



PERMANENT ADMINISTRATIVE ORDER

DPSST 21-2020
CHAPTER 259
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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CONTACT: Jennifer Howald
503-378-2432
jennifer.howald@state.or.us

DPSST
4190 Aumsville Hwy SE
Salem, OR 97317

Filed By:
Jennifer Howald
Rules Coordinator

RULES:

259-008-0020, 259-009-0010, 259-020-0120, 259-020-0130, 259-060-0020, 259-061-0040

AMEND: 259-008-0020

NOTICE FILED DATE: 07/23/2020

RULE SUMMARY: The Department's records are used to track, verify and maintain information related to each person's eligibility for public safety professional certifications. These records are also integral to verifying background criminal history records and responding to public records requests.

This rule change establishes use of a person's legal name as the name of record for all Department purposes. All certifications issued by the Department will display the public safety professional's legal name. Employers will be required to notify the Department when a public safety professional's name is legally changed.

CHANGES TO RULE:

259-008-0020

Personnel Actions ~~and~~, DPSST Numbers and Use of Legal Name ¶

- (1) Employers of public safety professionals must report personnel actions to the Department. The following personnel actions must be reported through a Department-approved submission process within 10 business days of an employment or utilization status change:¶
 - (a) The hire or appointment of a public safety professional to one or more public safety disciplines;¶
 - (b) Any separation from employment or utilization as a public safety professional;¶
 - (c) The promotion or demotion of any public safety professional;¶
 - (d) The start of a leave from a certifiable position that exceeds 90 days or a return from a leave that exceeds 90 days;¶
 - (e) When a parole and probation officer becomes an armed parole and probation officer; or¶
 - (f) Any of the following status changes impacting a multi-disciplined officer:¶

- (A) The addition of a discipline and the designation of a primary discipline;¶
 - (B) A change in the designation of a primary discipline; or¶
 - (C) When multi-discipline employment ends in one or more of the certifiable disciplines and the public safety officer continues certifiable employment in at least one discipline.¶
 - (2) A DPSST number will be established for each public safety professional who is employed in a certifiable position or employed or utilized as a reserve officer.¶
 - (3) A DPSST number may be established, at the discretion of the Department, when:¶
 - (a) A federal officer, as defined by ORS 133.005, has completed the training provided by the Department in accordance with ORS 133.245; or¶
 - (b) An individual's employer has submitted a written request identifying a demonstrated law enforcement need for an employee to obtain a DPSST number and the Department has approved the request.¶
 - (4) The Department requires use of the public safety professional's legal name as the name of record for all Department purposes. All certifications issued to a public safety professional will display the legal name. When a public safety professional has a legal name change, the employer must report the legal name change to the Department through a Department-approved submission process within 10 business days of the name change.
- Statutory/Other Authority: ORS 181A.410
Statutes/Other Implemented: ORS 181A.410

AMEND: 259-009-0010

NOTICE FILED DATE: 07/23/2020

RULE SUMMARY: The Department's records are used to track, verify and maintain information related to each person's eligibility for fire service professional certifications. These records are also integral to verifying background criminal history records and responding to public records requests.

This rule change establishes use of a person's legal name as the name of record for all Department purposes. All certifications issued by the Department will display the fire service professional's legal name. Fire service agencies will be required to notify the Department when a fire service professional's name is legally changed.

CHANGES TO RULE:

259-009-0010

Personnel Affiliation Forms and Use of Legal Name ¶

(1) When a fire service agency chooses to report a fire service professional's utilization or employment by the fire service agency to DPSST, the fire service agency may submit either of the following affiliation forms:¶

(a) A personnel/agency form; or¶

(b) An application for personnel affiliation with subsequent certification form.¶

(2) Fire service professionals must be at least 16 years of age to be recognized by DPSST as affiliated with an Oregon fire service agency.¶

(3) Affiliated fire service agencies may notify DPSST by submitting a personnel/agency form when any of the following status changes occur:¶

(a) A fire service professional resigns, retires, terminates employment, or is discharged or deceased;¶

(b) A fire service professional is promoted to a fire chief position;¶

(c) A new authorized signer is assigned;¶

(d) A fire service professional is promoted to a training officer position;¶

(e) A fire service professional who was affiliated using an application for personnel affiliation with subsequent certification form is no longer required to be certified in order to be utilized or employed by the fire service agency; or¶

