: The following information must be collected from the applicant.*

- All driver's licenses or state IDs issued. Include the following:
  - Number
  - Issuing state
  - Expiration date.
- Current auto insurance company(ies) and policy number(s).
- All motor vehicles registered. Include the following:
  - Make
  - Model
  - Year
  - License plate number
  - Issuing state.
- Traffic citations/moving violations, or warnings, excluding parking citations. Include the following with each report.
  - Citation date
  - Citation type
  - Contact agency
  - Disposition

➤ *Motor Vehicle Records/Operations Questions. The following questions must be asked of the applicant exactly as shown.*

- Has your driver's license ever been suspended, revoked, or canceled?
- Has a citation ever resulted in a warrant or caused your license to be suspended or withheld due to failure to appear?
- Have you ever failed to appear in court, complete a diversion, pay a fine or complete traffic school?
- Have you ever been involved as a driver in a motor vehicle accident?
- Have you ever been found to be at fault for a motor vehicle accident?
- Have you ever driven a vehicle without auto insurance?
- Have you ever been refused automobile liability insurance or a bond, or had them terminated or denied?
- Have you ever been placed in a "High Risk" automobile insurance category, such as SR 22?
- Have you ever been notified by the motor vehicles division that your driver's license was about to be suspended or revoked for any reason?
- Have you ever been refused a driver's license?
- Have you ever had a vehicle impounded because of a traffic stop?



## PERSONAL HISTORY QUESTIONS

Dated July 1, 2023

### ❖ **References**

➤ *Data to Collect: The following information must be collected from the applicant.*

- List three additional references, not already listed, who have known you at least three years. Do not include persons related to you by blood or marriage, current co-workers, or current supervisors. Include the following with each report.
  - Full name
  - Relationship
  - Length of time known
  - Date of last contact
  - Email, mailing address, phone number

AMEND: 259-008-0080

NOTICE FILED DATE: 12/02/2022

RULE SUMMARY: This rule change separates the background investigation requirements for instructors from the background investigation requirements for public safety officers. The definition of a public safety officer does not include instructors. See Section (5).

CHANGES TO RULE:

259-008-0080

### Instructors for Mandated Training ¶¶

(1) Definitions. For the purposes of this rule:¶¶

(a) "Instructor" means an individual, including volunteer or loaned personnel, who is employed or utilized by DPSST or the Department of Corrections for the instruction of any portion of a Board-approved curriculum for a mandated training course, including the following:¶¶

(A) The DPSST basic police, corrections, parole and probation, regulatory specialist, telecommunications or emergency medical dispatcher courses, excluding field training;¶¶

(B) The Department of Corrections basic corrections course, excluding field training;¶¶

(C) The career officer development courses, excluding field training;¶¶

(D) A DPSST instructor development course; or¶¶

(E) The DPSST supervision leadership academy or organizational leadership management course.¶¶

(b) "Employer" means DPSST or the Department of Corrections.¶¶

(2) These instructor employment and certification requirements do not apply to individuals assigned by a public or private safety agency to instruct non-mandated training, training required to maintain DPSST-issued public safety professional certifications or a field training manual.¶¶

(3) Instructors must be certified prior to being assigned primary responsibility for the instruction of any portion of a Board-approved curriculum for a mandated training course.¶¶

(a) Primary responsibility for instruction means that the instructor is the certified instructor of record for the course completion documentation identified in OAR 259-008-0085.¶¶

(b) The employer delivering the mandated training course is responsible for ensuring that certified instructors are assigned to the topics that they are qualified to instruct.¶¶

(4) When an employer hires or separates an instructor, the employer must report the personnel action to the Department, on a form provided by the Department, within 10 business days of the employment or utilization status change.¶¶

(5) Pursuant to OAR 259-008-0015, ¶¶ The employer must conduct a background investigation on each individual being considered for employment or utilization as an instructor.¶¶

(6) DPSST Instructor Certification. To be eligible for certification as an instructor, an individual must:¶¶

(a) Be currently employed or utilized as an instructor;¶¶

(b) Have experience that meets the requisite knowledge, skills and abilities to perform the duties of an instructor as determined by the employer;¶¶

(c) Successfully complete employer specific instructor development training;¶¶

(A) Instructors employed or utilized by the Department must successfully complete the Board-approved Adult Learning Core Course as defined in OAR 259-008-0085.¶¶

(B) Instructors employed or utilized by another employer must successfully complete instructor development training or possess, as determined by the employer, the knowledge and skills needed to instruct the mandated course.¶¶

(d) Never have had a public safety professional certification denied, suspended or revoked by the Department under OAR 259-008-0300;¶¶

(e) Not have any convictions, criminal dispositions, or a history of conduct that would constitute a mandatory disqualifier as defined by section (9) of this rule;¶¶

