



## PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 259  
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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### RULES:

259-006-0010, 259-008-0010, 259-008-0011, 259-008-0290, 259-008-0310, 259-008-0320, 259-008-0340

ADOPT: 259-006-0010

NOTICE FILED DATE: 06/19/2020

RULE SUMMARY: OAR 259-006-0010 forms the Applicant Review Committee. Through this rule the Board on Public Safety Standards and Training delegates the authority to review and deny or not deny applicants for DPSST training and certification to the Applicant Review Committee (ARC).

The ARC includes representatives from each of the criminal justice policy committees and the public member of the Board. Together these members will act as a discipline-neutral committee to represent public safety as a whole.

The ARC will meet monthly. Coupled with the ARC's decision making authority, meeting monthly will resolve the issues surrounding the length of time that it currently takes to review a case through the Policy Committee and the Board which impacts the employing agency's operations and causes delays in the applicant's training and certification.

The ARC will only review the applicant professional standards cases. This will free up the Policy Committee agendas to focus on peer review of professional standards cases for conduct that occurs after employment and certification as a public safety professional.

To be eligible for the ARC, a nominee must have served at least one term as a policy committee member. Requiring members to have served one term on a policy committee provides the ARC with familiarity and experience reviewing professional standards cases.

CHANGES TO RULE:

259-006-0010

Criminal Justice Applicant Review Committee

(1) The Board on Public Safety Standards and Training (Board) forms the Applicant Review Committee for the purpose of reviewing discretionary professional standards cases where the public safety professional is a new applicant for DPSST training and certification and the professional standards case is based on a criminal disposition that occurred prior to employment in public safety.

(2) The Applicant Review Committee consists of:

(a) Two representatives of the Corrections Policy Committee;

(b) Two representatives of the Police Policy Committee;

(c) Two representatives of the Telecommunications Policy Committee; and

(d) The public member of the Board.

(3) Appointments and Terms.

(a) The Applicant Review Committee members representing the Policy Committees are selected by nomination.

(b) To be eligible for nomination to the Applicant Review Committee, a nominee must have served at least one term as a Policy Committee member.

(c) Nominees are appointed by a majority vote of the Policy Committee. Nominees for initial appointment must be currently serving as an appointed Policy Committee member.

(d) The term of an appointed member is one year. An appointed member may be reappointed to a second term.

(e) Policy Committee members appointed to the Applicant Review Committee are not required to serve both committees and may request to have their Policy Committee position vacated to serve exclusively on the Applicant Review Committee.

(4) The Applicant Review Committee will meet monthly or as needed.

(5) The Applicant Review Committee must adopt by-laws to set guidelines for the operation of the committee functions and the expectations of members.

Statutory/Other Authority: ORS 181A.410

Statutes/Other Implemented: ORS 181A.410, 181A.365

AMEND: 259-008-0010

NOTICE FILED DATE: 06/19/2020

RULE SUMMARY: Based on the adoption of OAR 259-008-0290, Section (5) is amended to add OAR 259-008-0290 to the moral fitness standards.

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) 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.¶

(4) 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.¶

(5) 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.¶

(6) 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.¶¶

(7) 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 spirometry (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.¶

(8) Medical Examinations. To ensure that law enforcement officers and applicants meet the minimum physical standards listed in section (7) 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 (7) 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 (9) 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.¶

(9) Physical Standard Waivers.¶

(a) An individual or department head may request a waiver of any physical standard in section (7) 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 (7) of this rule, the Department will issue Notice and proceed as provided in section (9)(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.¶¶

(10) Police Officer and Reserve Officer Pre-employment Psychological Screening. Effective January 1, 2020, a law enforcement unit may not hire a police officer or a reserve officer without a pre-employment psychological screening 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 officers and reserve officers who move from one law enforcement unit to another law enforcement unit on or after January 1, 2020; and ¶¶

(B) A reserve officer employed by a law enforcement unit prior to January 1, 2020, when the reserve officer 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.¶¶

(b) The psychological screening process is used to identify mental conditions, personality disorders, personality traits or behavior patterns that may adversely affect the officer's ability to perform the essential functions of a police officer or reserve officer with reasonable skill, safety and judgement based upon the pre-employment psychological screening criteria established by the law enforcement unit.¶¶

(c) The psychological screening must be conducted by a licensed mental health professional who can demonstrate, to the law enforcement unit'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 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 ¶¶

(B) 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 must include the following:¶¶

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

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

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

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

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

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

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

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

AMEND: 259-008-0011

NOTICE FILED DATE: 06/19/2020

RULE SUMMARY: Based on the adoption of OAR 259-008-0290, Section (3) is amended to add OAR 259-008-0290 to the moral fitness standards.

