

## Chapter 259 Department of Public Safety Standards and Training

<b>DIVISION 1</b>		<b>259-008-0078</b>	Eligibility Requirements for Limited Duration, Administrative Positions
<b>RULEMAKING</b>		<b>259-008-0080</b>	Certification of Instructors
<b>259-001-0001</b>	Right to Amend	<b>259-008-0085</b>	Minimum Standards for Mandated Courses
<b>259-001-0005</b>	Notice of Proposed Permanent Rulemaking and Adoption of Temporary Rules	<b>259-008-0090</b>	Training Records
<b>259-001-0010</b>	Notice to Interested Persons on Proposals to Adopt, Amend, or Repeal any Administrative Rule Affecting Polygraph Examiners and Trainees	<b>259-008-0100</b>	Miscellaneous Activities of the Board or Department
<b>259-001-0015</b>	Rules of Procedure	<b>259-008-0200</b>	Civil Penalties
<b>259-001-0020</b>	Notice to Interested Persons on Proposals to Adopt, Amend or Repeal any Administrative Rule Affecting the Private Security Industry or Public Safety Agencies	<b>259-008-0220</b>	Sanctions, Generally
		<b>259-008-0250</b>	Notice of Civil Penalty
<b>DIVISION 3</b>		<b>DIVISION 9</b>	
<b>DECLARATORY RULINGS</b>		<b>FIRE SERVICE PROFESSIONALS</b>	
<b>259-003-0015</b>	Rules of Procedure	<b>259-009-0000</b>	Policies and Objectives
		<b>259-009-0005</b>	Definitions
		<b>259-009-0010</b>	Personnel Action Forms
		<b>259-009-0015</b>	Background Investigation
		<b>259-009-0020</b>	Waiver for Equivalent Training or Experience — Reciprocity
		<b>259-009-0025</b>	College Education Credits
		<b>259-009-0035</b>	Certificates Are Property of Department
		<b>259-009-0059</b>	Minimum Standards for Certification as a Fire Service Professional
		<b>259-009-0062</b>	Fire Service Professional Certification
		<b>259-009-0063</b>	Credit for Experience
		<b>259-009-0065</b>	Maintenance
		<b>259-009-0067</b>	Lapsed Certification
		<b>259-009-0070</b>	Denial/Revocation
		<b>259-009-0080</b>	Certification of Instructors
		<b>259-009-0085</b>	Certification of Courses and Classes
		<b>259-009-0087</b>	Accreditation of Fire Service Agency Training Programs
		<b>259-009-0090</b>	Training Records
		<b>259-009-0100</b>	Miscellaneous Activities of the Board or Department
<b>DIVISION 5</b>		<b>DIVISION 12</b>	
<b>CONTESTED CASES</b>		<b>OREGON PUBLIC SAFETY ACADEMY</b>	
<b>259-005-0015</b>	Rules of Procedures	<b>259-012-0005</b>	Attendance
		<b>259-012-0010</b>	Standards of Conduct
		<b>259-012-0035</b>	Penalties
<b>DIVISION 6</b>		<b>DIVISION 13</b>	
<b>POLICY COMMITTEES</b>		<b>CRIMINAL RECORDS CHECK RULES</b>	
<b>259-006-0000</b>	Policy Committees	<b>259-013-0000</b>	Statement of Purpose and Statutory Authority
<b>259-006-0005</b>	Policies and Objectives	<b>259-013-0005</b>	Definitions
		<b>259-013-0220</b>	Individuals Subject to Criminal Records Checks
		<b>259-013-0230</b>	Criminal Records Check Required
		<b>259-013-0235</b>	Refusal to Consent to a Criminal records Check
		<b>259-013-0240</b>	Oregon Criminal Records Check Process
		<b>259-013-0250</b>	National Criminal Records Check Process
		<b>259-013-0260</b>	Potentially Disqualifying Crimes
		<b>259-013-0270</b>	Record Keeping, Confidentiality
		<b>259-013-0280</b>	Immunity from Liability
		<b>259-013-0290</b>	Appeal Process
		<b>259-013-0300</b>	Fees
<b>DIVISION 7</b>		<b>DIVISION 20</b>	
<b>EXECUTIVE COMMITTEE</b>		<b>POLYGRAPH EXAMINERS LICENSING RULES</b>	
<b>259-007-0000</b>	Policy and Procedures	<b>259-020-0000</b>	Objectives
		<b>259-020-0005</b>	Definitions
		<b>259-020-0010</b>	Minimum Standards for a Polygraph Examiner Trainee License
		<b>259-020-0015</b>	Minimum Standards for a Polygraph Examiner
		<b>259-020-0020</b>	Special Licenses
<b>DIVISION 8</b>			
<b>EMPLOYMENT, TRAINING, AND CERTIFICATION</b>			
<b>259-008-0000</b>	Policies and Objectives		
<b>259-008-0005</b>	Definitions		
<b>259-008-0010</b>	Minimum Standards for Employment as a Law Enforcement Officer or Utilization as a Reserve Officer		
<b>259-008-0011</b>	Minimum Standards for Employment as a Telecommunicator and Emergency Medical Dispatcher		
<b>259-008-0015</b>	Background Investigation		
<b>259-008-0017</b>	Public Records		
<b>259-008-0020</b>	Personnel Action Reports		
<b>259-008-0025</b>	Minimum Standards for Training		
<b>259-008-0040</b>	Period of Service		
<b>259-008-0045</b>	College Education Credits		
<b>259-008-0055</b>	Appointment of Committees		
<b>259-008-0060</b>	Public Safety Officer Certification		
<b>259-008-0064</b>	Maintenance of Certification for Telecommunicators and Emergency Medical Dispatchers		
<b>259-008-0065</b>	Maintenance of Certification For Active Police Officers		
<b>259-008-0066</b>	Maintenance of Certification for Part-time Parole and Probation Officers		
<b>259-008-0067</b>	Lapsed Certification		
<b>259-008-0069</b>	Tribal Law Enforcement		
<b>259-008-0070</b>	Denial/Revocation		
<b>259-008-0075</b>	Eligibility for Candidacy for Office of Sheriff		
<b>259-008-0076</b>	Eligibility Requirements for Police Chief		

## Chapter 259 Department of Public Safety Standards and Training

259-020-0025	Expiration and Renewal of Licenses
259-020-0030	Denial, Suspension, or Revocation of Licenses
259-020-0035	License Fees
259-020-0040	License Display and Registry
259-020-0045	Polygraph Instruments
259-020-0050	Penalties
259-020-0055	Polygraph Licensing Advisory Committee
259-020-0060	Applications
259-020-0065	Licenses

### DIVISION 25

#### FEES FOR PUBLISHING, PRINTING, OR COPYING AND OTHER SERVICES

259-025-0000	Department Fees and Public Records Requests
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### DIVISION 30

#### DIRECTOR

259-030-0000	Director
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### DIVISION 50

#### DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

259-050-0005	Department of Public Safety Standards and Training
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### DIVISION 60

#### PRIVATE SECURITY SERVICES PROVIDERS RULES

259-060-0005	Objectives
259-060-0010	Definitions
259-060-0015	Private Security Provider Responsibilities
259-060-0020	Minimum Standards for Certification or Licensure
259-060-0025	Application for Certification and Licensure
259-060-0030	Temporary Assignments
259-060-0060	Minimum Standards for Training
259-060-0085	Annual Firearms Marksmanship Requalifications
259-060-0090	Challenge of Classroom Instruction
259-060-0092	Accreditation of Private Security Training Programs
259-060-0120	Private Security Professional Certification
259-060-0130	Licensing of Executive and Supervisory Manager
259-060-0135	Certification of Private Security Instructors
259-060-0145	Crowd Management, Event or Guest Services
259-060-0300	Denial/Suspension/Revocation
259-060-0450	Compliance
259-060-0500	License Fees
259-060-0600	Forms

### DIVISION 61

#### INVESTIGATOR LICENSING STANDARDS AND REGULATIONS

259-061-0005	Definitions
259-061-0010	Fees
259-061-0018	Private Investigator Responsibilities
259-061-0020	Initial and Renewal Applications
259-061-0040	Minimum Standards for Licensure
259-061-0095	Administration of the Exam
259-061-0100	Exam Results
259-061-0110	Temporary License
259-061-0120	Interim Investigators License
259-061-0130	Copying and Distribution of the Exam
259-061-0140	Educational Substitutes for Experience

259-061-0150	Provisional Investigator Upgrade to Private Investigator
259-061-0160	Applying for Inactive Status
259-061-0180	Maintaining Current Information
259-061-0200	Compliance
259-061-0240	Continuing Education Requirements
259-061-0260	Continuing Education (CE) Guidelines
259-061-0300	Denial/Suspension/Revocation

### DIVISION 70

#### PUBLIC SAFETY MEMORIAL FUND

259-070-0001	Policies and Objectives
259-070-0005	Definitions
259-070-0010	Eligibility
259-070-0020	Discretionary Benefits
259-070-0050	Transition Process for Current Beneficiaries

### DIVISION 1

#### RULEMAKING

#### 259-001-0001 Right to Amend

The Board and the Department reserve the right to amend by deletion or addition to these rules at such time as deemed appropriate, pursuant to ORS 183.335.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-001-0005

#### Notice of Proposed Permanent Rulemaking and Adoption of Temporary Rules

(1) Except as provided in ORS 183.335(7) or (12) or 183.341, before permanently adopting, amending, or repealing an administrative rule, the Department will give notice of its intended action:

(a) To legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule;

(b) To persons on the interested parties lists described in section (2) of this rule at least 28 days before the effective date of the rule;

(c) In the Secretary of State's Bulletin referred to in ORS 183.360 at least twenty-one (21) days before the effective date of the rule; and

(d) To other persons, agencies, or organizations to whom the Department is required to provide an opportunity to comment pursuant to state statute at least twenty-eight (28) days before the effective date of the rule.

(e) In addition to the above, the Department may send notice of intended action to other persons, agencies or organizations that the Department, in its discretion, believes to have an interest in the subject matter of the proposed rule at least 28 days before the effective date of the rule.

(2) Pursuant to ORS 183.335(8), the Department will maintain an interested parties list for each OAR chapter of rules for which the Department has administrative responsibility. A person, group, or entity that wants to be placed on such a list to receive notices of proposed permanent adoption, amendment, or repeal of a rule must make a request in writing or by electronic mail to the rules coordinator. The request must include either a mailing address or an electronic mail address where notices may be sent.

(3) Notices under this rule may be sent by use of hand delivery, state shuttle, postal mail, electronic mail, or facsimile. The Department recognizes state shuttle as "mail" and may use this means to notify other state agencies.

(a) An email notification under section (1) of this rule may consist of any of the following:

(A) An email that attaches the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(B) An email that includes a link within the body of the email, allowing direct access online to the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(C) An email with specific instructions within the body of the email, usually including an electronic URL (Universal Resource Locator) address, to find the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(b) The Department may use facsimile as an added means of notification, if necessary. Notification by facsimile under section (1) of this rule must include the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact, or specific instructions to locate these documents online.

(c) The Department will honor all written requests that notification be sent by postal mail instead of electronically if a mailing address is provided.

(4) If the Department adopts or suspends a temporary rule, the Department will notify:

(a) Legislators specified in ORS 183.335(15);

(b) Persons on the interested parties list described in Section (2) of this rule for the pertinent OAR chapter or pertinent subtopics or programs within an OAR chapter; and

(c) Other persons, agencies, or organizations that the Department is required to notify pursuant to state statute or federal law.

(d) In addition to the above, the Department may send notice to other persons, agencies, or organizations that the Department, in its discretion, believes to have an interest in the subject matter of the temporary rulemaking.

(4) The Department may state how and where a copy of a proposed rule or temporary rule may be obtained on paper, by electronic mail, or from a specified web site.

Stat. Auth.: ORS 181.640 & 183.341

Stats. Implemented: ORS 181.640, 183.330, 183.335 & 183.341

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 2-2009, f. & cert. ef. 4-8-09; DPSST 11-2009, f. & cert. ef. 10-15-09

#### 259-001-0010

##### Notice to Interested Persons on Proposals to Adopt, Amend, or Repeal any Administrative Rule Affecting Polygraph Examiners and Trainees

In accordance with ORS 183.341(4), to provide a reasonable opportunity for interested persons to be notified of the proposed actions affecting polygraph examiners and trainees, the Board and Department shall give notice of the proposed adoption, amendment, or repeal of rule(s):

(1) At least twenty-one (21) days prior to the effective date of the intended action, in the Secretary of State's Bulletin referred to in ORS 183.360.

(2) At least twenty-eight (28) days prior to the effective date of the intended action, by mailing or furnishing a copy of the notice to the following associations:

- (a) Northwest Polygraph Examiner's Association;
- (b) Oregon State Sheriff's Association;
- (c) Oregon Association Chiefs of Police;
- (d) Oregon Peace Officers Association;
- (e) The United Press International;
- (f) Associated Press;
- (g) Capitol Building Press Room;
- (h) Oregon Council of Police Associations;
- (i) Oregon Department of Justice;
- (j) Oregon State Police Officers Association;
- (k) Oregon State Police Headquarters;
- (l) Criminal Justice Services Division of the Executive Department of Oregon;
- (m) Oregon State Bar Association;

(n) Oregon Department of Corrections.

(3) At least twenty-eight (28) days prior to the effective date of the intended action, by mailing a copy of the notice to persons on the Board and Department mailing list established pursuant to ORS 183.335(7).

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

#### 259-001-0015

##### Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Board and Department adopt the Attorney General's Model Rules of Procedure applicable to proceedings for agency declaratory rulings under the Administrative Procedures Act as amended and in effect July, 2014.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 2-1981, f. & ef. 12-18-81; PS 1-1983, f. & ef. 12-16-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 9-2001, f. & cert. ef. 9-19-01; DPSST 13-2011, f. & cert. ef. 8-29-11; DPSST 4-2012, f. & cert. ef. 3-7-12; DPSST 23-2014, f. & cert. ef. 9-11-14; DPSST 23-2014, f. & cert. ef. 9-11-14

#### 259-001-0020

##### Notice to Interested Persons on Proposals to Adopt, Amend or Repeal any Administrative Rule Affecting the Private Security Industry or Public Safety Agencies

In accordance with ORS 183.341(4), to provide a reasonable opportunity for interested persons to be notified of the proposed actions affecting the private security industry or public or private safety agencies, the Board and Department shall give notice of the proposed adoption, amendment, or repeal of rule(s):

(1) At least twenty-one (21) days prior to the effective date of the intended action, in the Secretary of State's Bulletin referred to in ORS 183.360.

(2) At least twenty-eight (28) days prior to the effective date of the intended action, by mailing or furnishing a copy of the notice to the following associations:

- (a) All of the agencies, organizations and entities listed in OAR 259-001-0005(2);
- (b) Private Security Advisory Committee;
- (c) Oregon Private Security Council;
- (d) National Association of Security and Investigative Regulators;
- (e) American Society for Industrial Security;
- (f) Northwest Retail and Loss Prevention Association;
- (g) National Association of School Safety Professionals;
- (h) Oregon Burglar and Fire Alarm Association;
- (i) National Burglar and Fire Alarm Association;
- (j) Associated Oregon Industries;
- (k) Central Station Alarm Association.

(3) At least twenty-eight (28) days prior to the effective date of the intended action, by mailing a copy of the notice to the persons on the Board and Department mailing list established pursuant to ORS 183.335(7).

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878, 183.335 & 183.341(4)

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98



DIVISION 3

DECLARATORY RULINGS

259-003-0015

Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Board and Department adopt the Attorney General's Model Rules of Procedure applicable to proceedings for agency declaratory rulings under the Administrative Procedures Act as amended and in effect July, 2014.

Stat. Auth.: ORS 181.640(5) & 703.230(2)

Stats. Implemented: ORS 181.640(5) & 703.23(2)

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 13-2011, f. & cert. ef. 8-29-11; DPSST 4-2012, f. & cert. ef. 3-7-12; DPSST 23-2014, f. & cert. ef. 9-11-14

DIVISION 5

CONTESTED CASES

259-005-0015

Rules of Procedures

Pursuant to the provisions of ORS 183.341, the Board and Department adopt the Attorney General's Model Rules of Procedure applicable to contested cases under the Administrative Procedures Act as amended and in effect July, 2014.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 6-2000, f. & cert. ef. 9-29-00; DPSST 13-2011, f. & cert. ef. 8-29-11; DPSST 4-2012, f. & cert. ef. 3-7-12; DPSST 9-2013, f. & cert. ef. 4-1-13; DPSST 23-2014, f. & cert. ef. 9-11-14

DIVISION 6

POLICY COMMITTEES

259-006-0000

Policy Committees

(1) The Board on Public Safety Standards and Training shall establish the following policy committees:

- (a) Corrections Policy Committee;
- (b) Fire Policy Committee;
- (c) Police Policy Committee; and
- (d) Telecommunications Policy Committee; and
- (e) Private Security Policy Committee.

(2) The members of each policy committee shall select a chairperson and vice chairperson for the policy committee. Only members of the policy committee who are also members of the board are eligible to serve as a chairperson or vice-chairperson. The vice-chairperson may act as chairperson in the absence of the chairperson.

(3) The Corrections Policy Committee consists of:

- (a) All of the board members who represent the corrections discipline;
- (b) The chief administrative officer of the training division of the Department of Corrections;
- (c) A security manager from the Department of Corrections recommended by the Director of the Department of Corrections; and

(d) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person recommended by and representing the Oregon State Sheriffs' Association;

(B) Two persons recommended by and representing the Oregon Sheriff's Jail Command Council;

(C) One person recommended by and representing a statewide association of community corrections directors; and

(D) One non-management corrections officer employed by the Department of Corrections; and

(E) One corrections officer who is a female, who is employed by the Department of Corrections at a women's correctional facility and who is a member of a bargaining unit; and

(F) Two non-management corrections officers.

(4) The Fire Policy Committee consists of:

(a) All of the board members who represent the fire service discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person recommended by and representing a statewide association of fire instructors;

(B) One person recommended by and representing a statewide association of fire marshals;

(C) One person recommended by and representing community college fire programs; and

(D) One non-management firefighter recommended by a statewide organization of firefighters; and

(E) One person representing the forest protection agencies and recommended by the State Forestry Department.

(5) The Police Policy Committee consists of:

(a) All of the board members who represent the law enforcement discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person recommended by and representing the Oregon Association of Chiefs of Police;

(B) Two persons recommended by and representing the Oregon State Sheriffs' Association;

(C) One command officer recommended by and representing the Oregon State Police; and

(D) Three non-management law enforcement officers.

(6) The Telecommunications Policy Committee consists of:

(a) All of the board members who represent the telecommunications discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) Two persons recommended by and representing a statewide association of public safety communications officers;

(B) One person recommended by and representing the Oregon Association of Chiefs of Police;

(C) One person recommended by and representing the Oregon State Police;

(D) Two persons representing telecommunicators;

(E) One person recommended by and representing the Oregon State Sheriffs' Association;

(F) One person recommended by and representing the Oregon Fire Chiefs' Association;

(G) One person recommended by and representing the Emergency Medical Services and Trauma Systems Program of the Health Division; and

(H) One person representing paramedics and recommended by a statewide association dealing with fire medical issues.

(7) The Private Security Policy Committee consists of:

(a) All of the board members who represent the private security industry; and

(b) The following who may not be current board members, appointed by the chairperson of the board:

(A) One person representing unarmed private security professionals;

(B) One person representing armed private security professionals;

(C) One person representing the health care industry;

(D) One person representing the manufacturing industry;

(E) One person representing the retail industry;

(F) One person representing the hospitality industry;

(G) One person representing private business or a governmental entity that utilizes private security services;

(H) One person representing persons who monitor alarm systems;

(I) Two persons who are investigators licensed under ORS 703.430, one of whom is recommended by the Oregon State Bar and one of whom is in private practice; and

(J) One person who represents the public at large and who is not related within the second degree by affinity or consanguinity to a person who is employed or doing business as a private security professional or executive manager, as defined in ORS 181.870, or as an investigator, as defined in ORS 703.401.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 10-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 6-2002, f. & cert. ef. 4-3-02; DPSST 5-2003, f. & cert. ef. 4-11-03; DPSST 4-2010, f. & cert. ef. 6-2-10

#### 259-006-0005

##### Policies and Objectives

(1) In making appointments to the policy committees under this section, the chairperson of the board shall seek to reflect the diversity of the state's population.

(a) An appointment made by the chairperson of the board must be ratified by the board before the appointment is effective.

(b) The chairperson of the board may remove an appointed member for just cause.

(c) An appointment to a policy committee that is based on the member's employment is automatically revoked if the member changes employment.

(d) The chairperson of the board shall fill a vacancy in the same manner as making an initial appointment.

(e) The term of an appointed member is two years.

(f) An appointed member may be appointed to a second term.

(2)(a) A policy committee may meet at such times and places as determined by the policy committee in consultation with the Board.

(b) A majority of a policy committee constitutes a quorum to conduct business.

(c) A policy committee may create subcommittees if needed.

(3)(a) Each policy committee shall develop policies, requirements, standards and rules relating to its specific discipline.

(A) A policy committee shall submit its policies, requirements, standards and rules to the board for the board's consideration.

(B) When a policy committee submits a policy, requirement, standard or rule to the board for the board's consideration, the board shall:

(i) Approve the policy, requirement, standard or rule;

(ii) Disapprove the policy, requirement, standard or rule; or

(iii) Defer a decision and return the matter to the policy committee for revision or reconsideration.

(b)(A) The board may defer a decision and return a matter submitted by a policy committee under paragraph (a) of this subsection only once.

(B) If a policy, requirement, standard or rule that was returned to a policy committee is resubmitted to the board, the board shall take all actions necessary to implement the policy, requirement, standard or rule unless the board disapproves the policy, requirement, standard or rule.

(c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this subsection requires a two-thirds vote by the members of the board.

(4) At any time after submitting a matter to the board, the chairperson of the policy committee may withdraw the matter from the board's consideration.

(5) Past decisions of the advisory committees will not dictate precedence for decisions to be made by the policy committees.

(6) Policy committees are to be governed by the most recent edition of their by-laws.

Stat. Auth.: ORS 181.610 - 181.712

Stats. Implemented: ORS 181.610 - 181.712

Hist.: BPSST 10-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 6-2002, f. & cert. ef. 4-3-02

#### DIVISION 7

##### EXECUTIVE COMMITTEE

#### 259-007-0000

##### Policy and Procedures

(1) An executive committee of the Board on Public Safety Standards and Training is created consisting of the chairperson of the board, and the chairpersons of the policy committees created by ORS 181.610 to 182.712.

(2) If necessary, the executive committee shall reconcile inconsistencies in policies among the policy committees and the advisory committee. The executive committee shall recommend agenda items for meetings of the board and indicate if a board vote is requested on particular agenda items. The executive committee shall meet as necessary to consider legislative concepts, budgets, grants and other matters that arise between regular board meetings.

(3) Except as otherwise provided in this subsection, only those members of the executive committee who are chairpersons of a policy or advisory committee may vote. A majority of the executive committee constitutes a quorum to transact business. If the chairperson of the executive committee is not a chairperson of a policy committee, the chairperson may vote only in the case of a tie vote of the other members.

Stat. Auth.: ORS 181.610 - 181.712

Stats. Implemented: ORS 181.610 - 181.712

Hist.: BPSST 11-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 7-2002, f. & cert. ef. 4-3-02; DPSST 4-2010, f. & cert. ef. 6-2-10

#### DIVISION 8

##### EMPLOYMENT, TRAINING, AND CERTIFICATION

#### 259-008-0000

##### Policies and Objectives

(1) The Board and Department adopt the following policies in response to ORS 181.630:

(a) The Board and Department exist to develop talented individuals into public safety providers who are:

(A) Culturally competent;

(B) Ethically, physically and emotionally fit; and

(C) Well trained, highly skilled and responsive to the needs of their communities.

(b) The Board and Department will promote the safety, efficiency, effectiveness, self-sufficiency and competence of public safety agencies and professionals.

(c) The Board and Department will encourage participation among public and private security, law enforcement, telecommunications and corrections organizations, the related organizations with whom they work as well as the interests of the communities they serve.

(d) The Board and Department will work together on matters related to public safety standards, training and certification.

(e) The Board may adopt or approve any policy, standard or minimum requirement related to public safety certifications and training.

(f) The Department may administer operations and procedures and implement or apply the policies and standards of the Board.

(g) The Department is a full department of the state.

(2) The objectives of the Board and Department are:

(a) To improve public safety services in Oregon by raising the level of competence of public safety personnel and their support staffs:

(A) By setting minimum standards for all levels of career development in areas such as employment; promotion; education; physical, emotional, intellectual, and moral fitness; and any other matter that relates to the competence and reliability of a person seeking employment or promotion within public safety.

(B) By setting minimum standards for training and certifying public safety personnel for all levels of professional development, basic through executive;

(C) By providing, sponsoring, certifying or coordinating training courses for public safety personnel.

(b) To conduct and stimulate research to improve the police, fire service, corrections, adult parole and probation, emergency medical dispatch and telecommunicator professions.

Stat. Auth.: ORS 181.630 & 181.640

Stats. Implemented: ORS 181.630 & 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0000, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 14-2009, f. & cert. ef. 12-15-09; DPSST 11-2015, f. 6-23-15, cert. ef. 7-1-15

### 259-008-0005

#### Definitions

(1) "Academy Training Division" means the division of the Department which coordinates and facilitates criminal justice training courses to include the development, evaluation, and validation of curriculum and training.

(2) "Assistant Department Head" means a public safety officer employed in the first position subordinate to a Department Head who is primarily responsible for supervision of middle managers and supervisors.

(3) "Board" means the Board on Public Safety Standards and Training.

(4) "Casual employment" means employment that is occasional, irregular, or incidental for which the employee does not receive seniority rights or fringe benefits.

(5) "Certified Reserve Officer" means a reserve officer who has been designated by a local law enforcement unit, has received training necessary for certification and has met the minimum standards and training requirements established under ORS 181A.410.

(6) "Commissioned" means being authorized to perform various acts or duties of a police officer, certified reserve officer or reserve officer and acting under the supervision and responsibility of a county sheriff or as otherwise provided by law.

(7) "Community College" means a public institution operated by a community college district for the purpose of providing courses of study limited to not more than two years full-time attendance and designed to meet the needs of a geographical area by providing educational services, including, but not limited to, vocational or technical education programs or lower division collegiate programs.

(8) "Corrections Officer" means an officer or member employed full-time by a law enforcement unit who:

(a) Is charged with and primarily performs the duty of custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined in a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles;

(b) Has been certified as a corrections officer described in paragraph (a) of this subsection and has supervisory or management authority for corrections officers as described in paragraph (a) of this subsections; or

(c) Is any full-time employee of the Department who possesses the requisite qualifications and is so certified pursuant to ORS 181A.520.

(9) "Department" and "DPSST" means the Department of Public Safety Standards and Training.

(10) "Department Head" means the chief of police, sheriff, or chief executive of a law enforcement unit or a public or private safety agency directly responsible for the administration of that unit or agency.

(11) "Director" means the Director of the Department of Public Safety Standards and Training.

(12) "Educational Credits" are credits earned for studies satisfactorily completed at an accredited post-secondary education institution recognized under OAR 259-008-0045.

(13) "Emergency Medical Dispatcher" means a person who has responsibility to process requests for medical assistance from the public or to dispatch medical care providers.

(14) "First-Level Supervisor" means a public safety officer employed in a position between the operational level and the middle manager, who is primarily responsible for the direct supervision of subordinates. A first level supervisor position does not include a position with limited or acting supervisory responsibilities.

(15) "Full-time employment" means the employment of a person who has the responsibility for, and is paid to perform the duties of a public safety professional for more than 80 hours per month for a period of more than 90 consecutive calendar days. For purposes of this rule, any employment that meets the definition of seasonal, casual, or temporary employment is not considered full-time employment as a public safety professional.

(16) "High School" is a school accredited as a high school by the Oregon Department of Education, a school accredited as a high school by the recognized regional accrediting body, or a school accredited as a high school by the state university of the state in which the high school is located.

(17) "Instructor" means an individual who has completed the requisite training and certification requirements prescribed by statute, rule, and policy and has been certified by the Department. The Department will only certify instructors who instruct mandated courses.

(18) "Law Enforcement Officers" means police, corrections, parole and probation officers and regulatory specialists as described in the Public Safety Standards and Training Act.

(19) "Law Enforcement Unit" means:

(a) A police force or organization of the state, a city, university that has established a police department under ORS 352.383 or 353.125, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal governments as defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Department or common carrier railroad the primary duty of which, as prescribed by law, ordinance, or directive, is any one or more of the following:

(A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(B) The custody, control, or supervision of individuals convicted of or arrested for a criminal offense and confined to a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or

(C) The control, supervision, and reformation of adult offenders placed on parole or sentenced to probation and investigation of adult offenders on parole or probation or being considered for parole or probation.

(b) A police force or organization of a private entity with a population of more than 1,000 residents in an unincorporated area the employees of which are commissioned by a county sheriff;

(c) A district attorney's office;

(d) The Oregon Liquor Control Commission with regard to regulatory specialists; or

(e) A humane investigation agency as defined in ORS 181.433.

(20) "Leave" means an authorized absence granted to a public safety professional by their employing public or private safety agency.

(21) "Limited Duration, Administrative Position" means a non-elected, certifiable public safety position where the primary duties relate to the administration, operation, and accountability of a public safety agency, including, but not limited to, the responsibility for command assignments and the supervision of subordinate managers.

(a) Primary duties are regular or recurring supervisory or managerial duties that are performed in a continuous manner and are the foundation of a limited duration, administrative position.