(f) A fire service professional is no longer assigned the duties of a fire chief, authorized signer or training officer.¶

(4) Fire service professionals are not allowed to sign their own forms as the agency head or authorized signer.¶

(5) DPSST requests that affiliation forms be submitted within 30 business days of a personnel action or status change.¶

(6) DPSST may require that a fire service agency submit updated affiliation forms prior to approving any application or accreditation agreement.¶

(7) DPSST requires use of the fire service professional's legal name as the name of record for all DPSST purposes. All certifications issued to a fire service professional will display the legal name. When a fire service professional has a legal name change, the fire service agency must report the legal name change to the Department on a personnel/agency form within 30 business days of the name change.

Statutory/Other Authority: ORS 181A.410

Statutes/Other Implemented: ORS 181A.410

RULE SUMMARY: The Department's records are used to track, verify and maintain information related to each person's eligibility for licensure as a polygraph examiner. These records are also integral to verifying background criminal history records and responding to public records requests.

This rule change establishes use of a person's legal name as the name of record for all Department purposes. All licenses issued by the Department will display the polygraph examiner's legal name. A licensed polygraph examiner or applicant will be required to notify the Department when their name is legally changed.

CHANGES TO RULE:

259-020-0120

Minimum Standards for Licensure as a Polygraph Examiner

- (1) Age. A person must be at least 18 years of age to be licensed as polygraph examiner.¶
- (2) Citizenship. A person must be a citizen of the United States to be licensed as a polygraph examiner. ¶
- (3) Education. Applicants for licensure as a polygraph examiner must have one of the following:¶
 - (a) A baccalaureate degree from an accredited college or university; or ¶
 - (b) A high school diploma or a General Educational Development (GED) certificate and have at least five years of active investigative experience before the date of the application. ¶
 - (A) Active investigative experience is acquired through full-time employment as an investigator. An investigator is a person whose primary assigned duty is the investigation of actual or suspected violations of law, either criminal or civil. Full-time employment as an investigator is a minimum of 1,200 hours completed annually performing the investigation of actual or suspected violations of law, either criminal or civil.¶
 - (B) Administering polygraph examinations will satisfy the investigative experience requirement of this section. ¶
 - (C) The Department may, upon receipt of an application for licensure as a polygraph examiner, accept the applicant's professional experience as being equal in professional value toward the five years of active investigative experience required by this section. ¶
- (4) Training. Applicants for licensure as a polygraph examiner must have graduated from a polygraph examiner's course approved by the Department and have satisfactorily completed at least 200 polygraph examinations. ¶
- (5) In accordance with ORS 703.090, a person may be exempt from the training requirement in section (4) of this rule if the person worked as a polygraph examiner for a period of at least five years for a governmental agency within the State of Oregon and completed at least 200 polygraph examinations prior to 1978.¶
- (6) An applicant may meet the education and training requirements of sections (3) and (4) of this rule if the applicant provides the Department with documentation of military training or experience that the Department determines is substantially equivalent to the education or experience requirements. ¶
- (7) Examination for Licensure. Applicants for licensure as a polygraph examiner must have achieved a passing score on an examination for licensure conducted by the Department. ¶
- (8) Professional Fitness. Applicants for licensure as a polygraph examiner must not have demonstrated a course of behavior within the preceding 10 years which would indicate a high degree of probability that the applicant will be unlikely to perform the duties of a polygraph examiner in a manner that would serve the interests of the public.¶
 - (a) In order to determine if an applicant may have demonstrated a course of behavior, the Department will conduct a criminal records check. ¶
 - (b) Any information obtained as a result of the application for licensure, the criminal records check, any Department investigation or other reliable sources that may indicate the applicant is unlikely to perform the duties of a polygraph examiner in a manner that would serve the interests of the public will be reviewed in accordance with OAR 259-020-0200.¶
- (9) The Department requires use of the applicant's or polygraph examiner's legal name as the name of record for

all Department purposes. The license issued to the polygraph examiner will display the legal name. When a polygraph examiner legally changes their name they must report the legal name change and provide a copy of proof of the name change to the Department through a Department-approved submission process within 30 days of the name change.