CHANGES TO RULE:

259-008-0011

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

- (1) 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.¶
- (2) 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.¶
- (3) 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.¶
- (4) 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.¶
- (5) 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.¶¶

## (6) 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.¶¶

(7) Medical Examinations. To ensure that telecommunicators, emergency medical dispatchers, and applicants meet the minimum physical standards listed in section (6) 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 (6) 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 (8) 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.¶

(8) Physical Standard Waivers.¶

(a) An individual or department head may request a waiver of any physical standard in section (6) 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 (6) of this rule, the Department will issue Notice and proceed as provided in section (8)(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.

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

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

ADOPT: 259-008-0290

NOTICE FILED DATE: 06/19/2020

RULE SUMMARY: OAR 259-008-0290 adopts the review process and grounds for denial when the trigger for review is a criminal disposition that occurred prior to employment in public safety.

Section (1) provides the nexus that demonstrates how these violations impact the ability to be certified as a public safety professional.

Section (2) provides the interpretation of how and when this rule applies to public safety professionals by:

- defining the term applicant as a person who is employed as a public safety professional and is now an applicant for training or certification; and
- defining a pre-employment criminal disposition as a criminal disposition that occurred prior to any employment in public safety in any jurisdiction.

Section (3) maintains the same mandatory disqualifiers for applicants. By summary, the mandatory disqualifiers found in OAR 259-008-0300(2) include: convictions for felony crimes; convictions involving controlled substances/drugs; convictions involving domestic violence or child abuse; and convictions requiring registration as a sex offender.

Section (4) provides the definition for the discretionary grounds that are applied to applicants with pre-employment criminal dispositions. All pre-employment criminal dispositions that are not mandatory convictions would be reviewed under this standard. Criminal dispositions where the crime or the underlying conduct includes elements of Dishonesty or Gross Misconduct as defined in the rule are subject to review by the ARC.

Section (5) excludes from review criminal dispositions that occurred prior to January 1, 2001, and successfully diverted DUIIs where the only charge is for DUII.

Section (6) establishes Board-delegated authorities for review of applicant pre-employment criminal dispositions. DPSST staff are responsible for the initial review of the discretionary criminal disposition with the decision making authority to determine whether or not to open a case for the Applicant Review Committee (ARC). Staff will only open discretionary cases for criminal dispositions or underlying conduct that may have violated the discretionary grounds of dishonesty or gross misconduct. The ARC has the sole decision making authority to deny certification. Under this delegated authority, the Applicant Review Committee is making the final decision and the decision will not require additional review and affirmation from the Board. This does not change the applicant's due process rights. The applicant can still request a hearing and contest the decision through the administrative law procedures.

The remainder of the rule outlines the review process, which is similar to the process used by the Policy Committees.

Section (7) outlines the opportunity to submit mitigation in writing and in person.

Section (8) outlines the ARC review process. The ARC will review the moral fitness violations, make a determination on whether or not to deny, and when denying determine the ineligibility period.

Section (9) - Just like the policy committees, when reviewing the case the ARC will consider aggravating and mitigating circumstances. However, because these cases are specifically applicants with pre-employment criminal dispositions, by rule, the ARC will be required to consider two things as mitigation: the criminal disposition occurred prior to employment in public safety; and the individual has been hired by a public safety agency that completed a background investigation, is aware of the past criminal history, and does not find it an obstacle to employment within their agency. The requirement to consider these circumstances as mitigation is not a requirement that these circumstances outweigh the impact that the conduct has on fitness for certification.