(b) Non-supervisory or non-managerial public safety duties, such as patrol, criminal investigations, or enforcement actions are not primary duties of a limited duration, administrative position.



## Chapter 259 Department of Public Safety Standards and Training

(22) “Middle Manager” means a public safety officer working in a position that is between a first-level supervisor and a department head, who is primarily responsible for management and command duties. A middle manager position does not include a position with limited or acting middle management duties.

(23) “Part-time Employment” means the employment of a person who has the responsibility for, and is paid to perform the duties of a public safety professional for 80 hours or less per month for a period of more than 90 consecutive calendar days.

(24) “Parole and Probation Officer” means:

(a) An officer who is employed full-time by the Department of Corrections, a county or a court and who is charged with and performs the duty of:

(A) Community protection by controlling, investigating, supervising, and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(B) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(b) Any officer who:

(A) Is certified and has been employed as a full-time parole and probation officer for more than one year;

(B) Is employed part-time by the Department of Corrections, a county or a court; and

(C) Is charged with and performs the duty of:

(i) Community protection by controlling, investigating, supervising, and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(ii) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(c) A full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181A.520.

(25) “Police Officer” means:

(a) An officer, member or employee of a law enforcement unit employed full-time as a peace officer who is:

(A) Commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.383 or 353.125, the Governor or the Department of State Police; and

(B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(b) An investigator of a district attorney’s office if the investigator is or has been certified as a peace officer in this or another state;

(c) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;

(d) A humane special agent commissioned under ORS 181.443;

(e) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181.647; or

(f) Any full-time employee of the Department who possesses the requisite qualifications and is so certified pursuant to ORS 181A.490.

(26) “Public or private safety agency” means:

(a) A law enforcement unit; or

(b) A unit of state or local government, a special purpose district or a private firm that provides, or has authority to provide, police, ambulance or emergency medical services.

(27) “Public Safety Personnel” and “Public Safety Officer” include corrections officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, reserve officers, telecommunicators and regulatory specialists.

(28) “Public Safety Professional” includes public safety personnel, public safety officers, and instructors.

(29) “Regulations” mean written directives established by the Department or its designated staff describing training activities and student procedures at the Oregon Public Safety Academy.

(30) “Regulatory Specialist” means a full-time employee of the Oregon Liquor Control Commission (OLCC) who is authorized to act as an agent of the OLCC in conducting inspections or investigations, making arrests and seizures, aiding in prosecutions for offenses, issuing citations for violations and otherwise enforcing Chapter 471, ORS 474.005 to 474.095 and 474.115, OLCC rules and any other statutes the OLCC considers related to alcoholic liquor or marijuana.

(31) “Reimbursement” is the money allocated from the Police Standards and Training Account, established by ORS 181A.665, to a law enforcement unit meeting the requirements of these regulations to defray the costs of officer salaries, relief duty assignments, and other expenses incurred while officers attend approved training courses certified by the Department.

(32) “Reserve Officer” means an officer or member of a law enforcement unit who is:

(a) A volunteer or employed less than full time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.383 or 353.125, the Governor, or the Department of State Police;

(b) Armed with a firearm; and

(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.

(33) “Seasonal Employment” means employment that can be carried on only at certain seasons or fairly definite portions of the year, with defined starting and ending dates based on a seasonally determined need.

(34) “Staff” means those employees occupying full-time, part-time, or temporary positions with the Department.

(35) “Standards and Certification” means the division of the Department which implements and regulates compliance with Board-established, statewide standards for public safety professionals. Standards and Certification oversees the issuance, maintenance, denial, suspension or revocation of public safety certifications.

(36) “Suspension” means the administrative inactivation of a certificate issued by the Department until maintenance requirements or other administrative requirements for certification are met and certification is restored.

(37) “Telecommunicator” means:

(a) A person employed as an emergency telephone worker as defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing and transmitting public safety information received through a 9-1-1 emergency reporting system as defined in ORS 403.105; or

(b) A full-time employee of the Department who possesses the requisite qualifications and is so certified pursuant to ORS 181A.520.

(38) “Temporary employment” means employment that lasts no more than 90 consecutive calendar days and is not permanent.

(39) “The Act” refers to the Public Safety Standards and Training Act (ORS 181A.355 to 181A.265).

(40) “Waiver” means to refrain from pressing or enforcing a rule.

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0010, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 3-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-2000, f. & cert. ef. 9-29-00; BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 12-2006, f. & cert. ef. 10-13-06; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 6-2012, f.

& cert. ef. 3-27-12; DPSST 24-2012, f. & cert. ef. 10-26-12; DPSST 31-2012, f. & cert. ef. 12-27-12; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 5-2014, f. & cert. ef. 1-29-14; DPSST 7-2015, f. & cert. ef. 3-24-15; DPSST 11-2015, f. 6-23-15, cert. ef. 7-1-15; DPSST 18-2015, f. 12-22-15, cert. ef. 1-1-16; DPSST 4-2016, f. 3-22-16, cert. ef. 4-1-16

### 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.

(b) A person may not be employed as a police officer, parole and probation officer or a regulatory specialist for more than 18 months unless the person is a citizen of the United States.

(c) The citizenship requirement found in (b) 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) Criminal Records. No law enforcement officer may have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law 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) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

##### (5) Notification of Conviction:

(a) A law enforcement officer who is convicted of a crime, as identified in OAR 259-008-0070, while employed by a public or private safety agency must notify the department head within 72 hours of the conviction.

(b) When an agency receives notification of a conviction from its employee, or another source, they must notify the Department within five business days. The notification to the Department must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of the conviction.

(6) Moral Fitness (Professional Fitness). All law enforcement officers must be of good moral fitness. For purposes of this standard, lack of good moral fitness includes, but is not limited to:

(a) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(b) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

##### (7) 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.

##### (8) 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.

(A) The critical and essential tasks for law enforcement officers have been determined by the following:

(i) The 2015 DPSST Job Task Analysis for Police Officers;

(ii) The 2011 DPSST Job Task Analysis for Parole & Probation Officers;

(iii) The 2012 DPSST Job Task Analysis for Corrections Officers; and

(iv) 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 spirometers (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.

(9) Medical Examinations.

(a) To ensure that law enforcement officers and applicants meet the minimum physical standards listed in section (8) 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 (8) 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 (10) 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.

(10) Physical Standard Waivers.

(a) An individual or department head may request a waiver of any physical standard in section (8) 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 (8) of this rule, the Department will issue Notice and proceed as provided in section (10)(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.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.410, 183.341

Stats. Implemented: 181A.410, 183.341

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1987, f. & ef. 10-26-87;

Renumbered from 259-010-0015, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 4-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99; BPSST 9-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 3-2001, f. & cert. ef. 8-22-01; BPSST 12-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp), f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-2002; BPSST 20-2002, f. & cert. ef. 11-21-02; DPSST 3-2003, f. & cert. ef. 1-22-03; DPSST 6-2003, f. & cert. ef. 4-11-03; DPSST 8-2003, f. & cert. ef. 4-18-03; DPSST 14-2003, f. & cert. ef. 12-22-03; DPSST 3-2006, f. & cert. ef. 2-28-06; DPSST 12-2006, f. & cert. ef. 10-13-06; DPSST 10-2007, f. & cert. ef. 10-15-07; DPSST 13-2007(Temp), f. & cert. ef. 11-1-07 thru 4-18-08; DPSST 1-2008(Temp), f. & cert. ef. 1-15-08 thru 4-18-08; DPSST 4-2008, f. & cert. ef. 4-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 10-2009, f. & cert. ef. 9-21-09; DPSST 9-2011, f. & cert. ef. 6-28-11; DPSST 14-2011, f. 9-26-11, cert. ef. 10-1-11; DPSST 18-2012, f. & cert. ef. 8-27-12; DPSST 19-2012, f. & cert. ef. 8-31-12; DPSST 18-2013, f. & cert. ef. 7-23-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 13-2014, f. & cert. ef. 6-24-14; DPSST 32-2014, f. 12-29-14, cert. ef. 1-1-15; DPSST 7-2015, f. & cert. ef. 3-24-15; DPSST 11-2015, f. 6-23-15, cert. ef. 7-1-15; DPSST 18-2015, f. 12-22-15, cert. ef. 1-1-16; DPSST 4-2016, f. 3-22-16, cert. ef. 4-1-16; DPSST 11-2016, f. 7-25-16, cert. ef. 7-29-16

## 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) Criminal Records. No telecommunicator or emergency medical dispatcher will have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law 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 (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

#### (3) Notification of Conviction:

(a) A telecommunicator or emergency medical dispatcher who is convicted of a crime as identified in OAR 259-008-0070 while employed by a public or private public safety agency must notify the department head within 72 hours of conviction.

(b) When an agency receives notification of a conviction from its employee or another source, they must notify the Department within five (5) business days. The notification to the Department must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of conviction.

(4) Moral Fitness (Professional Fitness). All telecommunicators and emergency medical dispatchers must be of good moral fitness. For purposes of this standard, lack of good moral fitness includes, but is not limited to:

(a) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(b) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

#### (5) 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.

(6) 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.

#### (7) 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 2010 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.

(8) Medical Examinations.

(a) To ensure that telecommunicators, emergency medical dispatchers, and applicants meet the minimum physical standards listed in section (7) 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 (7) 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 (9) 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.

(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 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 (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: 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.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

Hist.: BPSST 1-2002, f. & cert. ef. 2-6-02; DPSST 1-2004, f. 1-16-04, cert. ef. 1-20-04; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 10-2007, f. & cert. ef. 10-15-07; DPSST 5-2008, f. & cert. ef. 4-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 6-2009, f. & cert. ef. 7-13-09; DPSST 9-2010(Temp), f. & cert. ef. 10-15-10 thru 4-12-11; DPSST 13-2010, f. & cert. ef. 12-23-10; DPSST 9-2011, f. & cert. ef. 6-28-11; DPSST 14-2011, f. 9-26-11, cert. ef. 10-1-11; DPSST 5-2012, f. & cert. ef. 3-26-12; DPSST 19-2012, f. & cert. ef. 8-31-12; DPSST 18-2013, f. & cert. ef. 7-23-13; DPSST 13-2014, f. & cert. ef. 6-24-14; DPSST 32-2014, f. 12-29-14, cert. ef. 1-1-15; DPSST 7-2015, f. & cert. ef. 3-24-15; DPSST 10-2015, f. 6-23-15, cert. ef. 7-1-15; DPSST 6-2016, f. 3-22-16, cert. ef. 4-1-16; DPSST 11-2016, f. 7-25-16, cert. ef. 7-29-16

**259-008-0015**

**Background Investigation**

(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 to determine if applicant is of good character.

(a) The background investigation must include, but is not limited to, investigation into the following:

(A) Criminal history and arrests;

(B) Department of Motor Vehicles (DMV) records;

(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 include, 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;

(I) Records checks, which may include, but are not limited to:

(i) Police records, district attorney, court and Oregon Judicial Information Network (OJIN) records;

(ii) Open sources or social media, as permitted by law;

(iii) Financial information, as permitted by law; and

(iv) Department of Public Safety Standards and Training Professional Standards records.

(J) Residential history; and

(K) Work eligibility.

(b) Each individual being considered for employment or utilization as a public safety professional must provide a notarized personal history statement. The statement must include, but is not limited to:

(A) Verification of the background information referred to in section (1)(a);

(B) A complete list of all public safety agencies an individual has applied with; and

(C) 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.

(2) Results of the background investigation on all public safety professionals must be retained by the public or private safety agency in accordance with the Secretary of State's Record Retention Schedule and must be available for review at any reasonable time by the Department.

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

Hist.: PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0021, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 1-2010, f. & cert. ef. 1-11-10; DPSST 2-2010, f. & cert. ef. 3-15-10; DPSST 31-2014, f. & cert. ef. 12-29-14; DPSST 4-2016, f. 3-22-16, cert. ef. 4-1-16

## 259-008-0017

### Public Records

(1) A private safety agency that employs a public safety professional subject to the Department's certification requirements must retain all documentation related to a public safety professional's employment, training and certification in a manner, and for the period of time, consistent with the requirements of the Secretary of State's administrative rules relating to records retention by public bodies.

(2) Documentation related to a public safety professional's employment, training and certification includes, but is not limited to:

(a) Any documentation related to an employment investigation, or pending or final disciplinary action related to a public safety professional;

(b) A public safety professional's personnel record, including any documentation related to a personnel investigation or disciplinary action;

(c) A public safety professional's training record;

(d) A public safety professional's payroll records.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: DPSST 3-2010, f. 4-12-10, cert. ef. 5-1-10

## 259-008-0020

### Personnel Action Reports

(1) All public or private safety agencies and the Academy Training Division must submit the name and other pertinent information concerning any newly appointed public safety professional to Standards and Certification on a Personnel Action Report (DPSST Form F-4) within 10 business days after employment or utilization.

(a) A DPSST number will be established for each newly appointed employee identified on a Personnel Action Report if:

(A) The individual is employed in a certifiable position.

(B) The individual is employed or utilized as a reserve police officer; or

(C) 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. These positions may include, but are not limited to:

(i) A federal officer authorized by the Department to make arrests under ORS 133.245;

(ii) An individual who operates an Intoxilyzer or other law enforcement device for which a DPSST number is necessary; or

(iii) An individual who is required to file a police or other criminal justice report for which a DPSST number is necessary.

(b) No DPSST number will be assigned to an individual who has not been identified as a newly appointed public safety professional unless approved by the Department.

(2) Whenever a public safety officer resigns, retires, or terminates employment, is promoted, demoted, discharged, deceased, is on leave for 91 days or more, or transfers within a private or public safety agency, the agency must report this information to Standards and Certification on a Personnel Action Report within 10 business days of the action.

(3) Whenever a certified instructor resigns, retires, terminates employment, is discharged or deceased, the agency must report this information to Standards and Certification on a Personnel Action Report within 10 business days of the action.

(4) All applicable sections of the Personnel Action Report must be completed and signed by the department head or an authorized representative.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0050, PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0026, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 2-2001, f. & cert. ef. 2-8-01; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 6-2009, f. & cert. ef. 7-13-09; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 5-2014, f. & cert. ef. 1-29-14; DPSST 4-2016, f. 3-22-16, cert. ef. 4-1-16; DPSST 10-2016, f. 7-25-16, cert. ef. 7-29-16

## 259-008-0025

### Minimum Standards for Training

(1) Basic Training.

(a) The prescribed basic training course and field training manual must be completed by all corrections officers no later than 12 months from the date of employment in a certifiable position.

(b) The prescribed basic training course and field training manual must be completed by all police officers, parole and probation officers, telecommunicators, emergency medical dispatchers and regulatory specialists no later than 18 months from the date of employment in a certifiable position.

(c) Corrections and police officers who have not completed the prescribed basic course must begin training within 90 days of their initial date of employment as a law enforcement officer.

(d) All prescribed field training will be conducted under the supervision of the employing agency. The employing agency must provide proof of completion prior to the award of basic certification.

(e) Regulatory specialists employed by OLCC prior to July 1, 2015, who have previously completed OLCC basic training may be exempted from completion of the basic regulatory specialist course.

(f) Law enforcement officers employed in a limited duration, administrative position, as described in OAR 259-008-0078, are exempted from these minimum training requirements.

(2) Additional Training Requirements.

(a) Law enforcement officers who have previously completed the prescribed basic course but have not been employed full-time as a law enforcement officer within the past five years will be required to satisfactorily complete the prescribed basic course and field training manual in its entirety prior to reactivation of certification.

(b) Law enforcement officers who have previously completed the prescribed basic course but have not been employed full-time as a law enforcement officer for over two and one-half years but less than five years must complete the prescribed career officer development course and field training manual prior to reactivation of certification.

(c) Telecommunicators and emergency medical dispatchers (EMD) who have previously completed the prescribed basic course but have not been employed as a telecommunicator or EMD within the past two and one-half years will be required to satisfactorily complete the prescribed basic course and field training manual in its entirety prior to reactivation of certification.

(d) Training timelines for career officer development courses will be established by the Department.

(3) Waivers of the Minimum Training Standards for Law Enforcement Officers.

(a) The Department may waive any portion of the minimum training standards upon finding that a law enforcement officer has the current knowledge, skills and abilities to perform as a law enforcement officer in Oregon. For the purposes of this standard, demonstration of current knowledge, skills and abilities as an Oregon law enforcement officer must include full-time employment within the past five years which demonstrates the individual has maintained a level of knowledge, skills and abilities comparable to those of an active law enforcement officer in Oregon, including the authorization to provide law enforcement services or the responsibility of enforcing criminal law.

(b) Reciprocity. Law enforcement officers who have been employed by a public or private safety agency in another state and have previously completed a basic training course deemed by the Department to meet or exceed Oregon's minimum training standards may be granted a waiver of the basic training course. These officers will be required to complete the prescribed career officer development course and field training manual.

(c) Waiver requests must be made in writing by the employing agency and must include any supporting documentation, to include a written request for a waiver from the officer's employing agency, a copy of any previously completed course including documentation of course content with hour and subject breakdown of the training, and the officer's employment history.

(d) The Department may request additional information. Any expenses associated with providing waiver documentation will be the responsibility of the requesting agency.

(e) Notwithstanding section (4), waivers are not available for the basic telecommunications course or basic emergency medical dispatcher course.

(4) Challenge of the Minimum Training Standards for Telecommunicators. Telecommunicators who have been employed by a public or private safety agency in another state within the past two and one-half years and have previously completed a basic training course deemed by the Department to meet or exceed Oregon's minimum training standards may challenge the basic telecommunications course.

(a) Challenge requests must be made by the department head of the telecommunicator's employing agency. Requests must include proof of successful completion of prior equivalent training including documentation of the course content with hour and subject breakdown of the training.

(b) The telecommunicator must obtain a minimum passing score on all written examinations for the basic course and demonstrate an acceptable performance level.

(c) Telecommunicators who fail the written examination or fail to demonstrate an acceptable performance level will be required to complete the basic telecommunications course and field training manual in its entirety.

(d) Telecommunicators will be given one opportunity to challenge the basic telecommunications course.

(5) Supervision Course. Public safety officers who are promoted, appointed or transferred to a first-level supervisory position must satisfactorily complete the Supervision course or equivalent

training that complies with the requirements outlined in the DPSST Form F-21.

(a) The required training must be completed no later than 12 months after the promotion, appointment or transfer.

(b) Applicable training that occurred within five years prior to the promotion, appointment or transfer may be accepted by the Department as satisfying the Supervision training requirement.

(6) Middle Management Course. Public safety officers who are promoted, appointed or transferred to a middle management position must satisfactorily complete the Middle Management course or equivalent training that complies with the requirements outlined in the DPSST Form F-22.

(a) The required training must be completed no later than 12 months after the promotion, appointment or transfer.

(b) Applicable training that occurred within five years prior to the promotion, appointment or transfer may be accepted by the Department as satisfying the Middle Management training requirement.

(7) Time Extensions. The Department may grant a time extension upon presentation of evidence by a public or private safety agency that a public safety officer is unable to meet the timelines prescribed in sections (1), (5) and (6) due to an authorized leave of absence or any other reasonable cause as determined by the Department.

(a) Time extensions of the requirements found in sections (1)(a), (1)(b), (5) and (6) will not exceed one year.

(b) Time extensions of the requirements found in subsection (1)(c) will not exceed 30 days.

(c) Any delays caused by the inability of the Department to provide basic training for any reason will not be counted towards the time requirements found in subsections (1)(a), (b) or (c).

(8) Notwithstanding this rule, the Department may prescribe additional training for Basic certification, up to and including completion of the full Basic course, in situations in which previous periods of employment have been limited.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.410

Stats. Implemented: 181A.410

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1982, f. & ef. 7-2-82; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0030, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 5-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 13-2001(Temp), f. & cert. ef. 10-26-01 thru 4-10-02; BPSST 2-2002, f. & cert. ef. 2-6-02; BPSST 8-2002, f. & cert. ef. 4-3-02; BPSST 15-2002, f. & cert. ef. 7-5-02; DPSST 14-2003, f. & cert. ef. 12-22-03; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 3-2007, f. & cert. ef. 1-12-06; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 9-2008, f. & cert. ef. 7-15-08; DPSST 14-2008, f. & cert. ef. 10-15-08; DPSST 3-2009, f. & cert. ef. 4-8-09; DPSST 8-2009(Temp), f. & cert. ef. 9-15-09 thru 3-1-10; DPSST 15-2009, f. & cert. ef. 12-15-09; DPSST 3-2010, f. 4-12-10, cert. ef. 5-1-10; DPSST 2-2011, f. 3-23-11, cert. ef. 5-1-11; DPSST 13-2012(Temp), f. & cert. ef. 5-8-12 thru 10-1-12; DPSST 17-2012, f. & cert. ef. 8-24-12; DPSST 6-2013, f. & cert. ef. 3-8-13; DPSST 15-2013, f. & cert. ef. 6-25-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 2-2014, f. & cert. ef. 1-2-14; DPSST 10-2014, f. & cert. ef. 4-10-14; DPSST 7-2015, f. & cert. ef. 3-24-15; DPSST 11-2015, f. 6-23-15, cert. ef. 7-1-15; DPSST 18-2015, f. 12-22-15, cert. ef. 1-1-16; DPSST 5-2016, f. & cert. ef. 3-22-16

## **259-008-0040**

### **Period of Service**

(1) A law enforcement officer, telecommunicator, or emergency medical dispatcher who is not certified must complete no less than nine months of service in the field in which they are employed, to be eligible for certification. This requirement does not apply to a department head.

(2) No person may be employed as a police officer, parole and probation officer, telecommunicator, emergency medical dispatcher, or regulatory specialist for more than 18 months unless that officer, telecommunicator, emergency medical dispatcher or regulatory specialist has been certified under the provisions of ORS 181A.355 to 181A.420 and the certification has neither lapsed nor been revoked.

(3) No person may be employed as a corrections officer for more than one year unless that officer has been certified under the provisions of ORS 181A.355 to 181A.420 and the certification has neither lapsed nor been revoked.

(4) For purposes of this rule, the Department will count all periods of full-time employment identified in subsection (2) and (3) in the aggregate if:

(a) An individual was reclassified from a certifiable position to a non-certifiable position for a period of less than six months; and

(b) The individual is then returned to a certifiable position in the same discipline, while employed with the same employer.

(5) The Board or its designee, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in section (2) or (3) of this rule. If the Board finds that there is good cause for such failure, the Board may extend for up to one year the period that a person may serve as a law enforcement officer, telecommunicator, or emergency medical dispatcher without certification. The grant or denial of such an extension is within the sole discretion of the Board.

(6) The Board, or its designee, may further extend the time period for a law enforcement officer, telecommunicator, or emergency medical dispatcher who has been deployed to full-time active military duty during the time period described in section (2) or (3) of this rule. Conditions for certification upon an individual's return to his or her employer, may include, but are not limited to:

(a) Remediation of Basic course;

(b) Successful completion of Career Officer Development Course;

(c) Demonstrated proficiency of skills and ability;

(d) F-2 or F-2T (Medical Form).

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: 181A.410

Stats. Implemented: 181A.410

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0020, PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0047, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 13-2001(Temp), f. & cert. ef. 10-26-01 thru 4-10-02; BPSST 8-2002, f. & cert. ef. 4-3-02; DPSST 7-2005, f. & cert. ef. 8-5-05; DPSST 3-2010, f. 4-12-10, cert. ef. 5-1-10; DPSST 11-2015, f. 6-23-15, cert. ef. 7-1-15; DPSST 18-2015, f. 12-22-15, cert. ef. 1-1-16

#### **259-008-0045**

##### **College Education Credits**

(1) Credit for preservice or inservice college education will not be accepted in lieu of the Basic Course described in OAR 259-008-0025.

(2) College credits must be combined with experience and training in determining eligibility for Intermediate, Advanced, Supervisory, Management, and Executive Certification.

(3) College credits or degrees used for certification must have been earned from the following:

(a) A degree-granting community college, college or university accredited by a recognized national or regional accrediting body; or

(b) A community college, college or university whose coursework or degree has been accepted for credit by a degree granting community college, college or university accredited by a recognized national or regional accrediting body.

(c) A degree-granting college or university recognized by the Oregon Office of Degree Authorization under the provisions of ORS 348.604.

(d) For purposes of this rule, a recognized national or regional accrediting body is one recognized by the U.S. Department of Education, or the Council on Higher Education Accreditation (CHEA), or its predecessor.

(4) Any college credits obtained in a foreign country, which are claimed to be comparable to credits or a degree granted by a licensing body in the United States or US Territories must be evaluated by a credentialing agency that is a member of the National

Association of Credential Evaluation Services (NACES). The credentialing agency must send an evaluation to the Department for approval, at the applicant's expense, before any educational credit is accepted as equivalent.

(5) Certification Credit. The Department must receive sealed official transcripts from a college prior to entering college credit on an applicant's official record. Evaluation of these credits is subject to the conditions prescribed in sections (3) and (4) of this rule and OAR 259-008-0060.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0025, PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0051, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 5-1999, f. & cert. ef. 7-29-99; BPSST 4-2001, f. & cert. ef. 8-22-01; DPSST 4-2006, f. & cert. ef. 2-28-06; DPSST 9-2008, f. & cert. ef. 7-15-08

#### **259-008-0055**

##### **Appointment of Committees**

(1) Appointment of Committees: The Board may establish committees to study issues relevant to the Board's jurisdiction, and to assist in the conduct of its business. The Board may appoint individual Board members to serve as liaison to such other groups, committees, or organizations as deemed appropriate.

(2) Policy Committees: The Board shall establish policy committees pursuant to OAR 259-006-0000.

Stat. Auth.: ORS 181.640 & 181.765

Stats. Implemented: ORS 181.640 & 181.765

Hist.: PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 10-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 6-2002, f. & cert. ef. 4-3-02

#### **259-008-0060**

##### **Public Safety Officer Certification**

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

(2) Supervisory, Management, and Executive Certificates are awarded to law enforcement officers and telecommunicators meeting the prescribed standards in section (1) of this rule and the ranks established by the employing law enforcement units, or public or private safety agencies.

(3) Basic certification is mandatory and must be acquired by all police officers, parole and probation officers, telecommunicators, emergency medical dispatchers, and regulatory specialists within 18 months of employment, and by all corrections officers within 12 months of employment, unless an extension is granted by the Department.

(4) To be eligible for the award of a certificate, law enforcement officers must:

(a) Be full-time employees as defined in OAR 259-008-0005 or part-time parole and probation officers, as defined in OAR 259-008-0066.

(b) Meet the prescribed minimum employment standards in OAR 259-008-0010;

(c) Law enforcement officers must subscribe to and swear or affirm to abide by the Criminal Justice Code of Ethics (Form F-11); and

(d) Have valid first aid and cardiopulmonary resuscitation (CPR) certification.

(5) To be eligible for the award of a certificate, telecommunicators and emergency medical dispatchers must:

(a) Meet the prescribed minimum employment standards as established by OAR 259-008-0011;

(b) Subscribe to and swear or affirm to abide by the Telecommunicator Code of Ethics (Form F-11T); and

(c) Have valid first aid and cardiopulmonary resuscitation (CPR) certification.



(6) Applications for certification must:

(a) Be submitted on Form F-7 (Application for Certification), with all applicable sections completed and signed by the applicant.

(b) Be signed by the employing agency's department head or authorized representative recommending that requested certification be issued. The department head's signature affirms that the applicant meets the minimum standards for employment, training, education, and experience and is competent to hold the level of certification being applied for.

(7) When a department head is the applicant, the above recommendation must be made by the department head's appointing authority, such as the city manager or mayor, or in the case of a specialized agency, the applicant's superior. Elected department heads are authorized to sign as both applicant and department head.

(8) In addition to the requirements in sections (1) through (7) of this rule, each applicant must have completed the designated education and training, combined with the prescribed corrections, parole and probation, police, regulatory specialist or telecommunications experience for the award of an Intermediate, Advanced, Supervisory, Management, or Executive Certificate.

(a) Each quarter credit unit granted by an accredited college or university which operates on a quarterly schedule will equal one education credit.

(b) Each semester credit unit granted by an accredited college or university operating on a semester schedule will equal 1-1/2 education credits.

(c) The Department must receive sealed official transcripts from a college prior to entering college credit on an individual's official record.

(9) Training:

(a) Basic courses certified by the Department will be approved by the Board.

(b) The Department may record training hours for departmental or other in-service training which is recorded and documented in the personnel files of the trainee's department. These records must include the subject, instructor, classroom hours, date, sponsor, and location.

(c) Training completed in other states, military training, and other specialized training, if properly documented, may be accepted, subject to staff evaluation and approval. These records must include the subject, date, and classroom hours, and must be certified true copies of the original.

(d) College credits earned may be counted for either training hours or education credits, whichever is to the advantage of the applicant.

(e) College credit awarded based on training completed may be applied toward either training hours or education credits, whichever is to the advantage of the applicant.

(A) Prior to applying an applicant's college credit toward any upper level of certification, the Department must receive documentation of the number of college credits awarded based on training attended.

(B) The training hours identified under section (9) (e) (A) and submitted as college credit toward an upper level of certification will not be included in any calculation of whether the applicant has earned sufficient training hours to qualify for the requested certification level.

(i) Any college credit received for practical or skills-based training attended will be calculated at a ratio of 1:20 hours for each quarter credit, for purposes of training hour deductions.

(ii) Any college credit received for academic training attended will be calculated at a ratio of 1:10 hours for each quarter credit, for purposes of training hour deductions.

(f) No credit can be applied toward both education credits and training hours when originating from the same training event.