Statutory/Other Authority: ORS 703.230

Statutes/Other Implemented: ORS 703.230, ORS 703.060, ORS 703.090, ORS 703.210, ORS 670.280

AMEND: 259-020-0130

NOTICE FILED DATE: 07/23/2020

RULE SUMMARY: The Department's records are used to track, verify and maintain information related to each person's eligibility for licensure as a polygraph examiner trainee. These records are also integral to verifying background criminal history records and responding to public records requests.

This rule change establishes use of a person's legal name as the name of record for all Department purposes. All licenses issued by the Department will display the polygraph examiner trainee's legal name. A licensed polygraph examiner trainee or applicant will be required to notify the Department when their name is legally changed.

CHANGES TO RULE:

259-020-0130

Minimum Standards for Licensure as a Polygraph Examiner Trainee

- (1) Age. A person must be at least 18 years of age to be licensed as polygraph examiner trainee.¶
- (2) Citizenship. A person must be a citizen of the United States to be licensed as a polygraph examiner trainee. ¶
- (3) Training. Applicants for licensure as a polygraph examiner trainee must: ¶
 - (a) Have graduated from a polygraph examiner's course approved by the Department; or ¶
 - (b) Provide documentation of military experience or training that the Department determines is substantially equivalent to the education required.¶
- (4) Internship. Persons licensed as a polygraph examiner trainee must complete an internship. The Board prescribed internship requirements of any person who is licensed as a trainee are defined in OAR 259-020-0140. ¶
- (5) Professional Fitness. Applicants for licensure as a polygraph examiner trainee must not have demonstrated a course of behavior within the preceding 10 years which would indicate a high degree of probability that the applicant will be unlikely to perform the duties of a polygraph examiner in a manner that would serve the interests of the public.¶
 - (a) In order to determine if an applicant may have demonstrated a course of behavior, the Department will conduct a criminal records check. ¶
 - (b) Any information obtained as a result of the application for licensure, the criminal records check, any Department investigation or other reliable sources that may indicate the applicant is unlikely to perform the duties of a polygraph examiner in a manner that would serve the interests of the public will be reviewed in accordance with OAR 259-020-0200.¶
- (6) The Department requires use of the applicant's or polygraph examiner trainee's legal name as the name of record for all Department purposes. The license issued to the polygraph examiner trainee will display the legal name. When a polygraph examiner trainee legally changes their name they must report the legal name change and provide a copy of proof of the name change to the Department through a Department-approved submission process within 30 days of the name change.

Statutory/Other Authority: ORS 703.230

Statutes/Other Implemented: ORS 703.230, ORS 703.060, ORS 703.080, ORS 703.090, ORS 703.200, ORS 703.210, ORS 670.280

AMEND: 259-060-0020

NOTICE FILED DATE: 07/23/2020

RULE SUMMARY: The Department's records are used to track, verify and maintain information related to each person's eligibility for certification or licensure as a private security provider. These records are also integral to verifying background criminal history records and responding to public records requests.

This rule change establishes use of a person's legal name as the name of record for all Department purposes. All certifications and licenses issued by the Department will display the private security provider's legal name. Applicants and private security providers will be required to notify the Department when their name is legally changed.

CHANGES TO RULE:

259-060-0020

Minimum Standards for Certification or Licensure ¶¶

(1) Age. Private security providers must be:¶¶

(a) At least 18 years of age to be certified as an alarm monitor, unarmed or event and entertainment private security professional or licensed as a supervisory manager; and¶¶

(b) At least 21 years of age to be certified as an armed private security professional or private security instructor or licensed as an executive manager.¶¶

(2) Education.¶¶

(a) Applicants for certification or licensure must have earned one of the following:¶¶

(A) A high school diploma;¶¶

(B) A General Education Development (GED) certificate; or¶¶

(C) A two-year or four-year, post-secondary degree issued by an accredited degree-granting college or university recognized by the Oregon Higher Education Coordinating Commission under the provision of ORS 348.594(2).¶¶

(b) The Department may require documentary evidence of the above. Acceptable evidence consists of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted at the discretion of the Department.¶¶

(c) The requirement found in subsection (2)(a) applies only to individuals submitting an application for new certification or licensure as described in OAR 259-060-0025 on or after November 1, 2012.¶¶

(3) Training. An applicant for certification or licensing must satisfactorily complete the applicable training requirements prescribed by these rules.¶¶