Section (10) addresses the ineligibility period when an applicant is denied certification. The Workgroup recommended an ineligibility period range of zero days to 10 years. The zero-days minimum ineligibility period recognizes that while the discretionary moral fitness violation exists the mitigation outweighs the impact the violation has on certification. The 10-year maximum ineligibility period recognizes that because the discretionary criminal disposition occurred before employment in public safety the individual cannot be precluded from certification for life. This is consistent with other occupational licenses and in line with national regulation that recognizes that at a minimum the passage of time mitigates the behavior.

Section (11) and Section (12) mirror additional process language found in the other denial and revocation rules, OAR 259-008-0300 through 259-008-0340.

CHANGES TO RULE:

#### 259-008-0290

##### Denial of Public Safety Professional Certifications for Pre-employment Criminal Dispositions

(1) The Board has established moral fitness standards that it has determined are critical to upholding the public's trust in the public safety profession, protecting the public and ensuring that the conduct of a public safety professional or an applicant does not reflect adversely on the public safety profession. The Board finds by adopting this rule that a violation of these standards is substantially related to the duties performed by a certified public safety professional.¶

(2) This rule defines the grounds for denial and processes for review of professional standards cases where the public safety professional is a new applicant for DPSST training and certification and the professional standards case is based on a criminal disposition that occurred prior to employment in public safety. For the purposes of this rule:¶

(a) An applicant is an employed public safety professional applying for DPSST training or certification; and¶

(b) Pre-employment criminal dispositions are criminal dispositions that occurred prior to any employment in any jurisdiction as a police officer, reserve officer, corrections officer, parole and probation officer, regulatory specialist, telecommunicator or emergency medical dispatcher as those terms are defined in OAR 259-008-0005.¶

(3) Mandatory Grounds for Denial. The Department must deny an applicant's certification based upon a finding that the applicant has a conviction for an offense constituting mandatory grounds for denial of public safety certification as defined in OAR 259-008-0300(2).¶

(4) Discretionary Grounds for Denial. The Department may deny an applicant's certification based upon a finding that the applicant has a pre-employment criminal disposition, other than a conviction constituting mandatory grounds for denial as defined in OAR 259-008-0300(2), in which the criminal disposition or the underlying conduct include either or both of the following elements:¶

(a) Dishonesty. Dishonesty includes intentional conduct that includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth; or¶

(b) Gross Misconduct. Gross Misconduct includes:¶

(A) Deliberate or reckless conduct that caused or could have caused significant harm to persons or property;¶

(B) Conduct that includes violence against another person; or¶

(C) Conduct resulting in a criminal disposition for a sex-related offense.¶

(5) The Department will not open a discretionary case under this rule for the following:¶

(a) A criminal disposition that occurred prior to January 1, 2001; or¶

(b) A criminal disposition for a successfully completed deferred adjudication or diversion in which the only charge is for driving under the influence of intoxicants. For the purposes of this rule the term "intoxicant" includes intoxicating liquor, cannabis, a controlled substance, an inhalant or any combination of these intoxicants.¶

(6) The Board delegates the review of discretionary professional standards cases for an applicant's pre-employment criminal dispositions to the Department and the Applicant Review Committee.¶

(a) The Department will review an applicant's pre-employment criminal disposition and open a case when the criminal disposition or underlying conduct may constitute discretionary grounds for denial as defined in section (4) of this rule.¶

(b) The Applicant Review Committee will review discretionary cases opened by the Department and determine whether the applicant is denied or not denied certification for the discretionary grounds defined in section (4) of this rule.¶

(7) Prior to submitting a discretionary case to the Applicant Review Committee, the Department will notify the applicant. The notification will include the deadlines for the applicant to provide evidence of factors that may support mitigation. The applicant may provide mitigation evidence by one or both of the following:¶

(a) Submitting documents or written statements as supporting evidence for mitigation of the conduct under review to the Department for the Applicant Review Committee to consider.¶

(b) Arranging with the Department to attend an Applicant Review Committee meeting and present a verbal statement. The verbal statement is limited to a maximum of five minutes and must be presented in person by the applicant or their representative.¶

(8) The Applicant Review Committee will review the case to:¶

(a) Affirm, modify or negate the Department-identified moral fitness violations;¶

(b) Identify aggravating and mitigating circumstances unique to the case;¶

(c) Determine how the moral fitness violations and aggravating or mitigating circumstances impact the applicant's fitness for certification; and¶