(10) Experience/Employment:

(a) Experience gained as a corrections officer, parole and probation officer, police officer, or regulatory specialist employed full time with municipal, county, state, or federal agencies, may be accepted if the experience is in the discipline the certification is requested and is approved by the Department.

(b) Experience acquired as a telecommunicator or emergency medical dispatcher employed with a public or private safety agency may be accepted if the experience is in the discipline the certification is requested and is approved by the Department.

(c) Experience acquired as a certified part-time telecommunicator or emergency medical dispatcher as defined in OAR 259-008-0005, or part time parole and probation officer as defined under 259-008-0005 and 259-008-0066, will count on a pro-rated basis.

(d) Partial credit may be given to law enforcement experience that is not in the discipline the certification is requested, when supported by job descriptions or other documentary evidence. In all cases, experience claimed is subject to evaluation and approval by the Department.

(e) For the purpose of this rule, creditable service time for experience will not accrue under the following circumstances:

(A) When an individual is employed in a casual, seasonal, or temporary capacity;

(B) When an individual is on leave, other than full-time military leave;

(C) From the date a public safety officer's certification is suspended until it is reinstated by the Department;

(D) When a public safety officer fails to obtain Basic certification within a mandated timeframe and is prohibited from being employed as a public safety officer; or

(E) When a public safety officer is employed in a limited duration, administrative position, as described in OAR 259-008-0078.

(11) The Basic Certificate. In addition to the requirements in sections (1) through (7) of this rule, the following are required for the award of the Basic Certificate:

(a) Applicants must have completed a period of service in a certifiable position of not less than nine months with one or more law enforcement units or public or private safety agencies in the discipline the certification is requested;

(b) Applicants must have satisfactorily completed the required Basic Course as prescribed in OAR 259-008-0025, in the discipline the certification is requested or have completed equivalent training, as determined by the Department.

(12) The Intermediate Certificate. In addition to the requirements in sections (1) through (7) of this rule, the following are required for the award of the Intermediate Certificate:

(a) Applicants must possess a Basic Certificate in the discipline the certification is requested; and

(b) Applicants must have acquired a combination of work experience in the discipline the certification is requested, along with training hours and college education credits or college degree, as identified in the Intermediate/Advanced Certification Charts. [Table not included. See ED. NOTE.]

(A) Applicants may determine eligibility for intermediate certification by referencing either:

(i) The "All Disciplines" chart (referred to as the old chart). This is the original certification chart and may be referenced by all police, corrections, parole and probation, regulatory specialist and telecommunicator applicants until October 31, 2015; or

(ii) The "Police/Corrections/Parole & Probation/Regulatory Specialist" chart. This certification chart became effective November 1, 2012, and may be referenced by police, corrections, regulatory specialists and parole and probation applicants; or

(iii) The "Telecommunicators" chart. This certification chart became effective November 1, 2012, and may be referenced by telecommunicator applicants.

(B) Applicants may apply for certification using the chart that best fits their experience, education and training.

(C) If applying using either the "Police/Corrections/Parole & Probation/Regulatory Specialist" chart or the "Telecommunicators" chart in section (12)(b)(A)(ii) and (iii) of this rule, training hours originating from a single training event used to meet the training hour requirement for intermediate certification cannot be applied towards future levels of certification.

(c) The required years of experience are for the purpose of developing and demonstrating competency at the intermediate level. The signature of the department head or authorized representative on an F-7 at the intermediate level represents the agency's attestation that the applicant is performing competently at the intermediate level.

(13) The Advanced Certificate. In addition to the requirements in sections (1) through (7) of this rule, the following are required for the award of the Advanced Certificate:

(a) Applicants must possess or be eligible to possess the Intermediate Certificate in the discipline the certification is requested; and

(b) Applicants must have acquired a combination of work experience in the discipline the certification is requested, along with training hours and college education credits or college degree, as identified in the Intermediate/Advanced Certification Charts. [Table not included. See ED. NOTE.]

(A) Applicants may determine eligibility for advanced certification by referencing either:

(i) The "All Disciplines" chart (referred to as the old chart). This is the original certification chart and may be referenced by all police, corrections, parole and probation, regulatory specialist and telecommunicator applicants until October 31, 2015; or

(ii) The "Police/Corrections/Parole & Probation/Regulatory Specialist" chart. This certification chart became effective November 1, 2012, and may be referenced by police, corrections, regulatory specialist and parole and probation applicants; or

(iii) The "Telecommunicators" chart. This certification chart became effective November 1, 2012, and may be referenced by Telecommunicator applicants.

(B) Applicants may apply for certification using the chart that best fits their experience, education and training.

(C) If applying using either the "Police/Corrections/Parole & Probation/Regulatory Specialist" chart or the "Telecommunicators" chart in section (13) (b) (A) (ii) and (iii) of this rule, training hours originating from a single training event used to meet the training hour requirement for advanced certification cannot be applied towards future levels of certification.

(c) The required years of experience are for the purpose of developing and demonstrating competency at the advanced level. The signature of the department head or authorized representative on an F-7 at the advanced level represents the agency's attestation that the applicant is performing competently at the advanced level.

(14) The Supervisory Certificate. In addition to requirements in sections (1) through (7) of this rule, the following are required for the award of the Supervisory Certificate:

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

(b) Applicants must have satisfactorily completed no less than 45 education credits as defined in sections (8) and (9) of this rule;

(c) Applicants must have satisfactorily completed the prescribed supervision training within five years of the application for the Supervisory Certificate; and

(d) Applicants must be presently employed in and have satisfactorily performed the duties of a first-level supervisor as defined in OAR 259-008-0005.

(A) The applicant's department head must attest that the first-level supervisor duties were performed for a period of one year.

(B) The required experience must have been acquired within five years of the date of the application.

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

(15) The Management Certificate. In addition to requirements in sections (1) through (7) of this rule, the following are required for the award of the Management Certificate:

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

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in sections (8) and (9) of this rule;

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

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

(e) Upon request of the employing agency, the Department may waive the requirements of section (15)(c) or (d), provided the employing agency demonstrates that the applicant performs management duties on a regular basis.

(16) The Executive Certificate. In addition to requirements in section (1) through (7) of this rule, the following are required for the award of the Executive Certificate:

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

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in sections (8) and (9) of this rule;

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

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

(e) Upon request of the employing agency, the Department may waive the requirements of section (16) (c) or (d), provided the employing agency demonstrates that the applicant performs the duties of a department head or assistant department head on a regular basis.

(17) Multi-discipline Certification. Upon receiving written request from the department head stating a justified and demonstrated need exists for the efficient operation of the employing agency, the Department may approve multi-discipline certification for law enforcement officers who meet all minimum employment, training and education standards established in OAR 259-008-0010, 259-008-0011, 259-008-0025, and this rule, in the disciplines which they are requesting certification. The officer must meet the following requirements for the award of multi-discipline certification:

(a) Basic certification. A law enforcement officer who is certified in one discipline may apply for multi-discipline certification if employed in or transferred to another discipline within the same law enforcement unit. The applicant must demonstrate completion of all training requirements in the discipline in which certification is being requested.

(b) Higher levels of certification. Law enforcement officers who possess higher levels of certification in one discipline may, upon employment in or transfer to another discipline within the same law enforcement unit, apply for the same level of certification after completion of nine months experience in the discipline in which they are requesting certification and meeting the requirements for those higher levels of certification as outlined in this rule. This section does not apply to the emergency medical dispatcher discipline since it only exists at the basic certification level.

(c) Retention of multi-discipline certification. In order to maintain multi-discipline certification, each discipline in which certification is held requires successful completion and documentation of training hours by the holders of the certificates every 12 months. The training must be reported to the Department, as follows:

(A) For a law enforcement officer who also holds emergency medical dispatcher certification, a minimum of four hours of training specific to the emergency medical dispatcher discipline must be reported annually as required under OAR 259-008-0064.

(B) For a law enforcement officer who also holds telecommunicator certification, a minimum of 12 hours of training specific to

the telecommunicator discipline must be reported annually as required under OAR 259-008-0064.

(C) A minimum of 20 hours of training specific to each law enforcement discipline in which certification is held must be reported annually as required under subsections (h) through (l) of this section.

(d) The same training may be used for more than one discipline if the content is specific to each discipline. It is the responsibility of the department head to determine if the training is appropriate for more than one discipline.

(e) The maintenance training cycle for law enforcement officers who are certified in more than one discipline begins on July 1st of each year and ends on June 30th the following year.

(f) The employing agency must maintain documentation of all required maintenance training completed.

(g) If reported on a Form F-6 (Course Attendance Roster), required maintenance training must be submitted to the Department by June 30th of each year. Training reported on a Form F-6 will result in credit for training hours. No training hours will be added to a law enforcement officer's record, unless accompanied by a Form F-6 Course Attendance Roster.

(h) On or after July 1st of each year, the Department will identify all law enforcement officers who are deficient in maintenance training according to Department records. A Contested Case Notice of Intent to Suspend will be prepared and served on the law enforcement officer pursuant to ORS 181A.640(c) and these rules. A copy of the Notice will be sent to the officer's employing agency.

(A) 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.

(B) A law enforcement officer who has been served with a Contested Case Notice of Intent to Suspend has 30 days from the date of mailing or personal service of the notice to notify the Department of the training status identified as deficient by submitting a Form F-16 (Maintenance Training Log) to the Department identifying the maintenance training completed during the previous one year reporting period or to file a written request for hearing with the Department.

(C) Maintenance training hours reported to the Department on a Form F-16 will be used solely to verify completion of maintenance training requirements and will not be added to an officer's training record.

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

(j) A law enforcement officer with a suspended certification is prohibited from being employed in any position for which the certification has been suspended.

(k) Recertification following a suspension may be obtained, subject to Department approval, by submitting the following:

(A) A written request from the department head requesting recertification, along with a justification of why the maintenance training was not completed; and

(B) Verification that the missing training was completed.

(l) Failure to complete the required maintenance training may not result in a suspension of certification if the law enforcement officer is on leave from a public or private safety agency.

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

[ED. NOTE: Forms & Tables referenced are available from the agency.]

Stat. Auth.: ORS 181A.410, 181A.490, 181A.520, 181A.530, 181A.560 & 181A.570

Stats. Implemented: 181A.410, 181A.490, 181A.520, 181A.530, 181A.560 & 181A.570

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & cert. ef. 2-7-90; PS 1-1995, f.

& cert. ef. 3-30-95, PS 2-1995, f. & cert. ef. 9-27-95; PS 7-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99; BPSST 6-1999, f. & cert. ef. 7-29-99; BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 13-2001(Temp), f. & cert. ef. 10-26-01 thru 4-10-02; BPSST 8-2002, f. & cert. ef. 4-3-02; BPSST 21-2002, f. & cert. ef. 11-21-02; DPSST 1-2004, f. 1-16-04, cert. ef. 1-20-04; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 2-2008, f. & cert. ef. 1-15-08; DPSST 9-2008, f. & cert. ef. 7-15-08; DPSST 22-2008, f. & cert. ef. 12-29-08; DPSST 4-2009, f. & cert. ef. 4-8-09; DPSST 1-2010, f. & cert. ef. 1-11-10; DPSST 2-2010, f. & cert. ef. 3-15-10; DPSST 4-2010, f. & cert. ef. 6-2-10; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 8-2010, f. & cert. ef. 8-13-10; DPSST 8-2011, f. & cert. ef. 6-24-11; DPSST 17-2011, f. & cert. ef. 12-23-11; DPSST 23-2012, f. 10-25-12, cert. ef. 11-1-12; DPSST 31-2012, f. & cert. ef. 12-27-12; DPSST 15-2013, f. & cert. ef. 6-25-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 12-2014, f. & cert. ef. 6-24-14; DPSST 28-2014(Temp), f. & cert. ef. 10-8-14 thru 4-6-15; DPSST 1-2015, f. & cert. ef. 1-5-15; DPSST 7-2015, f. & cert. ef. 3-24-15; DPSST 11-2015, f. 6-23-15, cert. ef. 7-1-15; DPSST 18-2015, f. 12-22-15, cert. ef. 1-1-16; DPSST 11-2016, f. 7-25-16, cert. ef. 7-29-16

## 259-008-0064

### Maintenance of Certification for Telecommunicators and Emergency Medical Dispatchers

#### (1) Basic Certification:

(a) All certified telecommunicators must complete 12 hours of maintenance training annually, regardless of whether they are employed as a telecommunicator.

(b) All certified emergency medical dispatchers must complete four (4) hours of maintenance training annually, regardless of whether they are employed as an emergency medical dispatcher.

(c) The maintenance training cycle begins on July 1st each year and ends on June 30th the following year.

(2)(a) The employing agency must maintain documentation of all required telecommunicator or emergency medical dispatcher maintenance training completed;

(b) An individual who is certified as a telecommunicator or emergency medical dispatcher, but is no longer employed in a certifiable position, is responsible for meeting all maintenance training requirements and maintaining documentation of any maintenance training completed.

(3)(a) If reported on an F-6 Course Roster, required maintenance training must be submitted to the Department by June 30th of each year. Training reported on an F-6 will result in credit for training hours. No training hours will be added to an individual's record, unless accompanied by an F-6 Course Roster.

(b) On or after July 1 of each year, the Department will identify all telecommunicators and emergency medical dispatchers who are deficient in maintenance training according to Department records. A Contested Case Notice of Intent to Suspend will be prepared and served on the telecommunicator or emergency medical dispatcher pursuant to ORS 181A.640 (c) and these rules. A copy of the notice will be sent to the telecommunicator's or emergency medical dispatcher's employing agency.

(A) All contested cases 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.

(B) A telecommunicator or emergency medical dispatcher who has been served a Contested Case Notice of Intent to Suspend has 30 days, from the date of mailing or personal service of the notice to notify the Department of the training status identified as deficient by submitting a Form F-16 to the Department identifying the maintenance training completed during the previous one (1) year reporting period or to file a written request for hearing with the Department.

(C) Maintenance training hours reported to the Department on an F-16 will be used solely to verify completion of maintenance training requirements and will not be added to the officer's DPSST training record.

(c) Default Order: If the required training is not reported to the Department or a request for a hearing received within 30 days from the date of the mailing or personal service of the notice, the



Contested Case Notice will become a final order suspending certification pursuant to OAR 137-003-0672.

(6) A telecommunicator or emergency medical dispatcher with a suspended certification is prohibited from being employed in a certifiable position as a telecommunicator or emergency medical dispatcher.

(7)(a) Instructors may apply hours spent instructing a class one (1) time annually toward maintenance training, but instructed hours reported for a class may not exceed the lesser of:

(A) The actual class hours; or

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

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

(A) Six (6) hours for a telecommunicator; or

(B) Two (2) hours for an emergency medical dispatcher;

(8) Recertification following a suspension may be obtained, subject to Department approval, by submitting the following:

(a) A written request from the department head, or individual if unemployed, requesting recertification, along with a justification of why the maintenance training was not completed; and

(b) Verification that the missed training was completed.

(9) Failure to complete required maintenance training will not result in suspension of certification if the telecommunicator or emergency medical dispatcher is on leave from a public or private safety agency.

(10) The Department may grant an extension of time for completion of any required training or in-service training based upon good cause. A written request for an extension of time must be submitted to the Department by the department head.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.410 & 181A.560

Stats. Implemented: ORS 181A.410 & 181A.560

Hist.: PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99; BPSST 5-2001, f. & cert. ef. 8-22-01; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 15-2008, f. & cert. ef. 10-15-08; DPSST 1-2010, f. & cert. ef. 1-11-10; DPSST 2-2010, f. & cert. ef. 3-15-10; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 31-2012, f. & cert. ef. 12-27-12; DPSST 11-2016, f. 7-25-16, cert. ef. 7-29-16

## 259-008-0065

### Maintenance of Certification For Active Police Officers

(1)(a) The Board is responsible for setting the standards for active police officer training and the maintenance of certification. The Department is required to uphold those standards, while each agency determines what training will be provided to meet the standards.

(b) It is recommended that agencies provide training time and training opportunities to enable the active police officer to meet the required maintenance training hours.

(2) In order to maintain certification:

(a) All active police officers must maintain current First Aid/CPR certification.

(b) Proof of First Aid/CPR certification renewal must be reported to the Department once every three years as part of each officer's mandatory maintenance training cycle. Proof includes submission of the following:

(A) An F-6 Course Roster received by the Department prior to the end of an officer's maintenance reporting period that verifies completion of training and identifies certification expiration dates. This will result in credit for training hours and update of the officer's First Aid/CPR certification expiration dates; or

(B) A photocopy of the front and back of an officer's current First Aid/CPR certification card prior to the end of the maintenance period. This will result in an update of the officer's First Aid/CPR expiration dates only. No training hours will be added to the officer's record, unless accompanied by an F-6 Course Roster; or

(C) An F-15 Maintenance-Police form identifying new expiration dates. The F-15 Maintenance-Police form must be submitted in accordance with subsection (5) of this section, following the end of the officer's maintenance period.

(c) All active police officers must complete a total of at least eighty-four (84) hours of agency approved training every three (3) years. The eighty-four (84) hours will include:

(A)(i) Eight (8) CORE hours of training annually, from either the "Firearms" or "Use of Force" subject areas:

(ii) This training must be reported to the Department as twenty-four (24) hours of CORE training, once every three years.

(B)(i) Active police officers who hold a Supervision, Mid-Management or Executive certification, must complete at least twenty-four (24) hours of agency approved Leadership/Professional training, every three years:

(ii) This training must be reported to the Department as twenty-four (24) hours of agency approved Leadership/Professional training, once every three (3) years.

(C)(i) In addition to the CORE (A)(i) (required of all officers) and Leadership/Professional (B)(i) training hours (only required of officers with Supervision Certification and above), the remaining hours must be completed from the category of "General Law Enforcement" training in the recommended, but not limited to, subject areas of Law and Legal, Ethics and Communication, Investigations, Survival Skills, Child Abuse, Sex Abuse, and Elder Abuse:

(ii) These remaining training hours must be reported to the Department as "General Law Enforcement" training, once every three (3) years.

(3) Beginning on the date a police officer returns to work from any leave of absence, the following requirements must be met:

(a) Maintenance Training Requirements as described in section (7) or (8) of this section;

(b) Proof of current First Aid and CPR cards;

(c) Any other applicable requirement for employment, training or certification as specified in OAR 259-008-0010, 259-008-0025 or 259-008-0060.

(4) Documentation of Maintenance Training:

(a) The employing agency must maintain documentation of required training and First Aid/CPR certification on each police officer;

(b) Any training submitted to the Department on an F-6 Course Roster will be entered into each officer's DPSST training record.

(c) Maintenance training submitted on an F-6 will be credited towards the number of hours required for each maintenance training category in section (2) above.

(5) On or after January 2 of each year, the Department will identify all police officers who are deficient in maintenance training or First Aid/CPR certification according to Department records. A Contested Case Notice of Intent to Suspend will be prepared and served on the officer pursuant to ORS 181A.640(c) and these rules. A copy of the notice will be sent to the officer's employing agency.

(a) 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.

(b) An officer who has been served with a Contested Case Notice of Intent to Suspend has 30 days from the date of mailing or personal service of the notice to notify the Department of the training status or First Aid/CPR certification identified as deficient by submitting a Form F-15M-Police to the Department, identifying the training or First Aid/CPR certification completed during the previous three (3) year reporting period or file a written request for hearing with the Department.

(A) Maintenance training and First Aid/CPR training hours reported to the Department on an F-15M-Police will be used solely to verify completion of maintenance training requirements and will not be added to the officer's DPSST training record.

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

(7) A police officer with a suspended certification may not work in a certified position.

(8) Recertification following a suspension:

(a) Recertification following a suspension may be obtained, subject to Department approval, by submitting the following:

(A) A written request for re-certification from the department head, along with an explanation of why the training or First Aid/CPR certification was not obtained;

(B) An F-6 Course Roster verifying that any missed training has been completed, and identifying the training as "Maintenance make-up" training; and

(C) Verification of current First Aid/CPR certification, submitted as provided in subsection (2) (b) of this rule.

(b) After 2-1/2 years in a suspended status a police officer will be required to complete a Career Officer Development Course before recertification.

(c) After more than 5 years in a suspended status a police officer will be required to complete basic training in the appropriate discipline.

(9) Department heads of the employing agency may document "leave" in extreme circumstances for not completing the annual requirements but must provide documentation as to the reason and indicate when the missed training was completed.

(10) Maintenance Training Requirements for Police Officers on Leave.

(a) A police officer who is on leave for any period between 90 to 180 days will have the same maintenance training deadline as the date established prior to the officer's leave date.

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

(c) A police officer who is on leave for more than one year will receive an extension of the maintenance training deadline established prior to the officer's leave. The extension will be prorated, based on the duration of the officer's leave. Upon the officer's return to work, the officer must complete the mandatory eight hours of annual firearms/use of force maintenance training within 30 days of the officer's return to work, as follows:

(A) Qualification with the appropriate duty weapon(s); and

(B) Completion of sufficient additional firearms and use of force refresher training to total eight hours.

(d) Failure to meet the requirements of subsection (c) of this section will result in a Notice of Intent to Suspend as described in subsection (5) of this rule.

(11) Maintenance Training Requirements for Previously Certified Police Officers. Any police officer who has not been employed as a police officer for between one year and five years must complete the mandatory eight hours of annual firearms/use of force maintenance training within 30 days of the officer's return to work, as follows:

(a) Qualification with the appropriate duty weapon(s); and

(b) Completion of sufficient additional firearms and use of force refresher training to total eight hours.

Stat. Auth.: ORS 181A.520, 181A.530 & 181A.500

Stats. Implemented: ORS 181A.520, 181A.530 & 181A.500

Hist.: PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 22-2002, f. & cert. ef. 11-18-02; BPSST 9-2003, f. & cert. ef. 4-22-03; DPSST 11-2006(Temp), f. & cert. ef. 8-15-06 thru 2-1-07; DPSST 13-2006, f. & cert. ef. 10-13-06; DPSST 3-2007, f. & cert. ef. 1-12-06; DPSST 3-2009, f. & cert. ef. 4-8-09; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 31-2012, f. & cert. ef. 12-27-12; DPSST 11-2016, f. 7-25-16, cert. ef. 7-29-16

#### 259-008-0066

#### Maintenance of Certification for Part-time Parole and Probation Officers

(1) Basic Certification. All certified parole and probation officers who have obtained basic certification and employment as a full-time parole and probation officer for a minimum of one year may continue certification if:

(a) That officer begins working as a parole and probation officer in a part-time capacity, as defined in OAR 259-008-0005

and ORS 181A.355 within three (3) months of leaving a full-time position; and

(b) The employing agency notifies the Department of all personnel actions involving part-time parole and probation officers whose certification is to be continued on a Personnel Action Report (DPSST Form F-4) as required under OAR 259-008-0020.

(2) In order to maintain certification, part-time parole and probation officers must complete at least 20 hours of maintenance training annually. The content of the training is determined by the department head of the employing agency.

(a) The annual maintenance training cycle for part-time parole and probation officers begins on January 1st and ends on December 31st of each year.

(b) The employing agency must maintain documentation of all required maintenance training for each part-time parole and probation officer.

(c) The employing agency must provide documentation to the Department of training completed from January 1st through December 31st of each year.

(3) On or after December 31st of each year, the Department will identify all part-time parole and probation officers who are deficient in maintenance training hours according to Department records. A Contested Case Notice of Intent to Suspend will be prepared and served on the officer pursuant to ORS 181A.640(c) and these rules. A copy of the notice will be sent to the officer's employing agency.

(a) 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.

(b) An officer who has been served with a Contested Case Notice of Intent to Suspend has 30 days from the date of mailing or personal service of the notice to notify the Department of the training status identified as deficient by submitting a Part-Time Parole & Probation Officer Maintenance Training Log (Form F-17) to the Department identifying the maintenance training hours completed during the previous one (1) year reporting period or to file a written request for hearing with the Department.

(c) Maintenance training hours reported to the Department on a Form F-17 will be used solely to verify completion of maintenance training requirements and will not be added to the officer's training record. A Form F-6 (Course Attendance Roster) must be forwarded to the Department to have training hours added to an officer's record.

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

(5) An officer with a suspended certification is prohibited from being employed in any position for which the certification has been suspended.

(6) Recertification following a suspension may be obtained, subject to Department approval, by submitting the following to the Department:

(a) A written request from the department head requesting recertification, along with a justification of why the required maintenance training hours were not reported; and

(b) Verification that maintenance training hours were completed.

(7) Upon written request from the head of an employing agency, the Department may grant an extension for the completion of maintenance training hours if an officer was on an extended leave of absence or the Department finds there is other good cause to grant an extension. The granting of such an extension is within the sole discretion of the Department.

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

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181.640 & 181.653

Stats. Implemented: ORS 181.640 & 181.653

## Chapter 259 Department of Public Safety Standards and Training

Hist.: BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 8-2012, f. & cert. ef. 3-29-12; DPSST 31-2012, f. & cert. ef. 12-27-12; DPSST 11-2016, f. 7-25-16, cert. ef. 7-29-16

### 259-008-0067

#### Lapsed Certification

(1) The certification of any law enforcement officer who does not serve as a law enforcement officer or any certified reserve officer who is not utilized as a certified reserve officer for any period of time in excess of three consecutive months is lapsed.

(a) Upon reemployment as a law enforcement officer, or recommending service as a certified reserve officer, the person whose certification has lapsed must reapply for certification in the manner provided in the Act and these rules.

(b) Notwithstanding subsection (1), the certification of a law enforcement officer or certified reserve officer does not lapse if the officer is on leave from a law enforcement unit.

(2) The certification of any telecommunicator or emergency medical dispatcher who is not utilized as a telecommunicator or emergency medical dispatcher for any period of time in excess of 12 consecutive months is lapsed.

(a) Upon reemployment as a telecommunicator or emergency medical dispatcher, the person whose certification has lapsed must reapply for certification in the manner provided in the Act and these rules.

(b) Notwithstanding subsection (2), the certification of a telecommunicator or emergency medical dispatcher does not lapse if the telecommunicator or emergency medical dispatcher is on leave from a public or private safety agency.

(3) The certification of any instructor who is not utilized as an instructor for any period of time in excess of five years is lapsed. Upon reemployment as an instructor, the person whose certification has lapsed must reapply for certification in the manner provided in OAR 259-008-0080.

Stat. Auth.: ORS 181.652, 181.653 & 181.667

Stats. Implemented: ORS 181.652, 181.653 & 181.667

Hist.: BPSST 9-2003, f. & cert. ef. 4-22-03; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 10-2013(Temp), f. & cert. ef. 6-5-13 thru 10-1-13; DPSST 19-2013, f. & cert. ef. 9-23-13; DPSST 5-2014, f. & cert. ef. 1-29-14; DPSST 19-2014, f. & cert. ef. 7-23-14

### 259-008-0069

#### Tribal Law Enforcement

(1) In order for individuals employed as public safety officers by a tribal government to be eligible for certification as a public safety officer:

(a) The tribal government must comply with all requirements found in ORS 181.610 to 181.712 and OAR 259, Section 8, applicable to law enforcement units.

(b) Tribal law enforcement units must annually complete an Annual Affidavit for Tribal Law Enforcement Units (Form F-8a).

(c) A certified public safety officer employed by a tribal government must comply with all requirements found in ORS 181.610 to 181.712 and OAR 259, Section 8, applicable to public safety officers.

(2) Failure of a tribal government to comply with any requirements of section (1) of this rule will result in the lapse of certification of all certified public safety officers employed with the affected tribal government. Upon reemployment as a public safety officer or upon compliance with requirements by a tribal government, a person whose certification has lapsed may apply for recertification in the manner provided in 2011 OR SB 412 and this rule.

(3) Tribal governments choosing to comply with the provisions of OR Laws 2011 Chapter 644 regarding authorized tribal police officers must submit a resolution to the Department that includes the following:

(a) A declaration of compliance with all requirements of OR Laws 2011 Chapter 644;

(b) Proof of insurance. Acceptable proof of insurance consists of:

(A) A full copy of the public liability and property damage insurance for vehicles operated by the tribal government's authorized

tribal police officers and a full copy of the police professional liability insurance policy from a company licensed to sell insurance in the state of Oregon; or

(B) A description of the tribal government's self-insurance program which is in compliance with OR Laws 2011 Chapter 644.

(c) Tribal governments must file a written description of all material changes to insurance policies or the tribal government's self-insurance program with the Department within 30 days of the change.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: 2011 OL Ch. 644

Stats. Implemented: 2011 OL Ch. 644

Hist.: DPSST 15-2011(Temp), f. & cert. ef. 10-27-11 thru 3-28-12; DPSST 16-2011(Temp), f. & cert. ef. 11-28-11 thru 3-28-12; DPSST 3-2012, f. & cert. ef. 2-29-12; DPSST 15-2013, f. & cert. ef. 6-25-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 33-2014, f. 12-30-14, cert. ef. 1-1-15

### 259-008-0070

#### Denial/Revocation

(1) It is the responsibility of the Board to set the standards, and of the Department to uphold them, to ensure the highest levels of professionalism and discipline. These standards shall be upheld at all times unless the Board determines that neither the safety of the public nor respect of the profession is compromised.

(2) Definitions. For purposes of this rule, the following definitions apply:

(a) "Denial" or "Deny" means the refusal to grant a certification for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in (9) of this rule.

(b) "Discretionary Disqualifying Misconduct" means misconduct identified in OAR 259-008-0070(4).

(c) "Revocation" or "Revoke" means to withdraw the certification of a public safety professional for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (9) of this rule.