(f) As determined by the employer, not have any convictions, criminal dispositions, or a history of conduct that would adversely impact the instructor's position as a role model, a leader within the public safety profession and a source of expertise for critical learning components; and¶¶

(g) Submit an application for certification on a form provided by the Department.¶¶

(7) Notification of Arrest or Criminal Citation to Appear. A certified instructor who is arrested, or receives a criminal citation to appear or its equivalent, for any offense punishable as a crime must notify the Department within five business days. Notification must be in writing and include the date of the arrest or citation, the location of the arrest or citation, the reason for the arrest or citation and the arresting or citing agency.¶¶

(8) Expiration and Reactivation of DPSST Instructor Certification.¶

(a) Notwithstanding subsection (d) below, an instructor's certification will expire upon separation from a certifiable instructor position.¶

(b) In order to become recertified as an instructor, an individual with an expired instructor certification must meet the instructor certification requirements as defined in section (6) and submit a new application for certification.¶

(c) When an individual's instructor certification has been expired for more than three years, the instructor must successfully recomplete or satisfy the applicable instructor certification training requirement found in subsection (6)(c) prior to the reissuance of certification.¶

(d) The Department will stay the expiration of instructor certification for an instructor whose separation from a certifiable instructor position occurs while the individual's public safety professional certification is under review pursuant to OAR 259-008-0300 or the individual's instructor certification is under review pursuant to section (9) of this rule until a final determination has been made regarding the individual's fitness for certification as an instructor or public safety professional.¶

(9) Grounds to Deny or Revoke Instructor Certification. The Board has determined that the following conduct constitutes mandatory grounds for denial or revocation of instructor certification because such conduct violates public trust in the public safety profession, and violates the trust that students and their employers place in instructors as professional leaders and role models in public safety. The Department must deny or revoke an instructor's certification upon a finding that:¶

(a) The instructor intentionally falsified any information submitted on the application for instructor certification or on any documents submitted to the Board or the Department;¶

(b) The instructor does not meet the applicable minimum standards, minimum training or the terms and conditions for instructors established under ORS 181A.410 as defined in OAR chapter 259 division 8;¶

(c) The instructor's public safety professional certifications have been denied, suspended or revoked pursuant to OAR 259-008-0300;¶

(d) The instructor engaged in intentional conduct while performing the duties of an instructor that constitutes Instructor Misconduct and the conduct resulted in or coincided with any non-voluntary or voluntary separation of employment. Instructor Misconduct includes dishonesty or deception, harassment, discrimination, assisting a student to cheat, or falsifying documentation related to training, testing or certification; or¶

(e) The instructor has a disqualifying criminal offense. Disqualifying criminal offenses are:¶

(A) A conviction for any offense designated under the law of the jurisdiction where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;¶

(B) A conviction in any jurisdiction for any offense involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug;¶

(C) A conviction in any jurisdiction for a bias or hate crime;¶

(D) A conviction in any jurisdiction for any offense involving domestic violence. For the purposes of this rule, domestic violence includes abuse of a child, and the term "domestic violence" has the meaning given by ORS 135.230, the term "abuse" has the meaning given by ORS 107.705, and the term "child" means a child who is under 18 years of age and is a natural child, adopted child, stepchild, a child under the guardianship of, or a child who regularly resides or formerly resided in the same household as the instructor; or¶

(E) The person is a sex offender pursuant to ORS 163A.005(6).¶

(10) Denial and Revocation Processes.¶

(a) Upon receipt or discovery of information that would lead an objectively reasonable person to conclude that an instructor engaged in conduct that is mandatory grounds for denial or revocation, as defined in section (9) of this rule, the Department will prepare and serve a Notice of Intent on the instructor.¶

(b) Notice of Intent. The Department's denial or revocation of an instructor's certification will be administered in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure, adopted under OAR 259-005-0015, for Notice of Intent, Request for Hearing and Contested Case Procedure.¶

(c) Scope. The Department's denial or revocation of an instructor's or applicant's certification for subsection (9)(d) of this rule will only apply to the instructor certification. However, the application of this rule does not preclude the Department from denying, suspending or revoking any other certification or license in accordance with the rules established for denial, suspension or revocation for the other certification or license.¶

(d) Ineligibility. An instructor whose certification is revoked pursuant to this rule is permanently ineligible for instructor certification. Any application for instructor certification submitted by an individual who has been denied or revoked pursuant to this rule will be denied in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure, adopted under OAR 259-005-0015, for Notice of Intent, Request for Hearing and Contested Case Procedure.

Statutory/Other Authority: ORS 181A.410

Statutes/Other Implemented: ORS 181A.410, ORS 181A.590