(d) When denying certification, determine how long the individual should be ineligible for certification.¶

(9) Aggravating and mitigating circumstances are conditions, factors or actions that increase or decrease the total impact that the identified moral fitness violation has on the applicant's fitness for certification.¶

(a) Aggravating circumstances generally increase the severity of the impact the moral fitness violation has on fitness for certification and may, in addition to the moral fitness violation, be grounds to deny certification. Aggravating circumstances may increase the recommended ineligibility period. Circumstances that may be considered aggravating include, but are not limited to, the degree of the criminal disposition, prior criminal dispositions or misconduct, lack of accountability, number of persons involved in the underlying conduct, number of separate incidents, passage of time from date of incident or incidents, or any other circumstance the Department or the Applicant Review Committee consider aggravating given the specific issues in the case.¶

(b) Mitigating circumstances do not excuse or justify the conduct, but generally decrease the severity of the impact the moral fitness violation has on fitness for certification and may decrease the recommended ineligibility period.¶

(A) Circumstances that must be considered mitigating include the fact that the applicant was not employed in a certifiable position at the time of the conduct and the fact that the applicant has been hired by a public safety agency who is aware of the criminal background.¶

(B) Circumstances that may be considered mitigating include, but are not limited to, written letters of support, truthfulness, cooperation during the incident or investigation, or any other circumstance the Department or the Applicant Review Committee consider mitigating given the specific issues in the case.¶

(10) The ineligibility period is the timeframe that the applicant is ineligible for public safety certifications and employment as a certifiable public safety professional as the result of the total impact of the moral fitness violations and the aggravating and mitigating circumstances on the applicant's moral fitness for certification. The Applicant Review Committee may prescribe an ineligibility period from zero days to ten years.¶

(11) The moral fitness standards defined in administrative rule in effect on the date the Department or the Applicant Review Committee determined that the applicant was unfit for certification will continue to apply until the Final Order has been issued and all appeal rights have been exhausted, regardless of any subsequent amendment or repeal of the rules.¶

(12) Any Department action to deny an applicant's public safety professional certification will be administered in accordance with OAR 259-008-0290 through OAR 259-008-0340 and the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

Statutory/Other Authority: ORS 181A.410, ORS 183.341, ORS 181A.640

Statutes/Other Implemented: ORS 181A.410, ORS 183.341, ORS 181A.640, ORS 181A.630, ORS 181A.650

AMEND: 259-008-0310

NOTICE FILED DATE: 06/19/2020

RULE SUMMARY: Based on the adoption of OAR 259-008-0290, Section (5) is amended to delete the administrative closure process for pre-employment criminal dispositions. The administrative closure process is replaced by the adoption of OAR 259-008-0290 which specifically sets standards for pre-employment criminal dispositions. Administrative closure for other cases where the conduct being reviewed does not meet the statutory and administrative rule requirements for denial or revocation remains as an option.

CHANGES TO RULE:

259-008-0310

Denial/Revocation - Initiation and Review of a Professional Standards Case

(1) When the Department receives information from any source that a certifiable public safety professional or an applicant may not meet the established standards for public safety professionals, the Department will review the information to determine if substantial evidence exists to support denial, revocation or emergency suspension of certifications under the statutory and administrative rule requirements for public safety professional certification.

¶

(2) In professional standards cases where the Department has determined that the conduct being reviewed violates the moral fitness standards established by the Board as mandatory grounds for denial or revocation as defined in OAR 259-008-0300(2), the Department will administratively process the denial or revocation.

(3) The Department will defer review of professional standards cases for individuals who have not been certified and are not currently employed as a public safety professional until the individual is re-employed as a certifiable public safety professional except when the Department has the authority to proceed pursuant to ORS 181A.640

(9). ¶

(4) The Department will administratively close discretionary professional standards cases for deferred adjudications in which the only charge is for ORS 813.010 (Driving Under the Influence of Intoxicants) upon confirmation of dismissal.