(3) Mandatory Grounds for Denying or Revoking Certification of a Public Safety Professional:

(a) Standards and Certification must deny or revoke the certification of any public safety professional after written notice and hearing, based upon a finding that:

(A) The public safety professional has been discharged for cause from employment as a public safety professional. For purposes of this rule, "discharged for cause," means an employer-initiated termination of employment for any of the following reasons after a final determination has been made. If, after service by Standards and Certification of a Notice of Intent to Deny or Revoke Certifications (NOI), the public safety professional provides notice to Standards and Certification within the time stated in the NOI that the discharge has not become final, then Standards and Certification may stay further action, pending a final determination.

(i) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(ii) Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public.

(iii) Gross Misconduct: means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in a similar circumstance;

(iv) Incompetence: means a demonstrated lack of ability to perform the essential tasks of a public safety professional that remedial measures have been unable to correct; or

(v) Misuse of Authority: Includes abuse of public trust, abuse of authority to obtain a benefit, avoid a detriment, or harm another, and abuse under the color of office.

(B) The public safety professional has been convicted in this state or any other jurisdiction of a crime designated under the law 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;

(C) The public safety professional has been convicted of violating any law of this state or any other jurisdiction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except the Department may deny certification for a conviction of possession of less than one ounce of marijuana, which occurred prior to certification; or

(D) The public safety professional has been convicted in this state of any of the following offenses, or of their statutory counterpart(s) in any other jurisdiction, designated under the law where the conviction occurred as being punishable as a crime:

25.785(3) (False Submission of a Statement Regarding Social Security Number);  
 106.041(5) (Intentional False Statement on Marriage License; Application);  
 162.075 (False swearing);  
 162.085 (Unsworn falsification);  
 162.145 (Escape in the third degree);  
 162.175 (Unauthorized departure);  
 162.195 (Failure to appear in the second degree);  
 162.235 (Obstructing governmental or judicial administration);  
 162.247 (Interfering with a peace officer);  
 162.257 (Interfering with a firefighter or emergency medical technician);  
 162.295 (Tampering with physical evidence);  
 162.305 (Tampering with public records);  
 162.315 (Resisting arrest);  
 162.335 (Compounding);  
 162.365 (Criminal impersonation);  
 162.369 (Possession of false law enforcement identification);  
 162.375 (Initiating a false report);  
 162.385 (Giving false information to a peace officer for a citation or arrest warrant);  
 162.415 (Official misconduct in the first degree);  
 163.200 (Criminal mistreatment in the second degree);  
 163.454 (Custodial sexual misconduct in the second degree);  
 163.687 (Encouraging child sexual abuse in the third degree);  
 163.732 (Stalking);  
 164.045 (Theft in the second degree);  
 164.085 (Theft by deception);  
 164.095 (Theft by receiving);  
 164.125 (Theft of services);  
 164.235 (Possession of a burglary tool or theft device);  
 164.877 (Unlawful tree spiking; unlawful possession of substance that can damage certain wood processing equipment);  
 165.007 (Forgery in the second degree);  
 165.017 (Criminal possession of a forged instrument in the second degree);  
 165.037 (Criminal simulation);  
 165.042 (Fraudulently obtaining a signature);  
 165.047 (Unlawfully using slugs);  
 165.055 (Fraudulent use of a credit card);  
 165.065 (Negotiating a bad check);  
 165.080 (Falsifying business records);  
 165.095 (Misapplication of entrusted property);  
 165.100 (Issuing a false financial statement);  
 165.102 (Obtain execution of documents by deception);  
 165.118(1) (Unlawfully Altering Metal Property);  
 165.118(2)(a)(b) (False Statement on a Metal Property Record);  
 165.825 (Sale of drugged horse);  
 166.065(1)(b) (Harassment);  
 166.155 (Intimidation in the second degree);  
 166.270 (Possession of weapons by certain felons);  
 166.350 (Unlawful possession of armor-piercing ammunition);  
 166.416 (Providing false information in connection with a transfer of a firearm);  
 166.418 (Improperly transferring a firearm);  
 166.470 (Limitations and conditions for sales of firearms);  
 167.007 (Prostitution);  
 167.075 (Exhibiting an obscene performance to a minor);  
 167.080 (Displaying obscene materials to minors);  
 167.132 (Possession of gambling records in the second degree);  
 167.147 (Possession of a gambling device);  
 167.222 (Frequenting a place where controlled substances are used);  
 167.262 (Adult using minor in commission of controlled substance offense);  
 167.320 (Animal abuse in the first degree);  
 167.330 (Animal neglect in the first degree);  
 167.332 (Prohibition against possession of domestic animal);  
 167.333 (Sexual assault of animal);  
 167.337 (Interfering with law enforcement animal);  
 167.355 (Involvement in animal fighting);  
 167.370 (Participation in dogfighting);  
 167.431 (Participation in cockfighting);

167.820 (Concealing the birth of an infant);  
 305.815 (False Swearing of Return, Statement or Other Tax Document);  
 307.990 (Willful False Statement to Property Tax Assessment Officer);  
 398.224 (Refusal to Appear to Testify);  
 462.415(2) (Racing a Prohibited Animal);  
 462.420 (Stimulating or Depressing Participating Animal);  
 462.430 (Influencing the Results of Races);  
 462.450 (Possession, Transportation or Use of Drugs at Race Course);  
 462.460 (Racing an Animal Under Name or Designation Other than Registered Name or Designation or Altering License);  
 462.470 (Aiding or Abetting Racing Animal Under Name or Designation Other than Registered Name or Designation);  
 475.525 (Sale of drug paraphernalia);  
 475.840 (Manufacture or deliver a controlled substance);  
 475.860 (Unlawful delivery of marijuana);  
 475.864 (Unlawful possession of marijuana);  
 475.906 (Distribution of controlled substance to minors);  
 475.910 (Application of controlled substance to the body of another person);  
 475.912 (Unlawful delivery of imitation controlled substance);  
 475.914 (Unlawful acts, registrant delivering or dispensing controlled substance);  
 475.916 (Prohibited acts involving records and fraud);  
 475.918 (Falsifying drug test results);  
 475.920 (Providing drug test falsification equipment);  
 475.950 (Failure to report precursor substances transaction);  
 475.955 (Failure to report missing precursor substances);  
 475.960 (Illegally selling drug equipment);  
 475.965 (Providing false information on precursor substances report or record);  
 475.969 (Unlawful possession of phosphorus);  
 475.971 (Unlawful possession of anhydrous ammonia);  
 475.973 (Unlawful possession of ephedrine, pseudoephedrine or phenylpropanolamine; unlawful distribution);  
 475.975 (Unlawful possession of iodine in its elemental form);  
 475.976 (Unlawful possession of iodine matrix);  
 657.300 (False Statements or Failure to Report Material Fact by Employer);  
 657.495 (Fraudulently Lowering Contributions);  
 658.415 (False Swearing or Affirmation of Application of License, Proof of Insurance and Financial Responsibilities of Farm Labor Contractors);  
 659.810 (Filing a False Statement with Employment Agency to Secure Labor);  
 679.170(3) (Fraudulent Alteration of Diploma, Certificate or Transcript);  
 679.170(5) (Willful False Statement to Oregon Board of Dentistry);  
 689.995 (Willfully Furnishing False Information; Pharmacists, Drug Outlets, Drug Sales);  
 807.520 (False swearing to receive license);  
 807.620 (Giving false information to police officer);

(E) Any offense involving any acts of domestic violence as defined in ORS 135.230.

(b) Standards and Certification must take action on a mandatory disqualifying conviction, regardless of when it occurred, unless Standards and Certification, or the Board, has previously reviewed the conviction and approved the public safety professional for certification under a prior set of standards.

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Public Safety Professional:

(a) Standards and Certification may deny or revoke the certification of any public safety professional after written notice, and a hearing, if requested, based upon a finding that:

(A) The public safety professional falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The public safety professional has engaged in conduct that fails to meet the applicable minimum standards as described in subsection (b), minimum training or the terms and conditions established under ORS 181.640;

(C) The public safety professional has engaged in conduct that resulted in the conviction of an offense, punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction. Presumptive categories have been identified for the crimes listed in subsection (4), based solely on the elements of the crime. Other categories may apply based on the conduct leading to the conviction; or

(D) A public safety officer failed to attend at least one session with a mental health professional within six months after the public safety officer was involved in using deadly physical force, as required by ORS 181.789.

(b) For purposes of this rule, discretionary disqualifying misconduct includes misconduct falling within the following categories:

(A) Category I: Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(B) Category II: Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, and conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect or serve the public;

(C) Category III: Misuse of Authority: Includes abuse of public trust, obtaining a benefit, avoidance of detriment, or harming another, and abuses under the color of office;

(D) Category IV: Gross Misconduct: Means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in a similar circumstance;

(E) Category V: Misconduct: Misconduct includes conduct that violates the law, practices or standards generally followed in the Oregon public safety profession. By definition, all criminal convictions meet the definition of Misconduct within this category.

**NOTE:** It is the intent of this rule that "Contempt of Court" meets the definition of Misconduct within this category; or

(F) Category VI: Insubordination: Includes a refusal by a public safety professional to comply with a rule or order, where the order was reasonably related to the orderly, efficient, or safe operation of the agency, and where the public safety professional's refusal to comply with the rule or order constitutes a substantial breach of that person's duties.

(c) For discretionary disqualifying misconduct, the applicable category will be determined based on the facts of each case. Discretionary disqualifying misconduct under (a)(C) includes, but is not limited to, the following list, which identifies the applicable category for each listed discretionary offense, based on the elements of the crime.

**NOTE:** Those criminal convictions not listed below are presumptively considered Misconduct (Category V):

25.260 (Unlawful Disclosure of Confidential Records of Child Support Division) — Category II;  
 162.405 (Official Misconduct in the Second Degree) — Category III;  
 162.425 (Misuse of Confidential Information) — Category III;  
 162.465 (Unlawful Legislative Lobbying) — Category I;  
 163.160 (Assault in the Fourth Degree) — Category II;  
 163.187 (Strangulation) — Category II;  
 163.190 (Menacing) — Category II;  
 163.195 (Recklessly Endangering Another Person) — Category IV;  
 163.212 (Unlawful Use of Stun Gun, Tear Gas or Mace in the Second Degree) — Category IV;  
 163.415 (Sexual Abuse in the Third Degree) — Category II;  
 163.435 (Contributing to the Sexual Delinquency of a Minor) — Category II;  
 163.445 (Sexual Misconduct) — Category II;  
 163.465 (Public Indecency) — Category II;  
 163.467 (Private Indecency) — Category II;  
 163.545 (Child Neglect in the Second Degree) — Category IV;  
 163.693 (Failure to Report Child Pornography) — Category IV;  
 163.575 (Endangering the Welfare of a Minor) — Category III;  
 163.700 (Invasion of Personal Privacy) — Category II;  
 163.709 (Unlawful Directing of Light from a Laser Pointer) — Category IV;  
 164.162 (Mail Theft or Receipt of Stolen Mail) — Category I;  
 164.265 (Criminal Trespass While in Possession of a Firearm) — Category IV;  
 164.272 (Unlawful Entry into a Motor Vehicle) — Category IV;  
 164.335 (Reckless Burning) — Category IV;  
 164.785 (Placing Offensive Substances in waters/on highways or property) — Category IV;  
 164.845 (FTA on Summons for ORS 164.813 or 164.825) — Category IV;  
 164.887 (Interference with Agricultural Operations) — Category II;  
 165.540 (Obtaining Contents of Communications) — Category IV;  
 165.570 (Improper Use of Emergency Reporting System) — Category IV;  
 165.572 (Interference with Making a Report) — Category II;  
 165.577 (Cellular Counterfeiting in the Third Degree) — Category I;  
 165.805 (Misrepresentation of Age by a Minor) — Category I;  
 166.025 (Disorderly Conduct in the Second Degree) — Category IV;  
 166.027 (Disorderly Conduct in the First Degree) — Category IV;  
 166.075 (Abuse of Venerated Objects) — Category II;

166.076 (Abuse of a Memorial to the Dead) — Category II;  
 166.090 (Telephonic Harassment) — Category II;  
 166.095 (Misconduct with Emergency Telephone Calls) — Category IV;  
 166.155 (Intimidation in the Second Degree) — Category II;  
 166.180 (Negligently Wounding Another) — Category IV;  
 166.190 (Pointing a Firearm at Another) — Category IV;  
 166.240 (Carrying a Concealed Weapon) — Category IV;  
 166.250 (Unlawful Possession of a Firearm) — Category IV;  
 166.320 (Setting of a Springgun or Setgun) — Category IV;  
 166.385 (Possession of Hoax Destructive Device) — Category IV;  
 166.425 (Unlawful Purchase of Firearm) — Category I;  
 166.427 (Register of Transfers of Used Firearms) — Category IV;  
 166.480 (Sale or Gift of Explosives to Children) — Category IV;  
 166.635 (Discharging Weapon or Throwing Object at Trains) — Category IV;  
 166.638 (Discharging Weapon Across Airport Operational Surfaces) — Category IV;  
 166.649 (Throwing Object off Overpass in the Second Degree) — Category IV;  
 167.312 (Research and Animal Interference) — Category II;  
 167.315 (Animal Abuse in the Second Degree) — Category IV;  
 167.325 (Animal Neglect in the Second Degree) — Category IV;  
 167.340 (Animal Abandonment) — Category IV;  
 167.352 (Interfering with Assistance, Search and Rescue or Therapy Animal) — Category IV;  
 167.385 (Unauthorized Use of Livestock Animal) — Category II;  
 167.388 (Interference with Livestock Production) — Category II;  
 167.808 (Unlawful Possession of Inhalants) — Category IV;  
 167.810 (Creating a Hazard) — Category IV;  
 167.822 (Improper Repair Vehicle Inflatable Restraint System) — Category IV;  
 241.525 (Corrupt Practices) — Category III;  
 Chapter 319 (Any Violation Involving a False Statement — Motor Vehicle and Aircraft Fuel Tax) — Category I;  
 411.320 (Disclosure and Use of Public Assistance Records) — Category II;  
 468.956 (Refusal to Produce Material Subpoenaed by the Commission) — Category IV;  
 471.410 (Providing Liquor to Person under 21 or to Intoxicated Person) — Category IV;  
 609.805 (Misrepresentation of Pedigree; Mutilation of Certificate or Proof of Pedigree) — Category I;  
 609.990(3)(a) (Violation of ORS 609.098 — Maintaining a Dangerous Dog) — Category IV;  
 632.470 (False Representation as to Raising, Production or Packaging) — Category I;  
 632.475 (Possession of Unlabeled, Falsely Labeled or Deceptively Packed Products) — Category I;  
 657.295 (Violation of Unemployment Insurance Witness Fees, Disputed Claims Expenses and Counsel Fees) — Category I;  
 659.800 (Use of Force or Misrepresentation to Prevent Employment) — Category I;  
 659.805 (Blacklisting and Blackmailing) — Category II;  
 659.815 (Deceptive Representations or Advertisements by Persons Employing Labor) — Category I;  
 659.845 (Fraudulently Accepting Advancement and Refusing to Work) — Category I;  
 661.040 (Violation of Limitations of Fees Charged laborers by Collective Bargaining Agents) — Category I;  
 661.260 (False Filing or Fraudulent Filing) — Category I;  
 688.120 (Fraudulent Representation as a Physical Therapist or Physical Therapist Assistant) — Category I;  
 731.260 (False or Misleading Filings; Insurance Code) — Category I;  
 803.225 (Failure to Designate Replica Vehicle in Title or Registration Application) — Category I;  
 807.430 (Misuse of Identification Card) — Category I;  
 807.510 (Transfer of documents for the purpose of misrepresentation) — Category I;  
 807.530 (False Application for License) — Category I;  
 807.580 (Using Invalid License) — Category I;  
 807.590 (Permitting Misuse of License) — Category I;  
 807.600 (Using Another's License) — Category I;  
 811.060 (Vehicular Assault of Bicyclist or Pedestrian) — Category IV;  
 811.140 (Reckless Driving) — Category IV;  
 811.182 (Criminal Driving While Suspended or Revoked) — Category IV;  
 811.231 (Reckless Endangerment of Highway Workers) — Category IV;  
 811.540 (Fleeing or Attempt to Elude a Police Officer) — Category IV;  
 811.700 (Failure to Perform Duties of Driver when Property is Damaged) — Category IV;  
 811.740 (False Accident Report) — Category I;  
 813.010 (Driving Under the Influence of Intoxicants) — Category IV;  
 825.990(3)(d) (False Material Statement or Representation in any Application, Label, Manifest, Record, Report, Permit or Other Document Filed, Maintained or Used for Purposes of Compliance) — Category I;

825.990(3)(e) (Failure to Include Material Information Required by Department of Transportation) — Category I;  
 830.035(2) (Fleeing; Attempts to Elude) — Category IV;  
 830.053 (False or Fraudulent Report of Theft of Boat) — Category I;  
 830.315(1) (Reckless Operation) — Category IV;  
 830.325 (Operate a Boat while Under the Influence of Intoxicating Liquor or Controlled Substance) — Category IV;  
 830.475(1) (Failure to Perform the Duties of an Operator at Accident) — Category IV;  
 830.730 (False Information) — Category I;  
 830.994 (Operate a Boat in Violation of a Court Order) — Category IV;  
 837.080 (Prohibited Operation of an Aircraft) — Category IV.

(d) Initial Periods of Ineligibility. Upon determination to proceed with the denial or revocation of a public safety professional's certification based on discretionary disqualifying misconduct identified in subsection (a), an initial minimum period of ineligibility to apply for certification will be determined based upon the category of misconduct (i.e., Dishonesty, Disregard for Rights of Others, Misuse of Authority, Gross Misconduct, Misconduct or Insubordination).

(e) Following review and recommendation by a Policy Committee, the Board will determine the initial minimum period of ineligibility for discretionary disqualifying misconduct identified in subsection (a) from the time frame identified below for each category of discretionary disqualifying misconduct:

(A) Category I: Dishonesty (5 years to Lifetime).

(B) Category II: Disregard for Rights of Others (5 years to 15 years).

(C) Category III: Misuse of Authority (5 years to 10 years).

(D) Category IV: Gross Misconduct (5 years to 10 years).

(E) Category V: Misconduct (3 years to 7 years).

(F) Category VI: Insubordination (3 years to 7 years).

(5) Eligibility to Reapply; Ineligibility Periods. A person is not eligible to reapply for training or certification if the person had training or certification denied or revoked for:

(a) Mandatory grounds identified in section (3) of this rule; or

(b) Discretionary Disqualifying Misconduct identified in section (4) of this rule that is determined to be a Category I lifetime disqualifier.

(6) Eligibility to reapply for certification:

(a) In determining the initial minimum period of ineligibility within any category for discretionary disqualifying misconduct listed in section (4) of this rule, the Board will take into consideration any mitigating or aggravating factors, subject to the provisions of section (9) of this rule.

(b) The initial minimum period of ineligibility will be included in any Final Order of the Department.

(c) Any subsequent eligibility to apply for certification will be determined by the Board, after Policy Committee review, subject to the provisions of section (11) of this rule.

(7) Guidelines for Denial or Revocation Based on Discretionary Disqualifying Misconduct. In determining whether to take action on a conviction, Standards and Certification must use the following guidelines:

(a) In making a decision on a discretionary denial or revocation, Standards and Certification will consider the implementation dates relating to new mandatory conviction notification requirements adopted in 2003 and statutory changes dealing with lifetime disqualifier convictions for public safety professionals adopted in 2001.

(b) Standards and Certification will not take action on a conviction constituting discretionary disqualifying misconduct that occurred prior to January 1, 2001. However, Standards and Certification may consider such conviction as evidence that a public safety professional does not meet the established moral fitness guidelines.

(c) Standards and Certification may take action on any conviction constituting discretionary disqualifying misconduct that occurred after January 1, 2001; however, crimes with a presumptive category of only Misconduct (Category V) may be appropriate for summary staff disposition or administrative closure if the conviction occurred seven years or more prior to the date of review and it represents the sole criminal conviction in the public safety professional's history.

represents the sole criminal conviction in the public safety professional's history.

(d) The Board may reconsider any mandatory conviction which subsequently becomes a conviction constituting discretionary disqualifying misconduct, upon the request of the public safety professional.

(e) The length of ineligibility for training or certification based on a conviction begins on the date of conviction.

(f) Standards and Certification will not take action against a public safety professional or agency for failing to report, prior to January 1, 2003, a conviction that constitutes discretionary disqualifying misconduct.

(g) Standards and Certification may take action against a public safety professional or agency for failing to report, after January 1, 2003, any conviction that constitutes discretionary disqualifying misconduct.

(8) Scope of Revocation. Whenever the Department revokes the certification of any public safety professional under the provisions of OAR 259-008-0070, the revocation will encompass all public safety certificates, except fire certification(s), the Department has issued to that person.

(9) Denial and Revocation Procedure.

(a) Agency Initiated Review: When the entity utilizing a public safety professional requests that a public safety professional's certification be denied or revoked, it must submit in writing to Standards and Certification the reason for the requested denial or revocation and all factual information supporting the request.

(b) Standards and Certification Initiated Review: Upon receipt of factual information from any source, and pursuant to ORS 181.662, Standards and Certification may request that the public safety professional's certification be denied or revoked.

(c) Standards and Certification Staff Review: When Standards and Certification receives information, from any source, that a public safety professional may not meet the established standards for Oregon public safety professionals, Standards and Certification will review the request and the supporting factual information to determine if the request for denial or revocation meets statutory and administrative rule requirements.

(A) If the reason for the request does not meet the statutory and administrative rule requirements for denial or revocation Standards and Certification will notify the requestor.

(B) If the reason for the request does meet statutory and administrative rule requirements but is not supported by adequate factual information, Standards and Certification will request further information from the employer or conduct its own investigation of the matter.

(C) If Standards and Certification determines that a public safety professional may have engaged in discretionary disqualifying misconduct listed in subsection (4), the case may be presented to the Board, through a Policy Committee.

(D) Standards and Certification will seek input from the affected public safety professional, allowing him or her to provide, in writing, information for the Policy Committee and Board's review.

(E) In misconduct cases where there has been an arbitrator's opinion related to the public safety professional's employment, Standards and Certification will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, Standards and Certification will proceed as identified in paragraphs (A) through (D) of this subsection.

(ii) If the arbitrator has ordered employment reinstatement after a discharge for cause without a finding related to whether the misconduct occurred, Standards and Certification will proceed as identified in paragraphs (A) through (D) of this subsection.

(iii) If the arbitrator's opinion finds that underlying facts did not support the allegation(s) of misconduct, Standards and Certification will proceed as identified in paragraph (A) of this subsection and administratively close the matter.

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e)



## Chapter 259 Department of Public Safety Standards and Training

of this rule, based on discretionary disqualifying misconduct, the Policy Committees and Board may consider mitigating and aggravating circumstances, including, but not limited to, the following:

(A) When the misconduct occurred in relation to the public safety professional's employment in public safety (i.e., before, during after);

(B) If the misconduct resulted in a conviction:

(i) Whether it was a misdemeanor or violation;

(ii) The date of the conviction(s);

(iii) Whether the public safety professional was a minor at the time and tried as an adult;

(iv) Whether the public safety professional served time in prison or jail and the length of incarceration;

(v) Whether restitution was ordered, and whether the public safety professional met all obligations;

(vi) Whether the public safety professional has ever been on parole or probation. If so, the date the parole or probation period expired or will expire; and

(vii) Whether the public safety professional has more than one conviction and over what period of time;

(C) Whether the public safety professional engaged in the same misconduct more than once and over what period of time;

(D) Whether the actions of the public safety professional reflect adversely on the profession or would cause a reasonable person to have substantial doubts about the public safety professional's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation;

(E) Whether the misconduct involved domestic violence;

(F) Whether the public safety professional self-reported the misconduct;

(G) Whether the conduct adversely reflects on the fitness of the public safety professional to perform as a public safety professional;

(H) Whether the conduct renders the public safety professional otherwise unfit to perform their duties because the agency or public has lost confidence in the public safety professional; and

(I) What the public safety professional's physical or emotional condition was at the time of the conduct.

(e) Initiation of Proceedings: Upon determination that the reason for denial or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared and served on the public safety professional.

(f) Contested Case Notice:

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

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the public safety professional prior to Board review. If the Board disapproves the policy committee's recommendation, the Department will withdraw the Contested Case Notice.

(g) Response Time:

(A) A party who has been served with a "Contested Case Notice of Intent to Deny Certification" 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.

(B) A party who has been served with the "Contested Case Notice of Intent to Revoke Certification" has 20 days from the date of mailing or personal service of the notice in which to file a written request for hearing with the Department.

(h) Default Orders:

(A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672.

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.

(i) 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.

(j) Proposed and Final Orders:

(A) In cases in which 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.

(B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order can be issued.

(k) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a public safety professional upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification, or to relinquish a certification, under the terms and conditions outlined in the stipulated order.

(l) Appeal Procedure. A public safety professional, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

(m) Reapplication Process.

(a) Any public safety professional whose certification has been denied or revoked pursuant to section (4) of this rule, may reapply for certification within the applicable timeframes described in sections (4) through (6) of this rule. The initial minimum ineligibility period will begin on the date an Order of the Department denying or revoking certification becomes final. The initial minimum ineligibility period will cease when the applicable timeframe stated in the Order has been satisfied.

(b) Any public safety professional whose certification has been denied or revoked based on discretionary disqualifying misconduct may not reapply for certification until:

(A) The initial minimum period of ineligibility stated in an Order of the Department denying or revoking certification has been satisfied;

(i) If the initial period of ineligibility for the individual was for a period of less than the maximum period identified in section (4) of this rule, and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not reapply for certification under the provisions of this rule until after the maximum initial period of ineligibility identified in (4) of this rule has been satisfied.

(ii) If the individual has satisfied the maximum initial period of ineligibility and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not submit any further requests for an eligibility determination, and the original denial or revocation remains permanent.

(B) A written request for an eligibility determination has been submitted to the Department and a Policy Committee has recommended that a public safety professional's eligibility to apply for public safety or instructor certification be restored and the Board has upheld the recommendation;

(i) A request for an eligibility determination should include documentation or information that supports the public safety professional's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Policy Committee and the Board may consider mitigating and aggravating circumstances identified in Section 9(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through a Policy Committee, may determine that the individual's eligibility to apply for certification be restored if the criteria for certification have been met; or determine that the factors that originally resulted in denial or revocation have not been satisfactorily mitigated and the individual must remain ineligible to apply for certification.

(C) The public safety professional is employed or utilized by a public safety agency or the Department; and

(D) All requirements for certification have been met.

Stat. Auth.: ORS 181.640, 181.661, 181.662, 181.664 & 183.341

Stats. Implemented: ORS 181.640, 181.661, 181.662 & 181.664

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 6-2000, f. & cert. ef. 9-29-00; BPSST 14-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp), f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-02; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 7-2003, f. & cert. ef. 4-11-03; DPSST 7-2004, f. & cert. ef. 4-23-04; DPSST 10-2006, f. & cert. ef. 7-6-06; DPSST 16-2008, f. & cert. ef. 10-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 11-2011, f. & cert. ef. 7-1-11; DPSST 11-2012, f. & cert. ef. 4-24-12; DPSST 19-2012, f. & cert. ef. 8-31-12; DPSST 22-2012, f. & cert. ef. 10-23-12; DPSST 26-2012(Temp), f. & cert. ef. 12-14-12 thru 6-12-13; DPSST 3-2013, f. & cert. ef. 1-22-13; DPSST 21-2013, f. & cert. ef. 9-23-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 4-2014, f. & cert. ef. 1-28-14; DPSST 7-2014(Temp), f. & cert. ef. 2-27-14 thru 8-1-14; DPSST 16-2014, f. & cert. ef. 6-24-14; DPSST 20-2014, f. & cert. ef. 7-30-14; DPSST 21-2014(Temp), f. & cert. ef. 7-31-14 thru 1-27-15; DPSST 30-2014, f. & cert. ef. 10-22-14

## 259-008-0075

### Eligibility for Candidacy for Office of Sheriff

(1) A person is not eligible to be a candidate for election or appointment to the office of sheriff unless at the time in which an eligibility determination is being requested the person:

(a) Is 21 years of age or older;

(b) Has at least four years experience as a full-time law enforcement officer or at least two years experience as a full-time law enforcement officer with at least two years post-high school education; and

(c) Has not been convicted of a felony or any other crime that would prevent the person from being certified as a police officer under ORS 181.610 to 181.670.

(2) As used in section (1) of this rule, “two years post-high school education” means four semesters or six quarters of classroom education in a formal course of study undertaken after graduation from high school in any accredited college or university. The term does not include apprenticeship or on-the-job training.

(3) The procedure for determining whether an individual is eligible to be a candidate for election to the office of sheriff is:

(a) After filing a nominating petition or declaration of candidacy with the county clerk or county official in charge of elections, a potential candidate for sheriff must submit an Application for Determination of Eligibility to Be Sheriff (DPSST Form F-25) and Criminal History Affidavit (DPSST Form F-26) to the Department;

(b) The Department will make an eligibility determination and file a copy of its determination on an individual’s eligibility to be a candidate for election to the office of sheriff with the county clerk or county official in charge of elections not later than the 61st day before the date of an election;

(c) The Department will notify the applicant in writing of the determination and decision concerning the eligibility of the applicant by certified mail, mailed to the applicant and postmarked at not later than the 61st day before the date of an election.

(4) If the person is not certified as a police officer by the Department at the time of accepting appointment or filing as a candidate, a person elected or appointed to the office of sheriff must:

(a) Obtain certification not later than one year after taking office;

(b) File a copy of the certification with the County Clerk or the county official in charge of elections within one year after taking office.