(4) Moral Fitness. All private security providers must be of good moral fitness as determined by a criminal background check, department investigation or other reliable sources.¶¶

(a) Lack of good moral fitness includes, but is not limited to, mandatory and discretionary disqualifying misconduct as described in OAR 259-060-0300.¶¶

(b) For the purposes of this standard, the Department, through the Policy Committee and the Board, has defined core values that are integral to the private security profession. These values are:¶¶

(A) Honesty. Honesty includes integrity, credibility, acting honorably and maintaining confidences;¶¶

(B) Character. Good character includes being respectful and courteous, being faithful, diligent and loyal to the employer's charge, using discretion, demonstrating compassion and exhibiting courage;¶¶

(C) Fair Treatment of Others. Fair treatment of others includes treating others equitably, demonstrating good judgment and not being discriminatory;¶¶

(D) Public Trust. Public trust includes maintaining public confidences, being law-abiding and adhering to recognized industry standards; and¶¶

(E) Respect for the laws of this state and nation.¶¶

(5) Legal Name. The Department requires use of the applicant's or private security provider's legal name as the

name of record for all Department purposes. Any certification or license issued to the private security provider will display the legal name. When a private security provider legally changes their name they must report the legal name change to the Department within 14 calendar days of the change using Form PS-23 and provide a copy of proof of the name change.

(6) Minimum Standards for Armed Certification.

(a) An applicant for certification as an armed private security professional or firearms instructor must not:

(b) Have been committed to the Oregon Health Authority under ORS 426.130, or similar order in another jurisdiction;

(c) Have been found to be mentally ill and subject to an order under ORS 426.130 prohibiting the person from purchasing or possessing a firearm as a result of that mental illness;

(d) Be prohibited under US Code Title 18, Section 922(g)(8) (relating to civil restraining orders including stalking or harassment) from possessing a firearm in interstate commerce; or

(e) Be prohibited under any law of this state or any federal law from purchasing, owning or possessing a firearm.

Statutory/Other Authority: ORS 181A.870, ORS 181A.855

Statutes/Other Implemented: ORS 181A.870, ORS 181A.855

AMEND: 259-061-0040

NOTICE FILED DATE: 07/23/2020

RULE SUMMARY: The Department's records are used to track, verify and maintain information related to each person's eligibility for licensure as a private investigator. These records are also integral to verifying background criminal history records and responding to public records requests.

This rule change establishes use of a person's legal name as the name of record for all Department purposes. All licenses issued by the Department will display the investigator's legal name. A licensed investigator or applicant will be required to notify the Department when their name is legally changed.

CHANGES TO RULE:

259-061-0040

Minimum Standards for Licensure ¶¶

(1) An applicant for licensure as a private investigator must satisfy all license qualifications pursuant to ORS 703.415 and 703.425.¶¶

(2) Legal Name. The Department requires use of the applicant's or investigator's legal name as the name of record for all Department purposes. A license issued to the investigator will display the legal name. When an investigator legally changes their name they must report the legal name change to the Department within 10 days of the change using Form PI-23 and provide a copy of proof of the name change.¶¶

(3) Moral Fitness. All private investigators must be of good moral fitness as determined by criminal background check, department investigation, or other reliable sources.¶¶

(a) Lack of good moral fitness includes, but is not limited to, mandatory or discretionary disqualifying misconduct as described in OAR 259-061-0300.¶¶

(b) For the purposes of this standard, the Department, through the Policy Committee and Board, has defined core values that are integral to the private investigator profession. These values are:¶¶

(A) Character. Good character includes being respectful and courteous, being faithful and diligent, using discretion, demonstrating compassion and exhibiting courage;¶¶

(B) Honesty. Honesty includes integrity, credibility, acting honorably, adhering to the facts and maintaining confidences;¶¶

(C) Striving for Justice. Striving for justice includes just treatment, the quality or characteristics of being just, impartial, fair and non-discriminatory;¶¶

(D) Public Trust. Public trust includes maintaining public confidences, being law-abiding and adhering to recognized industry standards; and¶¶

(E) Respect for the laws and constitutions of this state and nation.

Statutory/Other Authority: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465, 703.480

Statutes/Other Implemented: ORS 703.401 - 703.995