(5) The Department may recommend administrative closure of a discretionary professional standards case to a Policy Committee ~~under circumstances including but not limited to:~~

~~(a) Cases in which when the Department determines that the conduct being reviewed does not meet the statutory and administrative rule requirements for denial or revocation; or~~

~~(b) Cases in which the conduct being reviewed involves one or more criminal dispositions and the conduct and criminal dispositions meet all of the following criteria:~~

~~(A) The criminal dispositions occurred five years or more prior to the date the public safety professional began employment as a certifiable public safety professional;~~

~~(B) The criminal dispositions are the result of one criminal act arising out of one set of facts and circumstances which is the only criminal incident in the public safety professional's history;~~

~~(C) The conduct involved did not include dishonesty or deceit;~~

~~(D) The public safety professional has completed any court-ordered form of supervision; and~~

~~(E) The public safety professional does not have any unpaid restitution, court fines or fees resulting from the criminal disposition.~~

(6) When the Department recommends administrative closure of a discretionary professional standards case to a Policy Committee, the Policy Committee must either approve or overturn the Department's recommendation.

(a) When the Policy Committee approves the recommendation for administrative closure, the Department will administratively close the professional standards case.

(b) When the Policy Committee overturns the recommendation for administrative closure, the Department will prepare the case for a complete review by the Policy Committee pursuant to sections (9) and (10) of this rule.

(7) In professional standards cases where the Department has determined that the conduct being reviewed may meet the statutory and administrative rule requirements for denial or revocation but is not supported by

adequate factual information, the Department may request further information from the employer pursuant to ORS 181A.670 or conduct its own investigation of the matter.¶

(8) In professional standards cases where there has been an arbitrator's opinion related to the public safety professional's employment, the Department will proceed as follows:¶

(a) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the Department will proceed with review of the professional standards case pursuant to this rule.¶

(b) If the arbitrator has ordered employment reinstatement after a separation of employment without a finding related to whether the misconduct occurred, the Department will proceed with review of the professional standards case pursuant to this rule.¶

(c) If the arbitrator's opinion finds that underlying facts did not support the allegations of misconduct, the Department will recommend administrative closure of the professional standards case to a Policy Committee, unless the Department receives or discovers additional information that would lead an objectively reasonable person to conclude that the public safety professional has violated Board established employment, training, or certification standards for Oregon public safety professionals.¶

(9) When the Department submits a discretionary professional standards case to a Policy Committee, the Department will notify the public safety professional. The notification will include the deadlines for the public safety professional to provide evidence of factors that may support mitigation. A public safety professional may provide mitigation evidence by one or both of the following:¶

(a) Submitting documents or written statements as supporting evidence for mitigation of the conduct under review to the Department for Policy Committee and Board consideration.¶

(b) Arranging with the Department to attend a Policy Committee meeting and present a verbal statement. The verbal statement is limited to a maximum of five minutes and must be presented in person by the public safety professional or their representative.¶

(10) Policy Committee Review of Discretionary Professional Standards Cases.¶

(a) In professional standards cases where the Department has determined that the conduct being reviewed violates the moral fitness standards established by the Board as discretionary grounds for denial or revocation as defined in OAR 259-008-0300(3), the Department will submit its findings to a Policy Committee for disposition. The Policy Committee's disposition will be submitted as a recommendation to the Board for approval.¶

(b) The Policy Committee will review the professional standards case to:¶

(A) Affirm, modify or negate the Department-identified moral fitness violations;¶

(B) Identify aggravating and mitigating circumstances unique to the professional standards case;¶

(C) Determine how the moral fitness violations and aggravating or mitigating circumstances impact the public safety professional's fitness for certification; and¶

(D) When recommending denial or revocation of public safety professional certifications, determine how long the individual should be ineligible for certification. ¶

(c) Aggravating and mitigating circumstances are conditions, factors or actions that increase or decrease the total impact that the identified moral fitness violation has on the public safety professional's fitness for certification.¶

(A) Aggravating circumstances generally increase the severity of the impact the moral fitness violation has on fitness for certification and may, in addition to the moral fitness violation, be grounds to deny or revoke certification. Aggravating circumstances may increase the recommended ineligibility period. Circumstances that may be considered aggravating include, but are not limited to, the degree of the criminal disposition, prior criminal dispositions or misconduct, lack of accountability, number of persons involved in the underlying conduct, number of separate incidents, passage of time from date of incident or incidents, or any other circumstance the Department or the Policy Committee consider aggravating given the specific issues in the case. ¶