(5) Prior to attending any Department-approved training course, a person elected or appointed to the office of Sheriff must comply with the minimum standards for employment and training specified in OAR 259-008-0010 and 259-008-0025. This includes, but is not limited to the following categories:

(a) Citizenship;

(b) Age;

(c) Fingerprints;

(d) Criminal Records;

(e) Notification of Conviction;

(f) Moral Fitness (Professional Fitness);

(g) Education;

(h) Physical Examination;

(A) Any written request for a waiver of any physical requirement must be submitted to the Department as described in OAR 259-008-0010(8)(o);

(B) Any request for a waiver of any physical requirement must be approved by a Policy Committee and Board; and

(C) Any expense associated with providing documentation or testimony will be the responsibility of the person requesting the waiver.

(i) Submitting an Application for Training (DPSST Form F-5) to the Department providing evidence that a law enforcement proficiency test or validated written test designed to evaluate predictors of job-related skills and behaviors has been completed as required in OAR 259-008-0010;

(j) Submitting a current Medical Examination Report (DPSST Form F-2) completed by a licensed physician; and

(k) Completion of a basic course and field training manual, unless a written request for a waiver of this requirement is received and approved by the Department.

(6) Prior to obtaining certification as a police officer, a person elected or appointed to the office of Sheriff must comply with the minimum standards for certification specified in OAR 259-008-0060 which include, but are not limited to:

(a) Full-time employment;

(b) Submission of a Criminal Justice Code of Ethics (DPSST Form F 11);

(c) Submission of an Application for Certification (DPSST Form F-7) with all applicable sections of the form completed; and

(d) Valid first aid and cardiopulmonary resuscitation (CPR) cards.

(7) Any newly elected or appointed public safety officer must submit a Personnel Action Report (DPSST Form F-4) to the Department within 10 business days after taking office or appointment, as provided in OAR 259-008-0020.

(8) For complete information relating to employment, training and certification requirements, refer to the full text of the statutes and rules referenced in subsections (1) through (6) above.

(9) The Department may deny approval or revoke or rescind any approval previously given, if any falsification is made on the application or documents submitted in support of the application.

(10) The Department will provide a copy of this rule to all persons requesting an evaluation of their eligibility to be a candidate for sheriff, upon request.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 206.015

Stats. Implemented: ORS 206.015

Hist.: PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1982, f. & ef. 7-2-82; PS 2-1982, f. & ef. 9-7-82; PS 1-1983, f. & ef. 12-15-83; PS 2-1987, f. & ef. 10-26-87; Renumbered from 259-010-0057, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 9-2007, f. & cert. ef. 8-15-07; DPSST 3-2010, f. 4-12-10, cert. ef. 5-1-10; DPSST 11-2013, f. & cert. ef. 6-24-13; DPSST 18-2013, f. & cert. ef. 7-23-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 17-2014, f. & cert. ef. 7-23-14

## 259-008-0076

### Eligibility Requirements for Police Chief

(1) In addition to the minimum standards for employment and training as a law enforcement officer as described in OAR 259-008-0010 and 259-008-0025, a person accepting employment as a Police Chief must:

(a) Be currently certified as a police officer by the Department; or

(b) If the person is not currently certified as a police officer by the Department, the person accepting employment as Police Chief must obtain certification no later than 18 months after accepting such employment.

(2) Any person accepting employment as Police Chief must obtain Management certification by the Department within two (2)

years of accepting employment as Police Chief, unless an extension is requested in writing and granted by the Department.

(3) The Department may grant an extension of time to obtain a Management certificate upon presentation of evidence by a law enforcement unit that a Police Chief was unable to obtain the certification within the required time limit due to being on leave, or any other reasonable cause as determined by the Department. No extension will be granted beyond one year.

(4) The employing agency must maintain documentation of a Police Chief's qualifications.

(5) The employing agency must notify the Department within 10 days of the date that a Police Chief is appointed, resigns, retires, terminates employment, is discharged, deceased, is on leave, or transfers within a law enforcement unit, or private or public safety agency as required by OAR 259-008-0020.

(6) Failure to obtain a Management Certificate as required in section (2) or (3) above, will result in the immediate suspension of the Police Chief's certification:

(a) A Police Chief with a suspended certification is prohibited from performing the duties of, or working in any capacity as, a Police Chief or Acting Police Chief;

(b) Prior to recertification of a Police Chief's suspended certificate, the department head must submit the following:

(A) A written request for recertification, along with an explanation of the individual's current job duties and why the Department should recertify the individual if they are not currently in a certifiable police officer position; or

(B) Verification that a Management Certificate was obtained, if the individual is requesting reinstatement as a Police Chief.

(c) A police chief whose certification has been suspended pursuant to this rule must submit a completed F-4 (Personnel Action Form) identifying that the individual is no longer serving as, or performing the duties of, police chief prior to reactivating their police certification;

(d) A Police Chief who fails to recertify within 2-1/2 years is subject to the provisions of OAR 259-008-0025(2);

(e) A Police Chief who fails to recertify within five (5) years is subject to the provisions of OAR 259-008-0025(1)(c).

Stat. Auth.: ORS 181A.410 & 181A.490

Stats. Implemented: ORS 181A.410 & 181A.490

Hist.: DPSST 13-2005, f. & cert. ef. 12-7-05; DPSST 9-2007, f. & cert. ef. 8-15-07; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 31-2012, f. & cert. ef. 12-27-12; DPSST 11-2016, f. 7-25-16, cert. ef. 7-29-16

### 259-008-0078

#### Eligibility Requirements for Limited Duration, Administrative Positions

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

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

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

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

(d) Have and maintain current First Aid/CPR certification;

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

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

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

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

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

(5) Agencies employing an individual in a limited duration, administrative position must submit to the Department:

(a) An F-4 (Personnel Action Report) as outlined in OAR 259-008-0020; and

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

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

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

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

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

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

(d) The public safety officer fails to maintain current CPR/first aid certification; or

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

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

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

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: DPSST 7-2015, f. & cert. ef. 3-24-15

### 259-008-0080

#### Certification of Instructors

(1) Standards and Certification will certify instructors deemed qualified to teach all mandated training courses.

(2) Minimum Standards for Instructor Certification:

(a) Fingerprints.

(A) Prior to the date of employment, instructors and applicants must be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and must forward a card to the Oregon State Police Identification Services Section for processing and 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.

(b) Criminal Records. No instructor or applicant may have been convicted:

(A) In this state or any other jurisdiction, of a crime designated under the law 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) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(C) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(c) Notification of Conviction.

(A) An instructor who is convicted of a crime, as identified in OAR 259-008-0070, while employed by a public or private safety agency or the Department, must notify the department head within 72 hours of the conviction.

(B) When an agency receives notification of a conviction from its employee or another source, they must notify Standards and Certification within five business days. The notification must



be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of the conviction.

(d) Moral Fitness (Professional Fitness). All instructors and applicants must be of good moral fitness. For purposes of this standard, lack of good moral fitness includes, but is not limited to:

(A) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(B) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

(e) Training Requirements.

(A) Notwithstanding section (3), all instructors and applicants must complete a Department-approved Basic Instructor Development Course or equivalent Department-approved training. The course must include instruction on the theory and application of adult learning principles and presentation skills.

(i) For the purposes of this rule, adult learning principles must include problem-based, practical, collaborative training that builds on the students' life experience and knowledge.

(ii) For the purposes of this rule, presentation skills must include the appropriate knowledge and preparation of materials and training that engage the student through a variety of methods to develop critical thinking, while acquiring job-specific knowledge and skills.

(B) Instructors whose certification has lapsed may be required to satisfactorily complete a Department-approved Basic Instructor Development Course or equivalent Department-approved training to qualify for re-certification.

(f) Professional experience. Notwithstanding section (3), instructors and applicants must have:

(A) Three years' experience in a certifiable public safety position; or

(B) Non-certified, professional or educational experience that allows them to possess the requisite knowledge, skills and abilities to instruct mandated courses.

(g) It is the continuing responsibility of the agency utilizing certified instructors to ensure that instructors are assigned only topics which they are qualified to teach and the instruction is evaluated on a regular basis.

(h) All applicants for initial certification must submit an Instructor Certification Application (DPSST Form F-9) with any required documentation to Standards and Certification.

(3) The requirements in sections (2)(e) and (2)(f) may be waived if a Training Supervisor or Training Manager responsible for mandated training delivery can attest to the instructor or applicant's knowledge and skills to instruct mandated courses.

(4) Instructor certification is not required for instructors who instruct non-mandated courses.

(5) Review of instructor certification will be the responsibility of Standards and Certification. Reviews may be initiated upon the request of a department head, staff, or other reliable source.

[ED. NOTE: Form referenced is available from the agency.]

Stat. Auth.: ORS 181.640 & 181.650

Stats. Implemented: ORS 181.640 & 181.650

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0060, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 17-2013, f. & cert. ef. 7-23-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 5-2014, f. & cert. ef. 1-29-14; DPSST 18-2014, f. & cert. ef. 7-23-14; DPSST 16-2015, f. & cert. ef. 7-23-15; DPSST 11-2016, f. 7-25-16, cert. ef. 7-29-16

### 259-008-0085

#### Minimum Standards for Mandated Courses

(1) Basic Police Course and Field Training.

(a) The curriculum for the Basic Police Course and field training manual will be based on the critical and essential job tasks identified in the 2015 DPSST Job Task Analysis for Police Officers.

(b) The Basic Police Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 640 hours). Training will include, at a minimum:

(A) Training on law, theory, policies and practices related to pursuit driving;

(B) Vehicle pursuit exercises;

(C) Twenty-four hours of training in the recognition of mental illnesses as described in ORS 181A.440(2). At least one hour of mental health training will be dedicated to the appropriate use of the mental health database maintained by the Department of State Police within the Law Enforcement Data System;

(D) The investigation and reporting of cases of missing children and adults;

(E) The investigation, identification and reporting of crimes motivated by prejudice based on perceived race, color, religion, national origin, sexual orientation, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental disability, age, economic or social status or citizenship of the victim;

(F) Investigation, identification and reporting of crimes constituting abuse, as defined in ORS 419B.005, or domestic violence;

(G) The requirements of the Vienna Convention on Consular Relations, including situations in which officers are required to inform a person of the person's rights under the convention; and

(c) Field training requires successful completion of the 2013 Police Officer Field Training Manual or DPSST-approved equivalent manual.

(2) Basic Corrections Local Course and Field Training.

(a) The curriculum for the Basic Corrections Local Course and field training manual will be based on the critical and essential job tasks identified in the 2012 Job Task Analysis for Corrections Officers.

(b) The Basic Corrections Local Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 240 hours).

(c) Field training requires successful completion of the 2009 Corrections Officer Field Training Manual or DPSST-approved equivalent manual.

(3) Basic Parole and Probation Course and Field Training.

(a) The curriculum for the Basic Parole and Probation course and field training manual will be based on the critical and essential job tasks identified in the 2011 Job Task Analysis for Parole and Probation Officers.

(b) The Basic Parole and Probation course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 200 hours).

(c) Field training requires successful completion of the 2009 Parole & Probation Officer Field Training Manual or DPSST-approved equivalent manual.

(4) Basic Telecommunicator Course and Field Training.

(a) The curriculum for the Basic Telecommunicator Course and field training manual will be based on the critical and essential job tasks identified in the 2015 Job Task Analysis for Telecommunicators.

(b) The Basic Telecommunicator Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 80 hours).

(c) Field training requires successful completion of the 2014 Telecommunicator Field Training Manual or DPSST-approved equivalent manual.

(5) Basic Emergency Medical Dispatcher Course and Field Training.

(a) The curriculum for the Basic Emergency Medical Dispatcher course will be based on the 1996 National Highway Traffic Safety Administration (NHTSA) Emergency Medical Dispatcher standards.

(b) The Basic Emergency Medical Dispatcher course will consist of sufficient training hours to satisfy all NHSTA instructional goals (approximately 24 hours).

(c) Field training requires successful completion of the 2007 Emergency Medical Dispatcher Field Training Manual or DPSST-approved equivalent manual.

(d) The Basic Emergency Medical Dispatcher Course may be delivered by an approved third-party vendor or agency if the course has been certified as equivalent by Standards and Certification.

(A) Vendors or agencies must submit a Course Certification Request (Form F-20) to request an equivalency determination.

(B) Equivalency determinations will be valid for one year and will expire on December 31 of each year.

(6) Department of Corrections (DOC) Basic Corrections Course and Field Training.

(a) The curriculum for the DOC Basic Corrections Course will be based on the 2012 Job Task Analysis for Corrections Officers.

(b) The DOC Basic Corrections Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 240 hours).

(c) The DOC Basic Corrections Course will incorporate the DPSST Basic Corrections 2012 Instructional Goals within each of the following sections:

(A) Section A — Legal Considerations (Approximately 20 hours);

(B) Section B — Security Procedures (Approximately 37 hours);

(C) Section C — Inmate Supervision (Approximately 43 hours);

(D) Section D — Inmate Health Care (Approximately 16 hours);

(E) Section E — Professional Skills (Approximately 16 hours);

(F) Section F — Personal Fitness (Approximately 27 hours);

(G) Section G — Defensive Tactics (Approximately 41 hours); and

(H) Section H — Firearms (Approximately 26 hours).

(d) Administrative time will make up approximately 14 hours.

(e) Eighty percent of the Basic Corrections Course must contain participatory learning activities. Participatory learning activities will include:

(A) A minimum of 51 hours of Reality Based Training;

(B) A minimum of three written incident reports that are complete, accurate, and demonstrate the report writing fundamentals of content, organization, and mechanics. Each report must be evaluated by an instructor to ensure the student's ability to accurately document an incident using report writing components; and

(C) A minimum of four Problem Based Learning activities consisting of at least eight hours.

(c) Field training requires successful completion of the 2009 Department of Corrections Officer Field Training Manual.

(7) Basic Oregon Liquor Control Commission Regulatory Specialist Course.

(a) The curriculum for the Basic Regulatory Specialist course will be based on the 2013 Job Task Analysis for Liquor Enforcement Inspectors.

(b) The Basic Regulatory Specialist Course will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 160 hours);

(c) Field training requires successful completion of the 2015 Pilot Regulatory Specialist Field Training Manual.

(8) Basic Instructor Development Course. The Basic Instructor Development Course must include instruction on the theory and application of adult learning principles and presentation/facilitation skills.

(9) Supervision Course. The curriculum for the Supervision Course will be based on the 2000 Job Task Analysis for Oregon Public Safety Supervisors and a 2009 Survey of Incumbent Supervisors.

(10) Middle Management Course. The curriculum for the Middle Management Course will be based on the 2000 Job Task Analysis for Oregon Public Safety Middle Managers, a 2007 DACUM for Middle Management and a 2009 Survey of Incumbent Managers.

(11) Academy Police Career Officer Development Course (PCOD).

(a) The Academy PCOD will be based on the 2015 Job Task Analysis for Police Officers.

(A) The Academy PCOD will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 80 hours); and

(B) Field training requires successful completion of the 2013 Police Officer Field Training Manual or DPSST-approved equivalent manual.

(12) Self-Study Police Career Officer Development Course (PCOD).

(a) The Self-Study PCOD will be based on the 2015 Job Task Analysis for Police Officers.

(A) The Self-Study PCOD will consist of sufficient training hours to satisfy all Board-approved instructional goals (approximately 80 hours); and

(B) Field training requires successful completion of the 2013 Police Officer Field Training Manual or DPSST-approved equivalent manual.

(13) Self-Study Corrections Career Officer Development Course (CCOD).

(a) The CCOD will be based on 2012 Job Task Analysis for Corrections Officers.

(b) Field training requires successful completion of the 2009 Corrections Officer Field Training Manual or DPSST-approved equivalent manual.

(14) All field training will be conducted under the supervision of the employing agency.

(15) The Department may waive the field training requirement for PCOD and CCOD Courses if the employing agency demonstrates that field training was previously completed.

(16) All course curriculums must be reviewed and approved by the Board on Public Safety Standards and Training prior to being delivered.

(17) All course curriculums will be reviewed following any update to the underlying standards adopted above.

(18) All instructors of mandated courses must be certified as an instructor as required by OAR 259-008-0080 prior to instructing.

(19) A public safety officer must have successfully completed the mandated course for which certification is being requested in order for the training to satisfy the minimum requirements for certification. No more than 10% of classroom hours may be missed without the approval of the Director. Non-classroom hours are required to have 100% attendance.

(20) Testing. All academic testing must consist of measures that are valid, rigorous, and require students to demonstrate knowledge and application of essential tasks. Successful completion of a mandated course requires the following:

(a) Basic Police Course students must:

(A) Obtain and maintain a minimum cumulative score of 75% by Quiz 4;

(B) Obtain a minimum score of 75% on the midterm exam and final exam;

(C) Achieve a passing score of 100% on use of force exams with remediation as necessary; and

(D) Effective January 1, 2007, successful completion of the Oregon Physical Abilities Test (OR-PAT).

(b) Basic Corrections Local course students must:

(A) Obtain a minimum cumulative score of 75% by Quiz 3;

(B) Obtain a minimum score of 75% on the final exam; and

(C) Achieve a passing score of 100% on use of force exams with remediation as necessary.

(c) Basic Parole and Probation Course students must:

(A) Obtain a minimum cumulative score of 75% by the third exam; and

(B) Achieve a passing score of 100% on use of force exams with remediation as necessary.

(d) Basic Telecommunicator Course Students must obtain a minimum score of 75% on the exam.

(e) Basic Emergency Medical Dispatcher Course student must:

(A) Obtain a minimum score of 75% on the exam; and  
(B) Achieve a passing score of 100% on Emergency Medical Dispatcher Protocol Reference System (EMDPRS).

(f) DOC Basic Corrections Course students must:

(A) Obtain a minimum score of 75% on each academic test; and

(B) Achieve a passing score of 100% on all academic test questions relating to use of force topics with remediation as necessary.

(C) BCC students who fail to achieve a passing score on the final exam after two attempts will be required to complete the DOC Basic Corrections Course and field training manual pursuant to section (6) of this rule.

(g) Basic Regulatory Specialist students must:

(A) Successfully complete course projects and assignments; and

(B) Achieve a passing score of 100% on use of force exams with remediation as necessary.

(h) Basic Instructor Development Course student must successfully complete course projects and assignments.

(i) Supervision Course students must successfully complete course projects and assignments.

(j) Middle Management course students must successfully complete course projects and assignments.

(k) Academy PCOD students must:

(A) Obtain a minimum cumulative score of 75% by the second exam; and

(B) Achieve a passing score of 100% on use of force exams with remediation as necessary.

(C) Individuals who do not achieve passing scores will be given one opportunity to remediate and re-test within 60 days of the initial failure.

(D) Individuals who do not achieve a passing score will be required to complete the Basic Police Course and field training manual pursuant to section (1) of this rule.

(l) Self-study PCOD students must:

(A) Obtain a minimum cumulative score of 75% by the second exam; and

(B) Achieve a passing score of 100% on use of force exams with remediation as necessary.

(C) Individuals who do not achieve passing scores will be given one opportunity to remediate and re-test within 60 days of the initial failure.

(D) Individuals who fail to achieve passing scores after remediation will be required to attend the academy PCOD pursuant to section (11) of this rule.

(m) Self-study CCOB students must:

(A) Obtain a minimum score of 75% on the first exam; and

(B) Achieve a passing score of 100% on the use of force exam with remediation as necessary.

(C) Individuals who do not achieve passing scores will be given one opportunity to remediate and re-test within 60 days of the initial failure.

(D) Individuals who do not achieve passing scores after remediation will be required to complete the Basic Corrections Local Course and field training manual pursuant to section (2) of this rule or the DOC Basic Corrections Course and field training manual pursuant to section (6) of this rule.

(20) Course Documentation. Prior to being recognized as meeting the minimum training standards required for certification, the following documentation must be submitted to Standards & Certification at the conclusion of each course:

(a) A course attendance roster (Form F-6);

(b) An official record of actual course hours or attendance rosters;

(c) Absence reports with documentation of make-up training;

(d) Class schedule including subject hour breakdown;

(e) Curriculum, including master exams and answer sheets;

(f) Testing results, including individual test scores, individual final average and class average; and

(g) Deficiency reports and documentation of completion.

(21) Course Certification. Each mandated course must be certified annually. All course certifications are valid for one year and will expire on December 31 of each year.

(22) All mandated courses are subject to periodic audits by Standards and Certification to ensure compliance with the minimum training standards found in this rule.

(a) Notwithstanding subsection (b), the anticipated training dates, training locations and training hours must be provided to Standards and Certification no later than 14 days prior to the training.

(b) Standards and Certification will be notified of remediation training dates, training locations and training hours no later than 48 hours prior to the training or at the time of failure.

(c) Standards and Certification will prepare an audit report for each audited course.

(d) Issues of non-compliance will be forwarded to the appropriate department head or designee for resolution. Failure to respond to non-compliance issues may result in training not being recognized as meeting the minimum training requirements for certification.

(e) Standards and Certification will provide observations made during audits for feedback and possible suggestions for course enhancements. Observations will not be indicative of non-compliance of courses.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.410 & 181A.590

Stats. Implemented: ORS 181A.410 & 181A.590

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0065, PS 1-1990, f. & cert. 2-7-91; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 15-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 9-2002, f. & cert. ef. 4-3-02; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 5-2016, f. & cert. ef. 3-22-16

## 259-008-0090

### Training Records

(1) Upon receipt by the Department of a Personnel Action Report (DPSST Form F-4), properly identifying a public safety professional, the Department will initiate a file for that individual and record completion of approved training, as well as other personnel information, if properly documented.

(2) Upon receipt of the appropriate form, the Department will enter training hours for training attended by a public safety professional.

(a) Beginning April 1, 2007, F-6 (Attendance Rosters) will only be accepted to report training that occurred in the current calendar year and the two previous years.

(b) Any training occurring three or more years prior to the current year, or any training received while a public safety professional was employed in a jurisdiction outside of Oregon, must be reported on an F-15 (Continuing Log of Training). Approved training will appear on a public safety professional's training record as a lump sum number of hours of "approved training" for each year reported.

(3) Beginning January 1, 2007, all training submitted to the Department must be submitted on the current version F-6 (Attendance Roster) or F-15 (Continuing Log of Training) available upon request, or from the Department's internet website.

(4) Any Form F-6 (Attendance Roster) or F-15 (Continuing Log of Training) received by the Department that is insufficient, or not in compliance with this rule, will be returned to the originating agency. The Department will identify any deficiencies needing completion or correction.

(5) Upon display of proper identification, a department head, or authorized representative, may review their employee's file as maintained by the Department. Proper identification will also be required of individuals interested in reviewing their own file.

(6) Review or release of non-public information under Oregon law to other than the individual whose file is the subject of the information request or to the employing law enforcement agency, or public or private safety agency will only be permitted by the Department upon advisement by the Attorney General, by court



order, or with a signed consent from the individual whose file is the subject of the information request.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0070, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 10-2007, f. & cert. ef. 10-15-07; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 5-2014, f. & cert. ef. 1-29-14

## 259-008-0100

### Miscellaneous Activities of the Board or Department

(1) The Board or Department may make or encourage studies of any aspect of corrections, parole and probation, telecommunications, regulatory specialist, emergency medical dispatch, fire, or police administration, including the stimulation of research by public and private agencies which shall be designed to improve the Criminal Justice System.

(2) The Board or Department may cooperate and consult with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, community colleges, and other institutions concerning the development of criminal justice training schools and programs or courses of instruction.

(3) The Board or Department may cooperate and consult with official bodies or individuals charged by law with the responsibility for corrections, parole and probation, regulatory specialist, telecommunications, emergency medical dispatch, fire or police selection and training standards in other states.

(4) The Board or Department may periodically publish or recommend that other governmental agencies publish curricula, manuals, lesson plans, brochures, newsletters, and other materials to aid departments in achieving the objectives of the Act.

(5) The Department may direct, operate, or sponsor training schools and set reasonable rules and regulations for the operation and use by trainees.

(6) The Department may, on request, issue retirement cards to Department-certified public safety officers who have honorably served the citizens of Oregon and who have honorably retired from their agency.

(a) For the purposes of this rule, "honorably retired" means reaching the State of Oregon's recognized retirement age and retiring in good standing from a certified position as a public safety officer with a minimum of five years of full-time public safety experience in Oregon.

(b) A public safety officer who has sustained a permanent disability that prevents them from returning to their certifiable position may qualify for a retirement card if the public safety officer has served a minimum of five years as a full-time public safety officer in Oregon.

(c) The request for a retirement card must be made by the agency where the public safety officer was last employed prior to retirement. The request must be made using a Form F-30 Retirement Card Request Form.

(d) The Department will issue only one retirement card per qualifying public safety officer.

(e) If a retirement card is lost or damaged, the Department may issue a replacement card if requested by the applicable public safety officer. Additional verification of original eligibility may be required.

(7) In accordance with the Oregon Revised Statutes, the Board, in consultation with the Department, designates the following classifications of public safety personnel killed in the line of duty who may be honored at the Law Enforcement Memorial Wall.

(a) Eligibility: For the purpose of placing names, law enforcement officer includes, as defined in ORS 181A.355, police officer, reserve officer, corrections officer, parole and probation officer, and regulatory specialist. Also included are federal law enforcement officers assigned to or performing law enforcement duties in Oregon.

(b) Criteria for placement on the Law Enforcement Memorial Wall: Officers who suffered an "in-the-line-of-duty" death.

(A) "In the line of duty death" means a fatal injury which is the direct or proximate result of any enforcement action or emergency response resulting in death or death directly resulting from law enforcement training for enforcement action or emergency response that the law enforcement officer is authorized or obligated to perform by law, rule, regulation, or condition of employment or service while on or off duty.

(B) A fatal injury may include a medical condition which arises out of law enforcement actions or training for enforcement action or emergency response causing an officer's death immediately or within 24 hours or causing her/his death during a continuous period of hospitalization resulting from a law enforcement action.

(C) Not included under this definition are deaths attributed to natural causes (except when a medical condition arises out of law enforcement action or law enforcement training for enforcement action or emergency response causing an officer's death immediately or within 24 hours or causing his/her death during a continuous period of hospitalization immediately following the taking of law enforcement action). Deaths attributed to voluntary alcohol or controlled substance abuse, deaths caused by the intentional misconduct of the officer, deaths caused by the officer's intention to bring about his or her own death, and deaths attributed to an officer performing his or her duty in a grossly negligent manner at time of death are not included under this definition.

(D) When there is doubt arising from circumstances of the officer's death or with respect to individual status as a law enforcement officer, the matter shall be resolved by a majority vote of the Board on Public Safety Standards and Training Executive Committee.

(c) Exclusions from the Law Enforcement Memorial Wall:

(A) Officers whose deaths are attributed to natural causes are not eligible for inclusion in the wall; or

(B) A death that is attributed to the officer's voluntary alcohol or substance abuse use; or

(C) Death caused by intentional misconduct of the officer; or

(D) Death caused by the officer's intention to bring about his or her own death; and

(E) Death attributed to an officer performing his or her duty in a grossly negligent manner at the time of death.

(d) When there is doubt arising from the circumstances of the officer's death or with respect to the individual status as a law enforcement officer, the matter shall be resolved by a majority vote of the Executive Committee.

(e) The costs of maintenance and relocation of the Law Enforcement Memorial Wall and the costs of an annual memorial service honoring persons killed in the line of duty shall be paid out of the Police Memorial Trust Fund.

(8) It is the responsibility of the Governor's Commission on the Law Enforcement Medal of Honor to establish qualification criteria for nomination for the Law Enforcement Medal of Honor and the Law Enforcement Medal of Ultimate Sacrifice.

(a) Eligibility. For the purposes of nomination, law enforcement officer includes, but is not limited to, a police officer, reserve officer, corrections officer, or parole and probation officer. Also included are any state, county, municipal, federal or tribal individual who is:

(A) Commissioned; and

(B) Responsible for enforcing criminal laws in the state of Oregon.

(b) Officers nominated for the Law Enforcement Medal of Honor must have distinguished themselves by exceptionally honorable and meritorious conduct while in the performance of duty.

(A) "Exceptionally honorable and meritorious conduct" means an officer has distinguished themselves conspicuously by gallantry and fortitude at the risk of their life "above and beyond" the call of duty while performing or fulfilling their responsibilities as a law enforcement officer. It involves risk of life and is an act of bravery, self-sacrifice so conspicuous as to clearly distinguish the individual above their comrades.

(B) "While in the performance of duty" requires acting in an official capacity and performing a law enforcement function.

(C) The exceptionally honorable and meritorious conduct must have occurred on or after January 1, 2006.

(c) Officers nominated for the Law Enforcement Medal of Ultimate Sacrifice must have died while performing duties as a law enforcement officer or have been killed because of employment as a law enforcement officer. The death must have occurred on or after January 1, 2011.

(d) Process for Nominations.

(A) All nominations must be submitted on an official nomination form to the Department of Public Safety Standards and Training.

(B) All nominations must be postmarked no later than one year after the date an officer has performed exceptionally honorable and meritorious conduct or the death of an officer.

(C) All nominations must be approved by the Department head or designee of the nominee.

(D) Commission members are prohibited from voting on any nomination submitted from their employing agency.

(E) Notwithstanding subsection (D), Commission members must unanimously approve nominations for the Law Enforcement Medal of Honor.

(F) Any supporting documentation including, but not limited to, police reports, media reports, pictures, testimonials or affidavits, must accompany the nomination form. If necessary, the Commission may request additional information. The request will be in writing and addressed to the individual identified as the contributor on an official nomination form.

(e) Award of the Law Enforcement Medal of Honor and Law Enforcement Medal of Ultimate Sacrifice.

(A) All awards will be presented by the Governor or the Governor's designee at an appropriate time determined by the Commission and approved by the Governor.

(B) An individual or family member receiving the Law Enforcement Medal of Honor or Law Enforcement Medal of Ultimate Sacrifice will retain the option for a public or private ceremony.

(C) The Commission will determine the protocol for all award ceremonies.

Stat. Auth.: ORS 176.260 & 181A.410

Stats. Implemented: ORS 176.260 & 181A.410

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0080, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 16-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; Administrative correction 5-7-02; BPSST 17-2002, f. & cert. ef. 7-5-02; DPSST 12-2007, f. & cert. ef. 10-15-07; DPSST 10-2012, f. & cert. ef. 4-9-12; DPSST 13-2013, f. & cert. ef. 6-24-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 11-2015, f. 6-23-15, cert. ef. 7-1-15; DPSST 18-2015, f. 12-22-15, cert. ef. 1-1-16

### 259-008-0200

#### Civil Penalties

(1) For purposes of this rule, "agency" means a law enforcement unit or public or private safety agency as defined in OAR 259-008-0005.

(2) The Department may impose a civil penalty on any agency for any violation of ORS 181.644, 181.652, 181.653 or 181.665. All civil penalties will be imposed in the manner provided by 183.745.

(3) The amount of any civil penalty imposed under subsection (1) of this section may not exceed \$1,500 for any single violation.

Stat. Auth.: ORS 181.679, 183.745

Stats. Implemented: ORS 181.679, 183.745

Hist.: DPSST 13-2008, f. & cert. ef. 8-15-08

### 259-008-0220

#### Sanctions, Generally

(1) Information collected by the Department may be used as a basis for any sanction imposed.

(2) The Department's use of any one sanction does not preclude the imposition of any other sanction(s) for the same violation.

(3) If the Department believes there is substantial evidence that a violation has occurred or is occurring, the Department may

seek such remedial relief as may be appropriate, including voluntary compliance or notice as provided in 259-008-0250.

Stat. Auth.: ORS 181.679, 183.745

Stats. Implemented: ORS 181.679, 183.745

Hist.: DPSST 13-2008, f. & cert. ef. 8-15-08

### 259-008-0250

#### Notice of Civil Penalty

(1) Considerations. In determining the amount of a civil penalty the Department will consider:

(a) Any prior violation of statute or rule by the agency;

(b) The financial benefits, if any, realized by the agency as a result of the violation, such as costs avoided as a result of not having attended required training;

(c) The gravity of the violation; and

(d) The agency's history of correcting violations and preventing recurrence of violations.

(2) Single Violation Civil Penalties. A violation of any requirement within any part of the following statutes is a violation that may result in a civil penalty after a single occurrence. The violations include, but are not limited to:

(a) ORS 181.644 (Certification requirements for a Telecommunicator);

(b) ORS 181.644 (Certification requirements for an Emergency Medical Dispatcher);

(c) ORS 181.652 (Certification requirements for a Corrections Officer);

(d) ORS 181.652 (Failing to attend Basic Corrections training within required timeframe);

(e) ORS 181.652 (U.S. citizenship requirements for a Corrections Officer);

(f) ORS 181.653 (Certification requirements for a Parole & Probation Officer);

(g) ORS 181.653 (U.S. citizenship requirements for a Parole & Probation Officer);

(h) ORS 181.653 (Part-time Parole & Probation continuing education requirement);

(i) ORS 181.665 (Certification requirements for a Police Officer);

(j) ORS 181.665 (Failing to attend Basic Police training within required timeframe);

(k) ORS 181.665 (U.S. citizenship requirements for a Police Officer).

(3) Amount of Civil Penalty:

(a) An agency found in violation of any requirement listed in section (2) of this rule is subject to a civil penalty of not more than \$1,500 per violation per day, unless otherwise provided by this section;

(b) The Department may reduce civil penalty amounts where mitigation is warranted, or resolved by stipulation as provided in section (9) of this rule.

(4) Payment to be Considered Admission of Violation. Unless the Department agrees otherwise, any payment of a civil penalty is considered as admission of violation of the statutes or rules cited in the civil penalty notice for which the civil penalty was paid.

(5) Notice. The Department's notice of its intent to impose a civil penalty will include a statement that if the agency fails to request a hearing within twenty (20) days of the date of service of the notice, the agency's right to a hearing is waived.

(6) Informal Conference. When the Department issues a notice of civil penalty, the agency will be entitled to an informal conference to respond to the notice. The conference must be held before a person authorized to issue an order or to make recommendations regarding issuance of an order. The Department must receive a request for an informal conference in writing within twenty (20) days of the date of service of the notice of civil penalty. If the agency fails to submit a timely request for a conference, the agency's right to a conference is waived.

(7) Hearing Request:

(a) Right to Hearing. If the Department issues a notice of intent to impose a civil penalty, the agency is entitled to a contested

case hearing in accordance with the provisions of ORS Chapter 183;

(b) Request for Hearing. The Department must receive a request for a hearing in writing within twenty (20) days of the date the notice of intent to impose a civil penalty was served on the agency. The Department may extend the time allowed for submission of the admission/denial and affirmative defenses for up to 30 calendar days, if requested in writing.

(8) Default Order. If a hearing is not timely requested, or if an agency withdraws a hearing request or fails to appear at a scheduled hearing, the Department may enter a final order by default imposing the civil penalty. In the event of a default, the Department's file or files on the subject of the civil penalty automatically becomes a part of a contested case record for purposes of proving the Department's prima facie case.

(9) Department staff is authorized to seek resolution by stipulation, subject to Department acceptance and approval under the following conditions:

(a) The matter is resolved prior to entry of a final order assessing a civil penalty;

(b) The agency corrects or proceeds to correct all violations noted in a notice of intent to issue a civil penalty within a prescribed timeframe;

(c) The civil penalty amount agreed to is tendered in a certified check, bank draft, cashier's check or postal money order, made payable to the Department, along with the stipulation.

(10) A stipulation will not be accepted for less than the amount provided for in the notice of civil penalty if the violation is not corrected as part of the resolution.

Stat. Auth.: ORS 181.679, 183.745

Stats. Implemented: ORS 181.679, 183.745

Hist.: DPSST 13-2008, f. & cert. ef. 8-15-08

## DIVISION 9

### FIRE SERVICE PROFESSIONALS

#### 259-009-0000

##### Policies and Objectives

(1) The policies of the Board and Department in response to ORS 181.630 are:

(a) The Board and Department exist to develop talented individuals into public safety providers who are:

(A) Culturally competent;

(B) Ethically, physically and emotionally fit; and

(C) Well trained, highly skilled and responsive to the needs of their communities.

(b) The Board and Department will promote the safety, efficiency, effectiveness, self-sufficiency and competence of fire service professionals.

(c) The Board and Department will support collaboration among fire service organizations and the related organizations with whom they work and the interests of the communities they serve.

(d) The Board and Department will consult with and inform each other fully on matters of fire standards, training and certification.

(e) The Board must adopt or approve all policies, standards and minimum requirements for public safety certifications and training.

(f) The Department must administer operations and procedures and implement or apply the policies and standards of the Board.

(g) The Department is and remains a full department of the state.

(2) The objectives of the Board and Department are:

(a) To improve public safety services in Oregon by raising the level of competence of fire service professionals.

(A) By establishing minimum standards for the training and certification of fire professionals.

(B) By providing, sponsoring, certifying or coordinating fire training courses.

(b) To conduct, facilitate, and promote studies and research designed to improve fire service within the state, and to assist in the implementation of Board recommendations.

Stat. Auth.: ORS 181.630 & 181.640

Stats. Implemented: ORS 181.630 & 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 22-2013, f. & cert. ef. 10-3-13

#### 259-009-0005

##### Definitions

(1) "Agency Head" means the chief officer of a fire service agency directly responsible for the administration of that unit.

(2) "Authority having jurisdiction" means the Department of Public Safety Standards and Training.

(3) "Board" means the Board on Public Safety Standards and Training.

(4) "Chief Officer" means an individual of an emergency fire agency at a higher level of responsibility than a company officer. A chief officer supervises two or more fire companies in operations or manages and supervises a particular fire service agency program such as training, communications, logistics, prevention, emergency medical services provisions and other staff related duties.

(5) "Community College" means a public institution operated by a community college district for the purpose of providing courses of study limited to not more than two years full-time attendance and designed to meet the needs of a geographical area by providing educational services, including but not limited to vocational or technical education programs or lower division collegiate programs.

(6) "Company Officer" means a fire officer who supervises a company of fire fighters assigned to an emergency response apparatus.

(7) "Content Expert" means a person who documents their experience, knowledge, training and education for the purposes of course instruction.

(8) "Content Level Course" is a course that includes an identifiable block of learning objectives or outcomes that are required for certification at one or more levels.

(9) "Department" means the Department of Public Safety Standards and Training.

(10) "Director" means the Director of the Department of Public Safety Standards and Training.

(11) "Field Training Officer" means an individual who is authorized by a fire service agency or by the Department to sign as verifying completion of tasks required by task books.

(12) "Fire and Life Safety Educator I" means a person who has demonstrated the ability to coordinate and deliver existing education programs and information.

(13) "Fire and Life Safety Educator II" means a person who has demonstrated the ability to prepare educational programs and information to meet identified needs.

(14) "Fire and Life Safety Educator III" means a person who has demonstrated the ability to create, administer, and evaluate educational programs and information.

(15) "Fire Company" means a group of fire fighters, usually three or more, who staff and provide the essential emergency duties of a particular emergency response apparatus.

(16) "Fire Fighter" is a term used to describe an individual who renders a variety of emergency response duties primarily to save lives and protect property. This applies to career and volunteer personnel.

(17) "Fire Fighter I" means a person at the first level of progression who has demonstrated the knowledge and skills to function as an integral member of a fire-fighting team under direct supervision in hazardous conditions.

(18) "Fire Fighter II" means a person at the second level of progression who has demonstrated the skills and depth of knowledge to function under general supervision.

(19) "Fire Ground Leader" means a Fire Service Professional who is qualified to lead emergency scene operations."



(20) “Fire Inspector” means an individual whose primary function is the inspection of facilities in accordance with the specific jurisdictional fire codes and standards.

(21) “Fire Service Agency” means any unit of state or local government, a special purpose district or a private firm which provides, or has authority to provide, fire protection services.

(22) “Fire Service Professional” means a paid (career) or volunteer fire fighter, an officer or a member of a public or private fire protection agency who is engaged primarily in fire investigation, fire prevention, fire safety, fire control or fire suppression or providing emergency medical services, light and heavy rescue services, search and rescue services or hazardous materials incident response. “Fire service professional” does not include forest fire protection agency personnel.

(23) “Fire Training Officer” means a fire service member assigned the responsibility for administering, providing, and managing or supervising a fire service agency training program.

(24) “First Responder” means an “NFPA Operations Level Responder.”

(25) “Juvenile Firesetter Intervention Specialist I” means a person who has demonstrated the ability to conduct an intake/interview with a firesetter and his or her family using prepared forms and guidelines and who, based on program policies and procedures, determines the need for referral for counseling and/or implements educational intervention strategies to mitigate effects of fire setting behavior.

(26) “Juvenile Firesetter Intervention Specialist II” means a person who has demonstrated the ability to manage juvenile fire-setting intervention program activities and the activities of Juvenile Firesetter Intervention Specialist I.

(27) “NFPA” stands for National Fire Protection Association which is a body of individuals representing a wide variety of professions, including fire protection, who develop consensus standards and codes for fire safety by design and fire protection agencies.

(28) “NFPA Aircraft Rescue and Fire-Fighting Apparatus” means a Fire Service Professional who has met the requirements of Fire Fighter II as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4, NFPA Airport Fire Fighter as specified in NFPA 1003 and the job performance requirements defined in NFPA 1002 Sections 9.1 and 9.2.

(29) “NFPA Airport Firefighter” means a member of a Fire Service Agency who has met job performance requirements of NFPA Standard 1003.

(30) “NFPA Apparatus Equipped with an Aerial Device” means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 6.1 and 6.2.

(31) “NFPA Apparatus Equipped with a Tiller” means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4, Apparatus Equipped with an Aerial Device as specified in NFPA 1002 Chapter 6 and the job performance requirements defined in NFPA 1002 Sections 7.2.

(32) “NFPA Apparatus Equipped with Fire Pump” means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 5.1 and 5.2.

(33) “NFPA Cargo Tank Specialty” means a person who provides technical support pertaining to cargo tank cars, provides oversight for product removal and movement of damaged cargo tanks, and acts as liaison between technicians and outside resources.

(34) “NFPA Confined Space Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 7, sections 7.1.1 through 7.1.5 and 7.2.1 through 7.2.3.

(35) “NFPA Dive Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, 11, 13, sections 13.1.1 through 13.1.8.

(36) “NFPA Fire Apparatus Driver/Operator” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1002, Chapter 4 sections 4.2 and 4.3.

(37) “NFPA Fire Fighter I” means a member of a fire service agency who has met the Level I job performance requirements of NFPA standard 1001 (sometimes referred to as a journeyman fire fighter).

(38) “NFPA Fire Fighter II” means a member of a fire service agency who met the more stringent Level II job performance requirements of NFPA Standard 1001 (sometimes referred to as a senior fire fighter).

(39) “NFPA Fire Inspector I” means an individual who conducts basic fire code inspections and has met the Level I job performance requirements of NFPA Standard 1031.

(40) “NFPA Fire Inspector II” means an individual who conducts complicated fire code inspections, reviews plans for code requirements, and recommends modifications to codes and standards. This individual has met the Level II job performance requirements of NFPA standard 1031.

(41) “NFPA Fire Inspector III” means an individual at the third and most advanced level of progression who has met the job performance requirements specified in this standard for Level III. The Fire Inspector III performs all types of fire inspections, plans review duties, and resolves complex code-related issues.

(42) “NFPA Fire Instructor I” means a fire service instructor who has demonstrated the knowledge and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments; adapts lesson plans to the unique requirements of the students and the authority having jurisdiction; organizes the learning environment so that learning is maximized; and meets the record-keeping requirements of the authority having jurisdiction.

(43) “NFPA Fire Instructor II” means a fire service instructor who, in addition to meeting NFPA Fire Instructor I qualifications, has demonstrated the knowledge and ability to develop individual lesson plans for specific topics, including learning objectives, instructional aids, and evaluation instruments; schedules training sessions based on an overall training plan for the authority having jurisdiction; and supervises and coordinates the activities of other instructors.

(44) “NFPA Fire Instructor III” means a fire service instructor who, in addition to meeting NFPA Fire Instructor II qualifications, has demonstrated the knowledge and ability to develop comprehensive training curricula and programs for use by single or multiple organizations; conducts organization needs analysis; and develops training goals and implementation strategies.

(45) “NFPA Fire Investigator” means an individual who conducts post fire investigations to determine the cause and the point of origin of a fire. This individual has met the job performance requirements of NFPA Standard 1033.

(46) “NFPA Fire Officer I” means a fire officer, at the supervisory level, who has met the job performance requirements specified in NFPA 1021 Standard Fire Officer Professional Qualifications (company officer rank).

(47) “NFPA Fire Officer II” means the fire officer, at the supervisory/managerial level, who has met the job performance requirements in NFPA Standard 1021 (station officer, battalion chief rank).

(48) “NFPA Fire Officer III” means a fire officer, at the managerial/administrative level, who has met the job performance requirements in NFPA Standard 1021 (district chief, assistant chief, division chief, deputy chief rank).

(49) “NFPA Fire Officer IV” means a fire officer, at the administrative level, who has met the job performance requirements in NFPA Standard 1021 (fire chief).

(50) “NFPA Incident Commander” (IC) means a person who is responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources.

(51) “NFPA Intermodal Tank Specialty” means a person who provides technical support pertaining to intermodal tanks, provides oversight for product removal and movement of damaged intermodal

tanks, and acts as a liaison between technicians and outside resources.

(52) “NFPA Hazardous Materials Safety Officer” means a person who works within an incident management system (IMS), specifically, the hazardous materials branch/group, to ensure that recognized hazardous materials or weapons of mass destruction (WMD) safe practices are followed at hazardous materials or WMD incidents.

(53) “NFPA Hazardous Materials Technician” means a person who responds to hazardous materials or WMD incidents using a risk-based response process where they analyze a problem involving hazardous materials or WMD, select applicable decontamination procedures, and control a release using specialized protective and control equipment.

(54) “NFPA Machinery Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006 Chapters 4, 5, and 19, sections 19.1.1 through 19.1.10 and 19.2.1 through 19.2.5.

(55) “NFPA Marine Land-Based Fire Fighter” means a member of a fire service agency who meets the job performance requirements of NFPA 1005.

(56) “NFPA Marine Tank Vessel Specialty” means a person who provides technical support pertaining to marine tank vessels, provides oversight for product removal and movement of damaged marine tank vessels, and acts as a liaison between technicians and outside resources.

(57) “NFPA Mobile Water Supply Apparatus” means a Fire Service Professional who has met the requirements of Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 10.1 and 10.2.

(58) “NFPA Operations Level Responder” means a person who responds to hazardous materials or WMD incidents for the purpose of implementing or supporting actions to protect nearby persons, the environment, or property from the effects of the release.

(59) “NFPA Rope Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 6, sections 6.1.3 through 6.1.8 and 6.2.1 through 6.2.8.

(60) “NFPA Structural Collapse Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 9, sections 9.1.1 through 9.1.13 and 9.2.1 through 9.2.16.

(61) “NFPA Surf Rescue” means a Fire Service Professional who had met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 11, section 11.1 and Chapter 15, sections 15.1.1 through 15.1.4 and 15.2.1 through 15.2.3.

(62) “NFPA Surface Water Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 11, section 11.1.1 through 11.1.15 and 11.2.1 through 11.2.4.

(63) “NFPA Swiftwater Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, 6, 11, and 12, sections 11.1, 11.2, 12.1.1 through 12.1.4 and 12.2.1 through 12.2.2.

(64) “NFPA Tank Car Specialty” means a person who provides technical support pertaining to tank cars, provides oversight for product removal and movement of damaged tank cars, and acts as a liaison between technicians and outside resources.

(65) “NFPA Technical Rescuer” means a Fire Service Professional who is trained to perform or direct the technical rescue.

(66) “NFPA Trench Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 8, sections 8.1.1 through 8.1.7 and 8.2.1 through 8.2.6.

(67) “NFPA Vehicle Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 10, sections 10.1.1 through 10.1.10 and 10.2.1 through 10.2.5.

(68) “NFPA Wildland Fire Apparatus” means a Fire Service Professional who has met the requirements of Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 8.1 and 8.2.

(69) “NWCG Firefighter Type 2 (FFT2)” means a person who is the basic resource used in the control and extinguishment of wildland fires and works either as an individual or as a member of a crew under the supervision of a higher qualified individual.

(70) “NWCG Firefighter Type 1 (FFT1)” means a person who is a working leader of a small group (usually not more than seven members) and is responsible for keeping assigned personnel fully employed on assigned jobs. Normally this position is supervised by a Single Resource Crew Boss but may be assigned independently on occasion.

(71) “NWCG Single Resource Boss (CRWB, ENGB, FELB, FIRB, HEQB or HMGB)” means a person who is responsible for supervising and directing a fire suppression module, such as a hand crew, engines, one or more fallers, a firing team, heavy equipment or helicopters.

(72) “NWCG Task Force Leader (TFLD) / NWCG Strike Team Leader Engine (STEN)” means a person who is the ICS position responsible for supervising a task force of resources. The NWCG Strike Team Leader Engine (STEN) is the ICS position responsible for the direct supervision of a strike team of engines. Both positions report to a Division/Group Supervisor or Operations Section Chief.

(73) “NWCG Division/Group Supervisor (DIVS)” means a person who is the ICS position responsible for supervising equipment and personnel assigned to a division or group. Reports to a Branch Director or Operations Section Chief.

(74) “Public Information Officer” means a person who has demonstrated the ability to conduct media interviews and prepare news releases and media advisories.

(75) “Service Delivery” means to be able to adequately demonstrate, through job performance, the knowledge, skills, and abilities of a certification level.

(76) “Staff” means employees occupying full-time, part-time, or temporary positions with the Department.

(77) “Task Performance” means to demonstrate the ability to perform tasks of a certification level, in a controlled environment, while being evaluated.

(78) “The Act” refers to the Public Safety Standards and Training Act (ORS 181.610 to 181.705).

(79) “Topical Level Course” is a course that does not include an identifiable block of learning objectives or outcomes that are required for certification at one or more levels.

(80) “Track” means a field of study required for certification.

(81) “Waiver” means to refrain from pressing or enforcing a rule.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 2-2006, f. & cert. ef. 1-24-06; DPSST 9-2006, f. & cert. ef. 7-7-06; DPSST 2-2007, f. & cert. ef. 1-12-07; DPSST 10-2008, f. & cert. ef. 7-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 12-2009, f. & cert. ef. 10-15-09; DPSST 16-2009(Temp), f. & cert. ef. 12-15-09 thru 6-11-10; DPSST 5-2010, f. 6-11-10, cert. ef. 6-14-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 3-2011, f. 3-28-11, cert. ef. 5-1-11; DPSST 12-2011, f. & cert. ef. 8-1-11; DPSST 21-2012, f. & cert. ef. 10-1-12; DPSST 8-2013, f. & cert. ef. 3-26-13; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 6-2014, f. & cert. ef. 2-6-14; DPSST 9-2014, f. & cert. ef. 4-3-14; DPSST 36-2014, f. & cert. ef. 12-31-14; DPSST 17-2015, f. & cert. ef. 10-22-15

## 259-009-0010

### Personnel/Agency Forms

(1) To show a fire service professional as affiliated with a fire service agency, the fire service agency must submit a completed Personnel/Agency Form (PAF) to the Department within 30 days after utilization or employment.

(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 must notify the Department by submitting a PAF whenever a fire service professional resigns, retires, terminates employment, or is discharged or deceased, within 30 business days of the action.

(a) Affiliated agencies must notify the Department in writing when a fire service professional is promoted to a fire chief position, when a new agency head designee is assigned, or when a fire service professional is promoted to a training officer position.

(b) Affiliated agencies must notify the Department in writing when a fire service professional is no longer assigned the duties of a fire chief, agency head designee or training officer.

(4) All applicable sections of the PAF must be completed and signed by the agency head or an authorized representative. Fire service professionals are not allowed to sign their own forms.

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 12-2016, f. 7-25-16, cert. ef. 7-29-16; DPSST 15-2016, f. & cert. ef. 9-22-16

### 259-009-0015

#### Background Investigation

(1) A background investigation must be conducted by a fire service agency on each individual being considered for employment or utilization as a fire service professional to determine if applicant is of good character.

(a) The background investigation must include, but is not limited to, investigation into the following:

- (A) Criminal history and arrests;
- (B) Department of Motor Vehicles (DMV) records;
- (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 include, 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;

(I) Records checks, which may include, but are not limited to:

- (i) Police records, district attorney, court and Oregon Judicial Information Network (OJIN) records;
- (ii) Open sources or social media, as permitted by law;
- (iii) Financial information, as permitted by law; and
- (iv) Department of Public Safety Standards and Training Professional Standards records.

(J) Residential history; and

(K) Work eligibility.

(b) Each individual being considered for employment or utilization as a fire service professional must provide a notarized personal history statement. The statement must include, but is not limited to:

(A) Verification of the background information referred to in section (1)(a);

(B) A complete list of all fire service agencies an individual has applied with; and

(C) 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.

(2) Results of the background investigation on all fire service professionals must be retained by the fire service agency in accordance with the Secretary of State's Record Retention Schedule and must be available for review at any reasonable time by the Department.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: DPSST 31-2014, f. & cert. ef. 12-29-14; DPSST 4-2015(Temp), f. & cert. ef. 1-15-15 thru 7-13-15; DPSST 12-2015, f. & cert. ef. 6-23-15

### 259-009-0020

#### Waiver for Equivalent Training or Experience — Reciprocity

(1) The Board or its designee may waive the completion of any course required by OAR 259-009-0025 upon presentation of documentary evidence by a fire service agency that the fire service professional has satisfactorily completed equivalent training or experience.

(2) In order to be considered for equivalency, training received in a state with laws governing or regulating training of fire service professionals must have been approved or certified by the employing agency in the state where the training was received.

(3) The Department may elect to prescribe, as a condition of certification, successful completion of specified courses or remedial training.

(4) The Department may enter into standing reciprocity compacts or agreements with States, that by law, regulate and supervise the quality of fire service training and require a minimum number of hours of classroom training equivalent to the standards established by the Board.

Stat. Auth.: ORS 181.660

Stats. Implemented: ORS 181.660

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 22-2013, f. & cert. ef. 10-3-13

### 259-009-0025

#### College Education Credits

(1) The Department will only recognize credits awarded by an accredited, degree-granting college or a university of post-secondary education, which is recognized by the Council for Higher Education (CHEA) or by the Council on Postsecondary Accreditation (COPA)/Commission of Recognition of Postsecondary Accreditation (CORPA), as outlined in the current edition of the Higher Education Directory (HED).

(2) College credits used for certification obtained in a foreign country, which certificate, credential, or degree is claimed to be comparable to a certificate, credential, or degree granted by a licensing body in the United States or US Territories must be evaluated by a credentialing agency that is a member of the National Association of Credential Evaluation Services (NACES). The Department/Board has no responsibility for obtaining or paying for the evaluation and arranging for an official copy to be sent by the evaluating agency to the Department. The evaluation must be approved by the Department, based upon review of an official copy sent by the evaluating agency directly to the Department, before the educational credit is accepted as equivalent.

(3) Certification Credit. Persons wishing to document college education must furnish official transcripts or a certified true copy of official transcripts to the Department. Courses can only be accepted for credit towards certification if the class has been successfully passed with a "C" or better.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 22-2013, f. & cert. ef. 10-3-13

### 259-009-0035

#### Certificates Are Property of Department

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

Stat. Auth.: ORS 181.640, 181.651, 181.652, 181.653, 181.654 & 181.665

Stats. Implemented: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654 & 181.665

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 22-2013, f. & cert. ef. 10-3-13

### 259-009-0059

#### Minimum Standards for Certification as a Fire Service Professional

(1) Fire Service professionals must be at least 18 years of age to be eligible for certification.



(2) Training used to meet the requirements for a fire service professional certification must have been completed after the fire service professional has reached the age of 16.

(3) Fingerprints. Any individual employed or utilized by a fire service agency that has never been fingerprinted for certification purposes or is identified in the Oregon LEDS system as a multi-source offender is required to be fingerprinted. Fingerprints must be submitted to the Department on a standard applicant fingerprint card or through a Department-approved vendor of electronic fingerprint capture services, with the appropriate processing fee.

(4) For the purposes of this standard, the Department, in consultation with the Fire Policy Committee and the Board, has defined core values that are integral to certification as a fire service professional. These values are:

(a) Integrity. Integrity is defined as honesty, trustworthiness, truthfulness, accountability and ethical behavior; and

(b) Professionalism. Professionalism is defined as accountability, exercising judgment and behavior expected of a fire service professional and conduct becoming a fire service professional.

(5) Notification of Conviction:

(a) A certified fire service professional or instructor who is convicted of a crime while employed or utilized by a fire service agency, must notify the agency head within five business days of the conviction.

(b) When an agency receives notification of a conviction from a certified fire service professional, instructor, or another source, the agency must notify the Department within 30 calendar days. The notification to the Department must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of the conviction.

(c) If not employed or utilized by a fire service agency, a certified fire service professional who is convicted of a crime must notify the Department within five days.

Stat. Auth.: ORS 181A.355 & ORS 181A.410

Stats. Implemented: ORS 181A.355 & ORS 181A.410

Hist.: DPSST 1-2006(Temp), f. & cert. ef. 1-23-06 thru 6-1-06; DPSST 5-2006, f. & cert. ef. 5-3-06; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 37-2014, f. & cert. ef. 12-31-14; DPSST 13-2015, f. & cert. ef. 6-23-15; DPSST 21-2015, f. 12-22-15, cert. ef. 1-1-16; DPSST 15-2016, f. & cert. ef. 9-22-16

## 259-009-0062

### Fire Service Professional Certification

(1) A fire service professional affiliated with an Oregon fire service agency may be certified by:

(a) Satisfactorily completing the requirements specified in section (2) of this rule;

(b) Through participation in a fire service agency training program accredited by the Department;

(c) Through a course certified by the Department; or

(d) By evaluation of experience as specified in OAR 259-009-0063.

(e) The Department may certify a fire service professional who has satisfactorily completed the requirements for certification as prescribed in section (2) of this rule, including the Task Performance Evaluations (TPE) if applicable.

(2) The following standards for fire service professionals are adopted by reference:

(a) The provisions of the NFPA Standard 1001, 2013 Edition, entitled "Fire Fighter Professional Qualifications";

(A) Delete section 1.3.1.

NOTE: This references NFPA 1500.

(B) Delete section 2.2.

NOTE: This references NFPA 1500 and 1582.

(C) For certification as Fire Fighter II, the applicant must be certified at NFPA 1001 Fire Fighter I as defined by the Department and meet the job performance requirements defined in Sections 6.1 through 6.5.5 of this Standard.

(D) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Fighter I and NFPA Fire Fighter II. The evaluation or

task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(b) The provisions of the NFPA Standard 1002, 2009 Edition, entitled "Standard for Fire Apparatus Driver/Operator Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) 5.1 General. The job performance requirements defined in Sections 5.1 and 5.2 must be met prior to certification as a Fire Service Agency Driver/Operator-Pumper.

(B) 6.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 6.1 and 6.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Aerial.