(B) Mitigating circumstances do not excuse or justify the conduct, but generally decrease the severity of the impact the moral fitness violation has on fitness for certification and may decrease the recommended ineligibility period. Circumstances that may be considered mitigating include, but are not limited to, written letters of support, truthfulness, cooperation during the incident or investigation, or any other circumstance the Department or the Policy Committee consider mitigating given the specific issues in the case.¶

(d) The ineligibility period is the timeframe that the public safety professional or applicant is ineligible for public safety certifications and prohibited from performing the duties of a certifiable public safety professional as the result of the total impact of the moral fitness violations and the aggravating and mitigating circumstances on the public safety professional's fitness for certification.¶¶

(A) When the identified moral fitness violations include Dishonesty as defined in OAR 259-008-0300(3)(a)(A), the Policy Committee may recommend an ineligibility period from three years to lifetime.¶¶

(B) When the identified moral fitness violations do not include Dishonesty as defined in OAR 259-008-0300(3)(a)(A), the Policy Committee may recommend an ineligibility period from three years to ten years.¶¶

(11) Board Review of a Professional Standards Case. The Board will review the professional standards case, aggravation and mitigation, and the Policy Committee's recommendations to determine whether or not to approve all or part of the Policy Committee's recommendations.¶¶

(a) Upon initial consideration, the Board may either approve the recommendation in its entirety or defer a decision and return the recommendation to the Policy Committee.¶¶

(b) The Board may approve the Policy Committee recommendation by a majority vote of the members present.¶¶

(c) The Board, by a majority vote of the members present, may defer its decision and return the recommendation with instructions to the Policy Committee to reconsider the recommendation. The Board may also instruct the Department to obtain further information and revise the case for a second review and recommendation by the Policy Committee. The Board may return a recommendation only once.¶¶

(A) The Policy Committee must reconsider its recommendation, along with the Board's instructions and any new information the Department submits to the Policy Committee.¶¶

(B) The Policy Committee will submit a revised or renewed recommendation to the Board.¶¶

(d) The Board will review the revised or renewed recommendation to decide whether to approve all or part of the recommendation. The Board may approve the recommendation by a majority vote of the members present and may disapprove the recommendation by a two-thirds vote of the total voting members. A failure to achieve a two-thirds vote to disapprove a recommendation will result in the approval of the recommendation.¶¶

(A) When the Board disapproves a recommendation that proposes no action be taken to deny or revoke certification, the Board must make its own determination as to whether the public safety professional has engaged in conduct that violates the discretionary grounds for denial or revocation of certifications. The Board's review of the case must follow the process for Policy Committee review as outlined in section (10) of this rule.¶¶

(B) The Board may identify their own findings or adopt all or any part of the Policy Committee's findings as the basis for the determination.¶¶

(C) If the Board review results in a determination to deny or revoke public safety professional certifications, the Department will issue a Notice of Intent pursuant to OAR 259-008-0340. Where the Board review results in no action to deny or revoke public safety professional certifications, the issued Notice of Intent will be withdrawn and the professional standards case will be closed.

Statutory/Other Authority: ORS 181A.410, ORS 181A.640, ORS 183.341

Statutes/Other Implemented: ORS 181A.410, ORS 181A.640, ORS 181A.630, ORS 181A.650, ORS 183.341

AMEND: 259-008-0320

NOTICE FILED DATE: 06/19/2020

RULE SUMMARY: Based on the adoption of OAR 259-008-0290, Section (1) is amended to add OAR 259-008-0290. In sections (3) and (6) the word new was deleted to eliminate potential confusion regarding initial certification for an applicant and new certifications issued after a revocation.