(C) 7.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 7.1 and 7.2 must be met prior to certification as a Fire Service Agency Driver/Operator-Tiller.

(D) 8.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 8.1 and 8.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Wildland Fire Apparatus.

(E) 9.1 General. The requirements of NFPA 1001 Fire Fighter II and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 9.1 and 9.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Aircraft Rescue and Fire Fighting Apparatus (ARFF).

(F) 10.1 General. The requirements of NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 10.1 and 10.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Mobile Water Supply Apparatus.

(G) Delete "the requirements of NFPA 1500, Standard on Fire Department Occupational Safety and Health Program".

(H) All applicants for certification must complete a task performance evaluation or a Department-approved task book for: NFPA Fire Apparatus Driver/Operator, NFPA Apparatus Equipped with Fire Pump, NFPA Apparatus Equipped with an Aerial Device, NFPA Apparatus Equipped with a Tiller, NFPA Wildland Fire Apparatus, NFPA Aircraft Rescue and Firefighting Apparatus or NFPA Mobile Water Supply Apparatus. The task books must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(c) The provisions of the NFPA Standards 1003, 2010 Edition, entitled "Standard for Airport Fire Fighter Professional Qualifications".

(A) 6.1 General. Prior to certification as a Fire Service Agency NFPA 1003 Airport Fire Fighter, the requirements of NFPA 1001 Fire Fighter II, as specified by the Department and the job performance requirements defined in sections 5.1 through 5.4, must be met.

(B) All applicants for certification must complete a Department-approved task book for Airport Fire Fighter. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(d) The provisions of NFPA Standard 1005, 2007 Edition, entitled "Marine Fire Fighting for Land Based Fire Fighters Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) Delete section 2.2.

NOTE: This references NFPA 1500.

(B) Delete sections of 2.4.

NOTE: This references NFPA 1000, NFPA 1081, NFPA 1405, NFPA 1670 and NFPA 1710.

(C) 5.1 General. Prior to certification as a Fire Service Agency NFPA 1005 Marine Land-Based Fire Fighter, the requirements of NFPA 1001 Fire Fighter II, as specified by the Department.

(D) All applicants for certification must complete a Department approved task book for Marine Fire Fighting for Land Based Fire

Fighters. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(E) Transition Phase:

(i) An application for certification in Marine Fire Fighting for Land Based Fire Fighters must be submitted to the Department no later than June 30, 2009 to receive consideration for certification without having to complete a task book.

(ii) All applications received on or after July 1, 2009 will need to show completion of the approved task book.

(e) The provisions of the NFPA Standard No. 1031, Edition of (2009), entitled "Professional Qualifications for Fire Inspector and Plan Examiner" are adopted.

(A) All applicants for certification as an NFPA Fire Inspector I must:

(i) Successfully complete a Department-approved task book; and

(ii) Furnish proof that they have passed an exam demonstrating proficiency in the model fire code adopted by the State of Oregon or an equivalent.

(B) All applicants for certification as an NFPA Fire Inspector II must:

(i) Hold a certification as a NFPA Fire Inspector I; and

(ii) Successfully complete a Department-approved task book.

(C) All applicants for certification as an NFPA Fire Inspector III must:

(i) Hold a certification as a NFPA Fire Inspector II; and

(ii) Successfully complete a Department-approved task book.

(D) Task books must be monitored by a Field Training Officer approved by the Department. The Field Training Officer must be certified at or above the level being monitored and have at least five years inspection experience. The Department may approve other Field Training Officers with equivalent training, education and experience as determined by designated Department staff.

(f) The provisions of the NFPA Standard No. 1033, Edition of (2009), entitled "Professional Qualifications for Fire Investigator" are adopted subject to the following definitions and requirements:

(A) An individual must successfully complete a Department-approved task book before the Department will administer a written examination for the Fire Investigator certification level. Exception: Anyone holding a valid IAAI Fire Investigator Certification, National Association of Fire Investigators (NAFI) certification, or Certified Fire Explosion Investigators (CFEI) certification is exempt from taking the Department's Fire Investigator written exam.

(B) A Department approved Field Training Officer must monitor the completion of a task book. The Field Training Officer must be certified at or above the level being monitored and have at least five (5) years fire investigation experience. Exception: The Department may approve Field Training Officers with equivalent training, education and experience.

(g) The provisions of the NFPA Standard No. 1035, Edition of 2010, entitled "Professional Qualifications for Public Fire and Life Safety Educator" are adopted subject to the following definitions and modifications:

(A) A task book will be completed prior to certification as a NFPA Public Fire and Life Safety Educator I, II or III. The Task Book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(B) A task book will be completed prior to certification as a NFPA Public Information Officer. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(C) A task book will be completed prior to certification as a NFPA Juvenile Firesetter Intervention Specialist I and II. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(h) The provisions of the NFPA Standard No. 1041, Edition of 2012, entitled "Standard for Fire Service Instructor Professional Qualifications," are adopted subject to the successful completion of an approved task book for NFPA Fire Instructor I, II and III.

(i) The provisions of the NFPA Standard 1021, 2014 Edition, entitled "Standards for Fire Officer Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) 4.1 General. For certification as NFPA Fire Officer I, the candidate must be certified at NFPA 1001 Fire Fighter II, and NFPA 1041 Fire Instructor I, as defined by the Department, and meet the job performance requirements defined in Sections 4.1 through 4.7 of the Standard.

(i) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Officer I.

(ii) The evaluation or task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(B) 5.1 General. For certification as NFPA Fire Officer II, the candidate must be certified as NFPA Fire Officer I, as defined by the Department, and meet the job performance requirements defined in Section 5.1 through 5.7 of the Standard.

(i) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Officer II.

(ii) The evaluation or task book must be approved off by the Agency Head or Training Officer, before an applicant can qualify for certification.

(C) 6.1 General. For certification as NFPA Fire Officer III, the candidate must be certified as a NFPA Fire Officer II and meet the job performance requirements defined in Sections 6.1 through 6.8 of the Standard.

(i) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Officer III.

(ii) The evaluation or task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(D) 7.1 General. For certification as NFPA Fire Officer IV the candidate must be certified as NFPA Fire Officer III, as defined by the Department, and meet the job performance requirements in Sections 7.1 through 7.7 of the Standard.

(i) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Officer IV.

(ii) The evaluation or task book must be approved by the Agency Head or Training Officer, before an applicant can qualify for certification.

(j) Hazardous Materials Responder (DPSST-P-12 1/96).

(k) Fire Ground Leader.

(A) This is a standard that is Oregon-specific.

(B) An applicant applying for Fire Ground Leader must first be certified as an NFPA Fire Fighter II.

(C) An applicant applying for Fire Ground Leader must document training in all of the following areas:

(i) Building Construction: Non-Combustible and Combustible;

(ii) Emergency Service Delivery;

(iii) Fire Behavior;

(iv) Fire Ground Safety; and

(v) Water Supply Operations.

(D) All applicants for certification must complete a task performance evaluation or a Department-approved task book for Fire Ground Leader. The evaluation or task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(l) NWCG Firefighter Type 2 (FFT2).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Firefighter (FFT2) must document training in all of the following areas at the time of application:

(i) S-130 Firefighter Training;

(ii) S-190 Wildland Fire Behavior;

(iii) L-180 Human Factors on the Fireline;

(iv) I-100 Introduction to ICS.

(v) NIMS, Introduction IS700; and

(vi) I-100 Introduction to ICS or IS100.  
 (m) NWCG Firefighter Type 1 (FFT1).  
 (A) This is a NWCG standard.  
 (B) An individual applying for NWCG Firefighter Type 1 (FFT1) must be certified as a NWCG Firefighter Type 2 (FFT2) prior to applying for NWCG Firefighter Type 1 (FFT1) and must document training in all of the following areas at the time of application:  
 (i) S-131 Firefighter Type I;  
 (ii) S-133 Look Up, Look Down, Look Around;  
 (iii) Annual Fireline Safety Refresher (RT-130); and  
 (iv) Completion of the NWCG Firefighter Type 1 (FFT1)/Incident Commander Type 5 (ICT5) Task Book.  
 (n) NWCG Single Resource, Engine Boss (ENGB).  
 (A) This is a NWCG standard.  
 (B) An individual applying for NWCG Single Resource, Engine Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Engine Boss and must document training in all of the following areas at the time of application:  
 (i) I-200 Basic Incident Command;  
 (ii) S-230 or Crew Boss (Single Resource);  
 (iii) S-290 Intermediate Wildland Fire Behavior;  
 (iv) NIMS I-200 or IS200;  
 (v) Annual Fireline Safety Refresher (RT-130); and  
 (vi) Completion of the task book for NWCG Single Resource Engine Boss  
 (o) NWCG Single Resource, Crew Boss (CRWB).  
 (A) This is a NWCG standard.  
 (B) An individual applying for NWCG Single Resource Crew Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource Crew Boss and must document training in all of the following areas at the time of application:  
 (i) S-230 Crew Boss (Single Resource);  
 (ii) S-290 Intermediate Wildland Fire Behavior;  
 (iii) NIMS I-200 or IS200;  
 (iv) Annual Fireline Safety Refresher (RT-130); and  
 (v) Completion of the task book for NWCG Single Resource Crew Boss.  
 (p) NWCG Single Resource, Heavy Equipment Boss (HEBQ).  
 (A) This is a NWCG standard.  
 (B) An individual applying for NWCG Single Resource, Heavy Equipment Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Heavy Equipment Boss and must document training in all of the following areas at the time of application:  
 (i) I-200 Basic Incident Command or IS200;  
 (ii) S-230 Crew Boss (Single Resource);  
 (iii) S-290 Intermediate Wildland Fire Behavior;  
 (iv) Annual Fireline Safety Refresher (RT-130); and  
 (v) Completion of the task book for NWCG Single Resource, Heavy Equipment Boss.  
 (q) NWCG Single Resource, Felling Boss (FELB).  
 (A) This is a NWCG standard.  
 (B) An individual applying for NWCG Single Resource, Felling Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Felling Boss and must document training in all of the following areas at the time of application:  
 (i) I-200 Basic Incident Command or IS200;  
 (ii) S-230 Crew Boss (Single Resource);  
 (iii) S-290 Intermediate Wildland Fire Behavior;  
 (iv) Annual Fireline Safety Refresher (RT-130); and  
 (v) Completion of the task book for NWCG Single Resource, Felling Boss.  
 (r) NWCG Single Resource, Firing Boss (FIRB).  
 (A) This is a NWCG standard.  
 (B) An individual applying for NWCG Single Resource, Firing Boss must be certified as NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Firing Boss and

must document training in all of the following areas at the time of application:  
 (i) I-200 Basic Incident Command or IS200;  
 (ii) S-230 Crew Boss (Single Resource);  
 (iii) S-290 Intermediate Wildland Fire Behavior;  
 (iv) Annual Fireline Safety Refresher (RT-130); and  
 (v) Completion of the task book for NWCG Single Resource,  
 Firing Boss  
 (s) NWCG Strike Team Leader Engine (STEN).  
 (A) This is a NWCG standard.  
 (B) An individual applying for NWCG Strike Team Leader Engine (STEN) must be certified as NWCG Single Resource, Engine Boss prior to applying for NWCG Strike Team Leader Engine and must document training in all of the following areas at the time of application:  
 (i) S-215 Fire Operations in the Wildland Urban Interface WUI;  
 (ii) S-330 Task Force Strike Team Leader;  
 (iii) I-300 Incident Command Systems for Expanding Incidents;  
 (iv) NRF: Introduction IS800B;  
 (v) Annual Fireline Safety Refresher (RT-130); and  
 (vi) Completion of the task book for NWCG Strike Team Leader Engine.  
 (t) NWCG Task Force Leader (TFLD).  
 (A) This is a NWCG standard.  
 (B) An individual applying for NWCG Task Force Leader (TFLD) must complete "Required Experience" as defined in PMS 310-1 and must document training in all of the following areas at the time of application:  
 (i) S-215 Fire Operation in the Wildland Urban Interface (WUI);  
 (ii) S-330 Task Force/Strike Team Leader;  
 (iii) I-300 Incident Command Systems for Expanding Incidents;  
 (iv) NRF: Introduction IS800B;  
 (v) Annual Fireline Safety Refresher (RT-130); and  
 (vi) Completion of the task book for NWCG Task Force Leader.  
 (u) NWCG Division/Group Supervisor (DIVS).  
 (A) This is a NWCG standard.  
 (B) An individual applying for NWCG Division/Group Supervisor must complete "Required Experience" as defined in PMS 310-1 and must document training in all of the following areas at the time of application:  
 (i) S-390 Introduction to Wildland Fire Behavior Calculations;  
 (ii) S-339 Division/Group Supervisor;  
 (iii) Annual Fireline Safety Refresher (RT-130); and  
 (iv) Completion of the task book for NWCG Division/Group Supervisor.  
 (v) Maritime Fire Service Operator Standards Professional Qualifications (October, 1999) and completion of an approved task book. Historical Recognition:  
 (A) The application must be submitted with the fire chief or designee's signature attesting to the skill level and training of the applicant.  
 (B) The application must be submitted to the Department no later than October 1, 2004, to receive certification for Maritime Fire Service Operator without having to complete the task book.  
 (C) All applications received after October 1, 2004, will need to show completion of the approved task book.  
 (w) Certification guide for Wildland Fire Investigator (August, 2005).  
 (x) The provisions of the 2013 Edition of NFPA 1006 entitled, "Standards for Technical Rescuer Professional Qualifications" are adopted subject to the following modifications:  
 (A) Historical Recognition:  
 (i) Applicants who currently hold active Department NFPA Rope Rescue I and II certifications will be recognized as a NFPA Rope Rescue Technician.  
 (ii) An individual who holds an active NFPA Rope Rescue I certification and has been working toward an NFPA Rope Rescue II certification may complete certification based on NFPA 1006



until January 1, 2016. No new NFPA Rope Rescue II certifications will be issued after January 1, 2016.

(iii) Applicants who currently hold active Department NFPA Surface Water I and II certifications will be recognized as a NFPA Surface Water Rescue Technician.

(iv) An individual who holds an active NFPA Surface Water I certification and has been working toward an NFPA Surface Water II certification may complete certification based on NFPA 1006 until January 1, 2016. No new NFPA Surface Water II certifications will be issued after January 1, 2016.

(v) Applicants who currently hold an active Department NFPA Vehicle and Machinery Rescue certification will be recognized as NFPA Vehicle Rescue and NFPA Machinery Rescue.

(vi) An individual who has fulfilled training competencies in NFPA Vehicle and Machinery Rescue may complete certification based on NFPA 1006 until January 1, 2016. No new NFPA Vehicle and Machinery Rescue certifications will be issued after January 1, 2016.

(B) Instructors:

(i) Curriculum must be certified by the Department to meet NFPA 1006 standards.

(ii) An instructor delivering training under a fire service agency's accreditation agreement must be a certified technician in that specialty rescue area.

(C) Task Books:

(i) A task book must be completed for each of the eleven specialty rescue areas applied for.

(ii) Only a certified technician in that specialty rescue area can approve the task book.

(iii) The requirements in Chapters 4 and 5 only need to be met once for all eleven specialty rescue areas.

(y) Urban Search and Rescue.

(A) This is a standard that is Oregon-specific.

(B) The following eleven (11) specialty Urban Search and Rescue (USAR) certifications are adopted:

(i) Task Force Leader;

(ii) Safety Officer;

(iii) Logistics Manager;

(iv) Rescue Team Manager;

(v) Rescue Squad Officer;

(vi) Rescue Technician;

(vii) Medical Technician;

(viii) Rigging Technician;

(ix) Search Team Manager;

(x) Search Squad Officer; and

(xi) Search Technician.

(C) An applicant applying for any USAR certification(s) must complete the appropriate application attesting to completion of the required training.

(z) The provisions of the NFPA Standard 472, 2008 Edition, entitled "Standard for Hazardous Materials and Weapons of Mass Destruction" are adopted subject to the following definitions and modifications:

(A) NFPA Hazardous Materials Technician: All applicants for certification must first certify as an NFPA Operations Level Responder and complete a Department-approved task book. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(B) NFPA Hazardous Materials Safety Officer: All applicants for certification must first certify as a NFPA Hazardous Materials Technician and complete a Department-approved task book. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification. This certification level includes, but is not limited to, the following course work:

(i) Analyzing the Incident;

(ii) Planning the Response;

(iii) Implementing the Planned Response;

(iv) Evaluating the Progress.

(C) Incident Commander: The level of certification formerly known as "On-Scene Incident Commander" is now known as

"NFPA Hazardous Materials Incident Commander." The Incident Commander correlates directly with NFPA 472. All applicants for certification must first certify as an NFPA Operations Level Responder.

(D) Operations Level Responder: The level of certification formerly known as "First Responder" is now known as "NFPA Operations Level Responder." The NFPA Operations Level Responder correlates directly with NFPA 472. Successful completion of skills sheets or task performance evaluations (TPE) must be met prior to certification as an NFPA Operations Level Responder.

(aa) Specialty Levels of Certification. All applicants for specialty levels of certification must first certify as a NFPA Hazardous Materials Technician.

(A) The following four (4) specialty certifications are adopted:

(i) NFPA Cargo Tank Specialty;

(ii) NFPA Intermodal Tank Specialty;

(iii) NFPA Marine Tank Vessel Specialty;

(iv) NFPA Tank Car Specialty;

(B) Successful completion of task performance evaluations (TPE) must be met prior to obtaining a specialty level of certification.

(3) Task performance evaluations, where prescribed, will be required prior to certification. Such examinations will be conducted in the following manner:

(a) Task performance competency will be evaluated by three people nominated by the employing fire service agency's Chief Officer for approval by the Department or its designated representative.

(b) The employing fire service agency's equipment and operational procedures must be used in accomplishing the task performance to be tested.

(c) Specific minimum testing procedures, as provided by the Department, will be used for administration of the evaluation.

(d) The training officer for an accredited fire service agency training program must notify the Department or its designated representative prior to performing a task performance evaluation.

(e) At the request of the fire chief, a representative of the Department will be designated to monitor the task performance evaluation for fire service professionals from a fire service agency whose training program is not accredited.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 11-2003, f. & cert. ef. 7-24-03; DPSST 13-2003(Temp), f. & cert. ef. 10-27-03 thru 3-31-04; DPSST 3-2004(Temp), f. & cert. ef. 4-9-04 thru 10-1-04; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 2-2006, f. & cert. ef. 1-24-06; DPSST 9-2006, f. & cert. ef. 7-7-06; DPSST 14-2006, f. & cert. ef. 10-13-06; DPSST 16-2006, f. & cert. ef. 11-20-06; DPSST 2-2007, f. & cert. ef. 1-12-07; DPSST 10-2008, f. & cert. ef. 7-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 12-2009, f. & cert. ef. 10-15-09; DPSST 16-2009(Temp), f. & cert. ef. 12-15-09 thru 6-11-10; DPSST 5-2010, f. & cert. ef. 6-14-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 3-2011, f. & cert. ef. 5-1-11; DPSST 7-2012, f. & cert. ef. 3-28-12; DPSST 21-2012, f. & cert. ef. 10-1-12; DPSST 8-2013, f. & cert. ef. 3-26-13; DPSST 16-2013, f. & cert. ef. 6-25-13; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 6-2014, f. & cert. ef. 2-6-14; DPSST 9-2014, f. & cert. ef. 4-3-14; DPSST 36-2014, f. & cert. ef. 12-31-14; DPSST 17-2015, f. & cert. ef. 10-22-15; DPSST 22-2015, f. & cert. ef. 12-22-15; DPSST 15-2016, f. & cert. ef. 9-22-16

## 259-009-0063

### Credit for Experience

(1) A fire service professional with three years experience in a fire department may apply to be evaluated for certification based upon experience and accumulated knowledge.

(2) A fire service professional may petition for credit for prior learning. The individual must describe in writing all experience and training pertinent to the standard being challenged. The material presented will be reviewed by a panel of three fire service professionals, appointed by the Department or designated staff. The fire service professionals will determine what credit, if any, should be granted to the individual.

(3) Applicants may take a competency examination, if available. Applicants who fail examinations for any specific requirement

will not be re-examined for a period of 60 days. Applicants who fail examinations for specific requirements may, after a 60 day interim period, apply to the Department to be re-examined by written or oral examination. Oral examinations will be conducted by a representative of the Department.

(4) The Department may enter into a learning contract with a fire service professional for any standards that are needed. Upon successful completion of the contract, the individual will be granted credit for the job performance requirements. The contract must be in writing and signed by the Director or designated representative and the individual seeking credit. The contract will include a course of study, an evaluation process and a completion date.

(5) The Department or its designated representative will notify the applicant of the results of the evaluation within 60 days.

(6) The Department or its designated representative may grant certification to the applicant when the evaluation indicates the applicant's experience and knowledge exceed the minimum established standards (Note: See also OAR 259-009-0020).

Stat. Auth.: ORS 181.660

Stats. Implemented: ORS 181.660

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 22-2013, f. & cert. ef. 10-3-13

### 259-009-0065

#### Maintenance

(1)(a) The Training Officer must verify that individuals have successfully performed essential functions for each certification through service delivery (see OAR 259-009-0005), task performance (see OAR 259-009-0005), or sufficient education or training hours to verify each member's certification pursuant to OAR 259-009-0065. Any certificate not verified by the agency will be lapsed.

(b) Verification that maintenance requirements have been completed must be submitted to the Department by December 31st of every even year.

(2) Maintenance requirements must be demonstrated by completing any combination of one or more of the following:

- (a) Service Delivery;
- (b) Task Performance;
- (c) Education; or
- (d) Training.

(3) Operation Track:

(a) NFPA Fire Fighter I, NFPA Fire Fighter II, NFPA Driver, NFPA Hazmat First Responder, NFPA Hazmat Technician, NFPA Airport Fire Fighter, NFPA Pumper Operator, NFPA Aerial Operator, NFPA Tiller Operator, NFPA Aircraft Rescue and Fire-fighting Apparatus Operator, Wildland Fire Apparatus Operator, NFPA Mobile Water Supply Apparatus Operator, NFPA Fire Officer I, NFPA Fire Officer II, Fire Ground Leader, NFPA Rescue Technician (Rope, Water, Vehicle, Confined Space, Structural, Trench), On Scene Incident Command, Wildland Interface (Fire Fighter, Engine Boss, Strike Team Leader, Wildland Interface Division Supervisor), Maritime Operator (Awareness, Deck Hand, Boat Operations, Rescue Boat, Fire Boat) certification levels must complete maintenance requirements for Operation Track.

(b) If the Training Officer chooses to verify maintenance requirements through training or education, the maintenance requirements for the Operation Track is 60 hours completed annually.

(4) Instructor Track

(a) Instructor I, II and III certification levels must complete maintenance requirements for Instructor Track.

(b) If the Training Officer chooses to verify maintenance requirements through training or education, the maintenance requirements for the Instructor Track is four hours completed annually.

(5) Prevention/Public Education/Administration Track

(a) NFPA Public Fire/Life Safety Educator I, NFPA Public Fire/Life Safety Educator II, Public Fire/Life Safety Educator III, NFPA Public Information Officer, NFPA Juvenile Firesetter Intervention Specialist I, NFPA Juvenile Firesetter Intervention Specialist II, NFPA Fire Officer III, NFPA Fire Officer IV, Investigator, Wild-

land Investigator, NFPA Fire Inspector I, NFPA Fire Inspector II, NFPA Fire Inspector III certification levels must complete maintenance requirements for Prevention/Public Education/Administration Track.

(b) If the Training Officer chooses to verify maintenance requirements through training or education, the maintenance requirement for the Prevention/Public Education/Administration Track is 12 hours completed annually.

(6) A Fire Service Professional certified and performing duties in more than one track must complete the maintenance requirements for each track.

(7) A minimum passing score of 70 percent must be achieved for any level of certification that requires completion of a written test.

(8) Failure to notify the Department that the Fire Service Professional's maintenance requirements have been completed will result in a warning notification letter being sent to the agency head and the Training Officer.

(a) A three month extension will be automatically authorized if requested in writing.

(b) Failure to complete maintenance requirements and submit the completed appropriate form after the warning notification letter and before the three month extension has expired, will result in the lapse of the Fire Service Professional's certification.

(c) Subject to Department approval, re-certification following a lapse may be obtained upon the employing agency submitting the following:

(A) A request for re-certification and documentation explaining why the maintenance requirements were not completed or verified; and

(B) Verification that the maintenance requirements have been completed and a completed reinstatement form.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 2-2006, f. & cert. ef. 1-24-06; DPSST 22-2013, f. & cert. ef. 10-3-13

### 259-009-0067

#### Lapsed Certification

(1) All levels of certification of any fire service professional will be considered lapsed if the individual has not been utilized as such for more than 12 consecutive months.

(2) A fire service professional whose certification has lapsed must apply for re-certification upon re-utilization as a fire service professional.

(a) The fire service professional must complete a Department task book, task performance evaluation or approved training.

(b) Upon successful completion of the appropriate testing or evaluation, as verified by the signature and recommendation of the agency head or designee, the fire service professional whose certification has lapsed, may request reinstatement of certification. The request must be made to the Department by submitting the appropriate form.

Stat. Auth.: ORS 181.652, 181.653 & 181.667

Stats. Implemented: ORS 181.652, 181.653 & 181.667

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 6-2007, f. & cert. ef. 3-14-07; DPSST 22-2013, f. & cert. ef. 10-3-13

### 259-009-0070

#### Denial/Revocation

(1) It is the responsibility of the Board to set the standards and for the Department to uphold them, to ensure the highest levels of professionalism and discipline. These standards will be upheld at all times, unless the Board determines that the safety of the public or respect of the profession is compromised.

(2) Definitions. For purposes of this rule, the following definitions will apply:

(a) "Denial" or "Deny" means the refusal to grant a fire service certification for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in (4) of this rule.

(b) “Discretionary Conviction” means a conviction identified in OAR 259-009-0070(4).

(c) “Discretionary Disqualifying Misconduct” means misconduct identified in OAR 259-009-0070(4).

(d) “Revocation” or “Revoke” means to withdraw the certification of a fire service professional or instructor for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (4) of this rule.

(3) The Department must deny or revoke the certification of any fire service professional or instructor, after written notice, and a hearing if requested, based upon a finding that:

(a) The fire service professional or instructor has been convicted in this state of a crime listed in ORS 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a crime listed in 137.700. Those crimes are:

163.095 Attempted or Conspiracy to Commit Aggravated Murder;  
163.115 Murder, Attempted Murder, or Conspiracy to Commit Murder;  
163.118 Manslaughter in the First Degree;  
163.125 Manslaughter in the Second Degree;  
163.149 Aggravated Vehicular Homicide;  
163.175 Assault in the Second Degree;  
163.185 Assault in the First Degree;  
163.225 Kidnapping in the Second Degree;  
163.235 Kidnapping in the First Degree;  
163.365 Rape in the Second Degree;  
163.375 Rape in the First Degree;  
163.395 Sodomy in the Second Degree;  
163.405 Sodomy in the First Degree;  
163.408 Sexual Penetration in the Second Degree;  
163.411 Sexual Penetration in the First Degree;  
163.427 Sexual Abuse in the First Degree;  
163.670 Using a Child in a Display of Sexually Explicit Conduct;  
164.325 Arson in the First Degree (when offense represents a threat of serious physical injury);  
164.405 Robbery in the Second Degree;  
164.415 Robbery in the First Degree;  
167.017 Compelling Prostitution.

(b) The fire service professional or instructor has been discharged for cause from employment as a fire service professional or instructor.

(c) For purposes of this rule, “discharged for cause” means an employer initiated termination of employment for the following reasons:

(A) Lack of Integrity: Lack of integrity is defined as dishonesty, untrustworthiness, untruthfulness, lack of accountability and unethical behavior; or

(B) Unprofessionalism. Unprofessionalism is defined as lack of accountability, exercising poor judgment and behavior not expected of or conduct unbecoming a fire service professional.

(d) The Department may stay any action against the certification of a fire service professional or instructor who has been reported as being discharged for cause until a final employment determination has been made.

(e) The Department will administratively close any case in which an arbitrator issues an opinion indicating that the discharge of a fire service professional or instructor is not supported by the underlying facts.

(4) The Department, in consultation with the Fire Policy Committee and the Board, may deny or revoke the certification of any fire service professional or instructor, after written notice, and a hearing, if requested, based upon a finding that:

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

(b) Notwithstanding section (3), the fire service professional or instructor has been convicted of an offense punishable as a crime in this state or any other jurisdiction, the elements of which violate the core values as defined in OAR 259-009-0059; and

(A) The conviction is for a crime classified as a felony;

(B) The elements of the crime for which the fire service professional or instructor is convicted are sexual in nature or require active registration as a sex offender;

(C) The crime for which the fire service professional or instructor is convicted is against a public agency;

(D) The conviction constitutes the fifth or more criminal conviction by the fire service professional or instructor within the last five years; or

(E) If an application for certification is submitted and the fire service professional has a conviction for a crime classified as a Class A or Class B misdemeanor; and

(i) The conviction resulted in a period of incarceration for any period of time within the last five years;

(ii) The fire service professional or instructor is currently on a form of court-ordered supervision; or

(iii) The fire service professional or instructor has unpaid restitution, court fines or fees resulting from the conviction.

(5) Guidelines for Denial or Revocation Based on Discretionary Disqualifying Misconduct.

(a) The Department may take action on any conviction identified in section (4) of this rule that occurred after January 15, 2008;

(b) Convictions that occurred seven years or more prior to the date of review may be appropriate for summary staff disposition or administrative closure by the Department.