CHANGES TO RULE:

259-008-0320

Scope of Denial/Revocation and Eligibility for Certification Following Denial/Revocation

(1) When the Department denies or revokes public safety professional certifications pursuant to OAR 259-008-0~~30290~~ through OAR 259-008-0340, the denial or revocation will encompass all of the public safety professional certifications subject to OAR chapter 259 division 8.¶

(2) An individual denied or revoked for mandatory grounds is prohibited from performing the duties of a certifiable public safety professional and the individual is permanently ineligible for certification as a public safety professional.¶

(3) An individual denied or revoked for discretionary grounds is prohibited from performing the duties of a certifiable public safety professional and ineligible for ~~new~~ public safety professional certifications until the prescribed ineligibility period has been satisfied.¶

(4) The first day of a discretionary denial or revocation ineligibility period is determined by the following circumstances:¶

(a) When certifications are denied or revoked for a criminal disposition that resulted from conduct that occurred prior to or after separation from employment as a public safety professional, the first day of the ineligibility period is the date of the conviction or the plea of guilt for a deferred sentence or other criminal disposition. When there is more than one criminal disposition determined to be a moral fitness violation, the most recent disposition will be used to determine the first day of the ineligibility period;¶

(b) When certifications are denied or revoked for any moral fitness violation concurrent to a separation of employment as a public safety professional, the first day of the ineligibility period is the date of the separation from the certifiable position as reported to the Department pursuant to OAR 259-008-0020; or¶

(c) When certifications are denied or revoked for any moral fitness violation that occurred during employment as a public safety professional and the public safety professional is employed in a certifiable position at the time of the Board's review, the first day of the ineligibility period is the date that the Board makes the final determination to deny or revoke. Periods of separation from a certifiable position as a result of the moral fitness violation will be applied to the satisfaction of the ineligibility period.¶

(5) Any application for training or certification submitted by an individual whose ineligibility period has not been satisfied will be denied pursuant to OAR 259-008-0340.¶

(6) In order to be eligible for the issuance of ~~new~~ certifications after satisfying an ineligibility period, the individual must meet all of the minimum requirements for employment, training and certification as defined in OAR chapter 259 division 008.

Statutory/Other Authority: ORS 181A.410, ORS 181A.640, ORS 183.341

Statutes/Other Implemented: ORS 181A.410, ORS 181A.640, ORS 181A.630, ORS 181A.650, ORS 183.341

AMEND: 259-008-0340

NOTICE FILED DATE: 06/19/2020

RULE SUMMARY: Based on the adoption of OAR 259-008-0290, Section (6) is amended to recognize ineligibility periods determined by the Applicant Review Committee.

CHANGES TO RULE:

259-008-0340

Issuance of Notice of Intent/Request for Hearing and Contested Case Procedures

(1) Upon a determination to proceed with an emergency suspension or a denial or revocation, the Department will prepare and serve a Notice of Intent on the individual or public safety professional.¶

(2) Response Time:¶

(a) A party who has been served with an Emergency Suspension Order has 90 days from the date of mailing or personal service of the Order to file a written request for a hearing with the Department.¶

(b) A party who has been served with a Notice of Intent to Deny Certification has 60 days from the date of mailing or personal service of the Notice to file a written request for a hearing with the Department.¶

(c) A party who has been served with a Notice of Intent to Revoke Certification has 20 days from the date of mailing or personal service of the Notice to file a written request for a hearing with the Department.¶

(3) Default Orders. If the Department does not receive a timely request for a hearing, the Notice of Intent will become a Final Order denying or revoking certification pursuant to OAR 137-003-0672.¶

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

(5) Proposed and Final Orders. When 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 Procedures adopted under OAR 259-005-0015.¶

(6) Notice and Hearing Procedures Specific to Professional Standards Cases.¶

(a) When a Policy Committee recommends denial or revocation of public safety professional certifications, the Department will serve the Notice of Intent on the individual or public safety professional prior to the Board's review.¶

(b) Department-proposed amendments to a Proposed Order issued by an Administrative Law Judge in a case that was originally reviewed by a Policy Committee and the Board must be considered by the Policy Committee and the Board before a Final Order can be issued.¶

(c) The administrative law judge presiding at a contested case hearing may not adjust the ineligibility period approved by the Board under OAR 259-008-0310 or the Applicant Review Committee under OAR 259-008-0290.¶

(d) If the Department does not receive a timely request for a hearing in cases heard by a Policy Committee, the Notice of Intent will become a Final Order denying or revoking certification pursuant to OAR 137-003-0672 upon final approval by the Board.

Statutory/Other Authority: ORS 181A.410, ORS 181A.640, ORS 183.341

Statutes/Other Implemented: ORS 181A.410, ORS 181A.640, ORS 181A.630, ORS 181A.650, ORS 183.341