(c) If the Department determines that a fire service professional or instructor may have been discharged for cause as defined in section (3) or has engaged in discretionary misconduct listed in section (4), the case may be presented to the Board, through the Fire Policy Committee.

(A) Prior to presentation to the Board, through the Fire Policy Committee, the Department will seek input from the affected fire service professional or instructor, allowing him or her to provide, in writing, information for the Fire Policy Committee and Board’s consideration.

(B) In making a decision to authorize initiation of proceedings under subsection (g) of this rule the Fire Policy Committee and Board may consider mitigating and aggravating circumstances including, but not limited to, the following:

(i) When the misconduct occurred in relation to the fire service professional’s or instructor’s service as a fire service professional or instructor;

(ii) Whether the fire service professional or instructor served time in prison or jail and the length of incarceration;

(iii) Whether restitution was ordered and if the fire service professional or instructor met all obligations;

(iv) Whether the fire service professional or instructor has ever been on parole or probation. If so, the date the parole or probation period expired or will expire;

(v) Whether the fire service professional or instructor has more than one conviction and over what period of time;

(vi) Whether the misconduct involved domestic violence;

(vii) Whether the fire service professional or instructor self-reported the misconduct;

(viii) Whether the conduct adversely reflects on the fitness of the fire service professional or instructor to perform as a fire service professional or instructor;

(ix) Whether the conduct makes the fire service professional or instructor otherwise unfit to render effective service because of the agency’s or public’s loss of confidence that the fire service professional or instructor possesses the core values integral to the fire service profession; and

(x) The fire service professional’s or instructor’s physical or emotional condition at the time of the conduct.

(d) Upon determination by the Board, through the Fire Policy Committee, to proceed with the denial or revocation of a fire service professional’s or instructor’s certification based on discretionary misconduct identified in section (4), the Board, through the Fire Policy Committee, will:

(A) Determine how long the affected fire service professional or instructor will be ineligible to reapply for fire service certification. The period of ineligibility may range from 30 days to seven years; and

(B) Determine additional conditions, if any, which must be satisfied prior to the eligibility to reapply for fire service certifications is restored.



(e) A person is not eligible to reapply for training or certification if the person had certification denied or revoked for mandatory grounds identified in section (3) of this rule.

(f) The period of ineligibility and any additional conditions will be included in any Final Order of the Department.

(g) Scope of Revocation. When the Department denies or revokes the certification of any fire service professional or instructor under OAR 259-009-0070, the revocation will encompass all fire service certificates the Department has issued to that person.

(h) Initiation of Proceedings: Upon determination by the Board, through the Fire Policy Committee, that the certifications of a fire service professional or instructor should be denied or revoked after considering the totality of the case, a contested case notice will be prepared and served on the fire service professional or instructor by the Department.

(i) Contested Case Notice:

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

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the fire service professional or instructor prior to Board review. If the Board disapproves the policy committee's recommendation, the Department will withdraw the Contested Case Notice.

(j) Response Time:

(A) A party who has been served with a "Contested Case Notice of Intent to Deny Certification" 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.

(B) A party who has been served with a "Contested Case Notice of Intent to Revoke Certification" has 20 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.

(k) Default Orders:

(A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order revoking or denying certification pursuant to OAR 137-003-0672.

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.

(l) 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.

(m) Proposed and Final Orders:

(A) In cases where a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provision of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order can be issued.

(n) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a fire service professional or instructor upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification, or to relinquish a certification under the terms and conditions outlined in the stipulated order.

(o) Appeal Procedure. A fire service professional or instructor, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

Stat. Auth.: ORS 181A.410 & 183.341

Stats. Implemented: ORS 181A.410

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 4-2005, f. & cert. ef. 5-24-05; DPSST 8-2013, f. & cert. ef. 3-26-13; DPSST 13-2016, f. & cert. ef. 9-22-16

## **259-009-0085**

### **Certification of Courses and Classes**

(1) The Department will certify courses, and classes deemed adequate to effectively teach one or more approved fire subject(s) to fire service personnel.

(2) Certification will be based on the evaluation of course curriculum or subjects for instruction.

(3) Facilities and equipment used for certified training will be accessible to all interested and qualified individuals.

(4) The Department will certify courses at the content level. Courses certified at the content level require student demonstration of acquired knowledge, skills, or abilities. Agencies, organizations, or individuals requesting course certification at the content level must submit an application to certify a course (DPSST Form F-20), accompanied by clearly-defined NFPA standards for job performance requirements, curriculum, test questions or evaluation criteria, and evidence of instructor certification as provided in OAR 259-009-0080. Curriculum submitted to DPSST becomes the property of DPSST.

(5) The Department must notify the requesting agency, organization or individual, in writing, of the denial or the granted level of course certification. If certification is granted, the instructor must submit an Application to Instruct an Approved DPSST Course (DPSST Form F-9F) to obtain rosters and a Notice of Course Completion (NOCC).

(6) It is the responsibility of the requesting agency, organization, or individual, to:

(a) Oversee the preparation of curriculum and to ensure its compliance with the requirements of the Department;

(b) Obtain a facility and instructor(s) to be used for the course, and ensure their compliance with the requirement of the Department;

(c) Develop rules and regulations governing the operation of the facility and the conduct of the trainees;

(d) Administer the course;

(e) Maintain an accurate record of attendance; and

(f) Maintain all forms required by the Department, forwarding them within the stipulated time period.

(7) Once a course is certified, it remains certified for unlimited delivery for five years, unless there is a significant change in course content, number of hours or instructor; or unless it is decertified by the Department as provided in section (9) of this rule. The Department must be notified of significant changes.

(8) All course certification will expire on December 31st of the fifth year after the initial approval date. Agencies, organizations or individuals must request recertification to continue a course for each additional five years.

(9) The Department must decertify a course whenever that course is deemed inadequate. The course may be recertified by the Department when satisfactory proof has been presented to the Department that the deficiencies have been corrected.

(10) Fire service agencies may accredit their training programs as provided in OAR 259-009-0087.

Stat. Auth.: ORS 181.640 & 181.650

Stats. Implemented: ORS 181.640 & 181.650

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 4-2005, f. & cert. ef. 5-24-05; DPSST 22-2013, f. & cert. ef. 10-3-13

## **259-009-0087**

### **Accreditation of Fire Service Agency Training Programs**

(1) The Department may accredit fire service agency training programs which meet the following requirements:

(a) The training program is under the direction of a designated training officer;

(b) The fire service agency has at least one currently certified NFPA Fire Instructor I to instruct the accredited training programs;

(c) The fire service agency has met the maintenance re-certification requirements as defined in OAR 259-009-0065;

(d) The training officer has validated successful completion of training with a task performance evaluation or a task book at the conclusion of the training program or as a part of the accredited

training in accordance with standards and procedures adopted by the Department;

(e) Fire service personnel training records for accredited fire service agency training programs must be maintained by the employing fire service agency for at least five years;

(f) The fire service agency must possess at least one triple combination pumper that conforms to the minimum standards for automotive fire apparatus as outlined in the National Fire Protection Association (NFPA) Pamphlet #1901; and

(g) A written accreditation agreement must be prepared by the Department, defining the specific requirements of accreditation, including the specific training the fire service agency is accredited to deliver. The agreement must be signed by the Department's designee and the training officer or the fire service agency designee.

(2) The accreditation agreement must be reviewed every three years.

(a) The fire service agency accreditation review must be conducted by the District Liaison Officer or Department designee. This review consists of:

(A) Evaluating course outlines and subject content;

(B) Validation of curriculum;

(C) Verification of training records;

(D) Identification of certifications approved to be instructed by the fire service agency; and

(E) Verification of instructor qualifications.

(b) Changes to an agency accreditation agreement may result in an additional fire service agency accreditation agreement review.

(3) The accreditation agreement allows the Department access to the fire service agency's personnel training records to verify training received by fire service agency personnel and to monitor testing processes.

(4) The Department may terminate a fire service agency accreditation agreement for cause.

(5) The agency head, on behalf of the fire service agency, will have the right to appeal the termination of an accreditation agreement. The appeal must be in writing and addressed to the Department.

(6) The Department may work with the fire service agency to correct any violation and continue the accreditation agreement upon a finding of good cause.

Stat. Auth.: ORS 181A.410 & 181A.590

Stats. Implemented: ORS 181A.410 & 181A.590

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 14-2016, f. & cert. ef. 9-22-16

### 259-009-0090

#### Training Records

(1) Upon receipt by the Department of a Personnel Agency Form, properly identifying a fire service professional, the Department will initiate a file for that individual and record completion of approved training, as well as other personnel information, if properly documented.

(2) Upon display of proper identification, an agency head or authorized representative may review their employee's file as maintained by the Department. Proper identification will also be required of individuals interested in reviewing their own file.

(3) All requests for copies of training records must be made in writing.

(4) Review or release of non-public information under Oregon law to other than the individual whose file is the subject of the information request or to the employing public or private fire safety agency will only be permitted by the Department upon advisement by the Attorney General, by court order or with a signed consent from the individual whose file is the subject of the information request.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 22-2013, f. & cert. ef. 10-3-13

### 259-009-0100

#### Miscellaneous Activities of the Board or Department

(1) The Board or Department may make or encourage studies of any aspect of fire administration, including the stimulation of research by public and private agencies which will be designed to improve the Fire Protection System.

(2) The Board or Department may cooperate and consult with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, community colleges, and other institutions concerning the development of fire safety training schools and programs or courses of instruction.

(3) The Board or Department may cooperate and consult with official bodies or individuals charged by law with the responsibility for fire selection and training standards in other states.

(4) The Board or Department may periodically publish or recommend that other governmental agencies publish curricula, manuals, lesson plans, brochures, newsletters, and other materials to aid departments in achieving the objectives of the Act.

(5) The Department may direct, operate, or sponsor training schools and set reasonable rules and regulations for the operation and use by trainees.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 22-2013, f. & cert. ef. 10-3-13

## DIVISION 12

### OREGON PUBLIC SAFETY ACADEMY

### 259-012-0005

#### Attendance

(1) The Oregon Public Safety Academy is open to all eligible personnel upon application from their employing agencies. All persons attending the courses may live in the dormitories provided, or, with the permission of their department, they may commute to classes. Reasonable fees may be charged to cover operating costs of the Academy for those attending courses that are not mandatory, and for persons not defined as corrections, parole and probation, emergency medical dispatchers, telecommunicators or police officers under ORS 181.610. Additionally, fees may be charged to an agency under the Act if they do not adhere to minimum standards as defined in OAR 259-008-0010. Application for Training (BPSST Form F-5) must be used to apply for mandated courses. Other courses presented at the Oregon Public Safety Academy may be announced through mailed course announcements with response required prior to established deadlines.

(2) Students must obtain permission from their employing agency before attending any optional classes offered at the Academy.

(3) Admission to the Oregon Public Safety Academy may be denied to any person who does not meet the minimum employment standards established by OAR 259-008-0010.

(4) Selection criteria for Academy training courses sponsored by the Department will be as follows:

(a) Mandated Basic Training:

(A) For mandated basic training, first priority for acceptance will be granted to public safety personnel identified under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665;

(B) Second priority will be granted to persons from public or private safety agencies who are not identified under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665;

(C) Third priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing course content, candidates' job assignments, and following established Department policy.

(b) Executive Level Training:

(A) First priority for acceptance into executive level courses will be granted to command officers identified under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665;

(B) Second priority will be granted to command officers from other public or private safety agencies;

(C) Third priority will be granted to persons identified under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665 and are not command officers;

(D) Fourth priority will be granted to persons from other public or private safety agencies who are not command officers;

(E) Fifth priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing candidates' job assignments and following established Department policy.

(c) Advanced and Specialized Training:

(A) First priority for acceptance into advanced and specialized courses will be granted to public safety personnel identified under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665, except as noted in paragraph (D) of this subsection;

(B) Second priority will be granted to persons from other public or private safety agencies;

(C) Third priority will be granted to persons from other public or non-public agencies or organizations. These decisions will be made after reviewing candidates' job assignments and following established Department policy;

(D) Acceptance criteria for certain specialized courses will vary from these listed priorities due to the specific nature of the courses, or special entrance criteria established by the Department or a co-sponsoring organization or agency.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 8-2006(Temp), f. & cert. ef. 6-9-06 thru 12-1-06; DPSST 17-2006, f. & cert. ef. 11-20-06; DPSST 4-2013, f. & cert. ef. 1-24-13

## **259-012-0010**

### **Standards of Conduct**

(1) All students must report to the Academy at the time designated in the course announcement or the Department's letter accepting their attendance to a specific course, unless prior arrangements have been made with Academy staff.

(2) All students must adhere to the Department's rules and regulations governing student conduct. The student rules and regulations will be made available to:

(a) All students during initial orientation; and

(b) The public through electronic transmission or internet access.

(3) Any person residing at the Academy or attending specialized or advanced courses is prohibited from possessing weapons, including firearms and chemical agents, in the dormitory sleeping areas.

(4) In addition to these rules, all persons attending classes at the Academy shall be held accountable to the provisions of the Criminal Justice Code of Ethics or equivalent discipline specific Code of Ethics and the current Student Rules and Regulations

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 6-2001, f. & cert. ef. 8-22-01; DPSST 8-2006(Temp), f. & cert. ef. 6-9-06 thru 12-1-06; DPSST 17-2006, f. & cert. ef. 11-20-06

## **259-012-0035**

### **Penalties**

(1) A person attending any course as a student or other participant, or a person residing at the Academy for any purpose, is subject to the rules which have been promulgated by the Department. The rules will be posted in a prominent location at the Academy. All persons attending the Academy will be expected to be knowledgeable of and to conform their conduct to the standards set forth in the rules.

(2) Failure to comply with the rules may result in the person being dismissed from the Academy, suspended from participating in Academy activities, or any other disciplinary action deemed appropriate. A student dismissed from the Academy or suspended from Academy participation for conduct or behavior in violation of the rules may not be given training credit or credit for completion of the course in which that student was enrolled. Any decision to withhold credit will be subject to Department approval.

(3) Any alleged violation of these rules, wherein a formal written report is made, shall be communicated to the student's department administrator by the DPSST staff. All disciplinary actions shall be made in accordance with the Oregon Public Safety Academy Student Rules and Regulations.

(4) Dismissal, suspension, or other disciplinary action may be ordered by the Director, or any DPSST staff delegated that authority.

(a) If a student is to be dismissed from the Academy, the student may request a meeting with the Director and present written evidence on his/her behalf.

(b) If the Director, or designee, upholds the dismissal, the student's employer may appeal the Director's decision to the Board within 30 days of the dismissal. The appeal must be in writing and state the employer's reason for disagreeing with the dismissal.

(A) If the student's employer does not appeal the student's dismissal within 30 days, the dismissal is final.

(B) If the Board upholds the student's dismissal, the dismissal is final.

(c) Eligibility to return to the Academy following a final dismissal is subject to the provisions of this rule. This applies whether the Board upholds a dismissal or an employer fails to appeal a student's dismissal within 30 days.

(d) If the Board upholds the Department's dismissal, or an employer fails to appeal a student's dismissal within 30 days, any student coursework previously completed in a Basic Course will not be considered to have been successfully completed. If the student is determined to be eligible to return to the Academy, the entire course must be retaken and successfully completed for credit toward certification.

(e) If the Board overturns the Department's dismissal, the student will be eligible to return to the Academy to attend a subsequent Academy class if the employer submits a new Application for Training. If the Department determines training effectiveness would not be compromised, the student may be allowed to complete only the remaining coursework not previously completed due to the dismissal.

(f) Following any dismissal from the Academy, the Department will review a student's file and all materials relating to the dismissal to determine whether the student's conduct should be reviewed by the appropriate Policy Committee and Board for possible violation of the minimum standards for public safety officers. The provisions of OAR 259-008-0070 (Denial and Revocation) will apply.

(A) If Policy Committee and Board review is required, the student will remain ineligible to return to the Academy until the Board makes a determination regarding denial or revocation of a student's certification.

(B) A student will remain ineligible to return to the Academy pending any contested case proceeding initiated under the provisions of OAR 259-008-0070.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. &



cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 4-2004, f. & cert. ef. 4-23-04; DPSST 8-2006(Temp), f. & cert. ef. 6-9-06 thru 12-1-06; DPSST 17-2006, f. & cert. ef. 11-20-06; DPSST 5-2007(Temp), f. & cert. ef. 2-15-07 thru 8-3-07; DPSST 8-2007, f. & cert. ef. 7-30-07

### DIVISION 13

#### CRIMINAL RECORDS CHECK RULES

##### 259-013-0000

###### Statement of Purpose and Statutory Authority

(1) Purpose. The purpose of these rules is to establish the reasonable screening procedures for:

- (a) All public safety professionals;
- (b) Any individual who occupies a position requiring a license or certification or is under investigation by the Department; or
- (c) Reissuance of a license or certificate that is issued by the Department.

(2) Authority. These rules are authorized under ORS 181.534 and 181.612.

(3) When Rules Apply. These rules are to be applied when evaluating the criminal history of a subject individual identified in (1) of this rule. The fact that a subject individual is approved does not guarantee licensure or certification.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08; DPSST 1-2014, f. & cert. ef. 1-2-14

##### 259-013-0005

###### Definitions

As used in OAR chapter 259, division 013, unless the context of the rule requires otherwise, the following definitions apply:

(1) "Approved" means that a criminal records check has been completed on an individual and the Department has not identified any criminal record that would make the individual ineligible for licensure or certification.

(2) "Authorized Designee" means a person who is authorized by the Department to receive, review and process criminal history information.

(3) "Conviction" means that a person was convicted in a court of law. Entering a plea of "guilty" or "no contest" is also considered a conviction for the purpose of these rules unless a subsequent court decision has dismissed the charges. An expunged juvenile or adult record may be considered a conviction under these rules for purposes of eligibility for licensure or certification.

(4) Criminal History Information" means criminal justice records, fingerprints, court records, sexual offender registration records, warrants, DMV information, information provided on a Department form, and any other information obtained by or provided to the Department. "Criminal history information" may include violations or infractions for purposes of eligibility for licensure or certification.

(5) "Criminal Records Check" means the Oregon Criminal Records Check and, when required, a National Criminal Records Check or a State-Specific Criminal Records Check, and the processes and procedures required by these rules.

(6) "Denied" means a criminal records check has been completed on an individual and the individual is ineligible to obtain licensure or certification.

(7) "Department" means the Oregon Department of Public Safety Standards and Training.

(8) "National Criminal Records Check" means obtaining and reviewing criminal records nationwide or from states or jurisdictions other than Oregon. This information may be obtained from the Federal Bureau of Investigation through the use of fingerprint cards and from other criminal information resources.

(9) "Oregon Criminal Records Check" means obtaining and reviewing information from the Oregon State Police's Law Enforcement Data System (LEDS). The Oregon Criminal Records Check may also include, but is not limited to: Oregon Justice Information Network (OJIN), Oregon Department of Corrections records,

Motor Vehicles Division, local or regional criminal records information systems, or other official law enforcement agency or court records in Oregon.

(10) "Potentially Disqualifying Crime" means a crime listed or described in OAR 259-013-0260.

(11) "Records Information" includes criminal justice records, fingerprints, court records, sexual offender registration records, warrants, arrests, DMV information, information provided on the Department's criminal records check forms, and any other information obtained by or provided to the Department for the purpose of conducting a fitness determination.

(12) "State-Specific Criminal Records Check" means obtaining and reviewing information from law enforcement agencies, courts or other criminal records information resources located in a state or jurisdiction outside Oregon.

(13) "Subject individual" means a person for whom a criminal records check is required pursuant to these rules.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08

##### 259-013-0220

###### Individuals Subject to Criminal Records Checks

The Department may require the fingerprints of:

- (1) A fire service professional;
- (2) A public safety professional;
- (3) A private security provider;
- (4) A private investigator;
- (5) A polygraph intern or general license applicant;
- (6) A candidate for election to the office of Sheriff.

Stat. Auth.: ORS 181.534, 181.612 & 206.015

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08; DPSST 18-2012, f. & cert. ef. 8-27-12; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 15-2015, f. & cert. ef. 7-23-15

##### 259-013-0230

###### Criminal Records Check Required

(1) Who Conducts Check.

(a) The Department may request that the Department of State Police conduct a criminal records check on an individual. If a nationwide criminal records check of an individual is necessary, the Department may request that the Department of State Police conduct the check, including fingerprint identification, through the Federal Bureau of Investigation.

(b) The Department may conduct criminal records checks on individuals through the Law Enforcement Data System maintained by the Department of State Police, in accordance with the adopted rules and established procedures of the Department of State Police.

(2) An individual may be required to have a check in the following circumstances:

(a) When a fire service professional applies for certification, the fire service professional must submit to a criminal records check as required by OAR 259-009-0059.

(b) When a public safety officer applies for or is employed by a public or private safety agency, the public safety officer or applicant must submit to a criminal records check as required by OAR 259-008-0010 and 259-008-0011.

(c) When a certified instructor applies for, or is employed by, a public safety agency or the Department, the certified instructor must submit to a criminal records check as required by OAR 259-008-0080.

(d) When a person applies for a license to conduct polygraphs, the polygrapher or applicant must submit to a criminal records check as required by OAR 259-0020-0010 or 259-0020-0015.

(e) When a person requests to be a candidate for elections or is elected or appointed to the Office of Sheriff, the applicant must submit to a criminal records check as required by OAR 259-008-0075.

(f) When a person applies for a private security certificate or license, the applicant must submit to a criminal records check as required by OAR 259-060-0025.

(g) When a person applies for a private investigator license, the applicant must submit to a criminal records check as required by OAR 259-061-0020.

(h) When a check is required by federal or state laws or regulations, other rules adopted by the Department, or by contract or written agreement with the Department.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08; DPSST 18-2012, f. & cert. ef. 8-27-12; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 15-2015, f. & cert. ef. 7-23-15

### 259-013-0235

#### Refusal to Consent to a Criminal records Check

If any subject individual refuses to consent to a criminal records check, or refuses to be fingerprinted when required, the Department may revoke or deny any application, license or certificate issued by the Department.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08

### 259-013-0240

#### Oregon Criminal Records Check Process

(1) Processing.

(a) The Department will obtain criminal records information from the Oregon State Police Law Enforcement Data System and from other sources of criminal, judicial and motor vehicle information.

(b) The Department will authorize one or more designees to receive and evaluate Oregon criminal records information from the Oregon State Police as allowed by applicable statutes.

(c) A subject individual may be required to obtain and provide additional criminal, judicial or other background information to the Department or its authorized designee.

(d) Criminal records information obtained from the Law Enforcement Data System must be handled in accordance with applicable Oregon State Police requirements in ORS Chapter 181 and OAR chapter 257, division 15.

(2) Additional Information Required. The Department may require additional information from a subject individual in order to conduct an Oregon Criminal Record Check. The information may include, but is not limited to, proof of identity, residential history, names used while living at each residence, or additional criminal, judicial, or other background information.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08

### 259-013-0250

#### National Criminal Records Check Process

(1) National Criminal Records Check. In addition to an Oregon criminal records check (OAR 259-013-0240), the Department may require a national criminal records check consistent with the requirements for licensure or certification.

(2) Processing. The individual must complete and submit a fingerprint card when requested by the Department.

(3) Additional Information Required. In order to conduct a national check, the Department may require additional information such as, but not limited to, proof of identity, residential history, names used while living at each residence, or additional criminal, judicial, or other background information.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08; DPSST 15-2015, f. & cert. ef. 7-23-15

### 259-013-0260

#### Potentially Disqualifying Crimes

A conviction of any of the following crimes is potentially disqualifying. The lists include offenses that are crimes and may include offenses that are classified as violations or infractions for purposes of eligibility for licensure or certification. (See ORS 161.505 through 161.585).

(1) Any crime or offense listed in OAR 259-008-0070;

(2) Any crime listed in OAR 259-009-0070;

(3) Any crime listed in OAR 259-060-0300;

(4) Any crime listed in OAR 259-061-0300.

(5) Any federal crime.

(6) Any unclassified felony defined in Oregon Revised Statutes not listed elsewhere in this rule.

(7) Any other felony in Oregon's or any other jurisdiction's statutes not listed elsewhere in this rule.

(8) Any crime or offense in any other jurisdiction that is the substantial equivalent of any of the Oregon crimes identified in this section or as determined by an authorized designee of the Department.

(9) Any crime adopted by the Legislature that is the substantial equivalent of any of the crimes listed in this section.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08

### 259-013-0270

#### Record Keeping, Confidentiality

(1) LEDS Reports.

(a) Confidentiality. All LEDS reports are confidential and must be maintained by the authorized designee in accordance with applicable Oregon State Police requirements in ORS Chapter 181 and these rules (NOTE: See OAR chapter 257, division 15).

(A) Authorized Designee Access. LEDS reports are confidential and may only be shared with another authorized designee if there is a need to know consistent with these rules.

(B) The subject individual will be allowed to inspect the LEDS report or state or national criminal offender records the Department used to make their eligibility determination, if requested.

(b) Retention. LEDS reports must be retained and destroyed in accordance with records retention schedules published by Oregon State Archives.

(2) National Information.

(a) Confidentiality and Dissemination. Notwithstanding section (1)(a)(B), national criminal information provided by the Federal Bureau of Investigation (FBI) is confidential and may not be disseminated by the Department.

(b) Retention. FBI reports must be retained and destroyed in accordance with records retention schedules published by Oregon State Archives and in accordance with federal law.

(3) Fingerprint Cards.

(a) All fingerprint cards sent to the Department will be forwarded to the Oregon State Police and FBI as dictated by these rules.

(b) Fingerprint cards returned to the Department will be returned to the subject individual or be destroyed.

(c) The Department will not retain any fingerprint cards or copies of any fingerprint cards for any reason.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08; DPSST 15-2015, f. & cert. ef. 7-23-15

### 259-013-0280

#### Immunity from Liability

(1) The Department and its authorized designees have immunity from any civil liability that might otherwise be incurred or imposed for determining, in accordance with ORS 181.612, that a subject individual may not obtain or maintain a license or certificate issued by the Department or be employed.

(2) The Department or its employee, acting within the course and scope of employment, who in good faith complies with ORS 181.534, is not liable for employment-related decisions based on the fitness determination.

(3) No state agency, business, organization, or employee of the state, business or organization, acting within the course and scope of employment, is liable for defamation, invasion of privacy, negligence or any other civil claim in connection with the lawful dissemination of information lawfully obtained under ORS 181.534.

Stat. Auth.: ORS 181.534 & 181.612  
Stats. Implemented: ORS 181.612  
Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08; DPSST 15-2015, f. & cert. ef. 7-23-15

### 259-013-0290

#### Appeal Process

(1) If an individual has been convicted of a potentially disqualifying crime, the Department will proceed in accordance with the relevant process for denial or revocation identified in either OAR 259-008-0070, 259-009-0070, 259-020-0030, 259-060-0300 or 259-061-0300.

(2) An individual may appeal a determination of the Department in accordance with the applicable rules identified in subsection (1) of this section.

Stat. Auth.: ORS 181.534 & 181.612  
Stats. Implemented: ORS 181.612  
Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08

### 259-013-0300

#### Fees

Fees may be charged to the subject individual or employing agency to recover the costs of administering the fingerprint check through the Oregon State Police and Federal Bureau of Investigation pursuant to OAR 259-025-0000.

Stat. Auth.: ORS 181.534 & 181.612  
Stats. Implemented: ORS 181.612  
Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08; DPSST 15-2015, f. & cert. ef. 7-23-15

## DIVISION 20

### POLYGRAPH EXAMINERS LICENSING RULES

### 259-020-0000

#### Objectives

The objectives of the Board's polygraph licensing rules are: To regulate all persons who purport to be able to detect deception or to verify the truth of statements through the use of instrumentation or mechanical devices, including but not limited to lie detectors, polygraphs, and deceptographs.

(1) By establishing minimum standards for applicants for polygraph examiner's licenses.

(2) By establishing minimum qualifications for licensed polygraph examiners, including appropriate examinations to measure competency of applicants, and reexamination of the licensee should the Department deem a reexamination to be necessary.

(3) By enforcement of all provisions of the Polygraph Examiners Act.

Stat. Auth.: ORS 703.230  
Stats. Implemented: ORS 703.230  
Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 9-2001, f. & cert. ef. 9-19-01

### 259-020-0005

#### Definitions

(1) "Board" means the Board on Public Safety Standards and Training.

(2) "Completed Examination" means an examination in which charts are recorded.

(3) "Department" means the Department of Public Safety Standards and Training.

(4) "Director" means the director of the Department.

(5) "Internship" means the study by a trainee of polygraph examinations and of the administration of polygraph examinations under the personal supervision and control of a polygraph examiner in accordance with the course of study prescribed by the Board at the commencement of such study.

(6) "Person" means any individual, firm, association, partnership, or corporation.

(7) "Polygraph Examiner" means a person who purports to be able to detect deception or verify the truth of statements through the use of instrumentation or of a mechanical device that records visually, permanently and simultaneously the cardiovascular pattern, the respiratory pattern and the galvanic skin response of the individual being examined.

(8) "The Act" means the Polygraph Examiners Act (ORS 703.010 to 703.310).

(9) "Trainee" means a person licensed under the Act to engage in an internship.

Stat. Auth.: ORS 703.230  
Stats. Implemented: ORS 703.230  
Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; PS 3-1987, f. & ef. 10-26-87; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99; BPSST 9-2001, f. & cert. ef. 9-19-01; DPSST 1-2003, f. & cert. ef. 1-21-03; DPSST 15-2012, f. & cert. ef. 6-28-12

### 259-020-0010

#### Minimum Standards for a Polygraph Examiner Trainee License

(1) Any applicant for a license as a polygraph examiner trainee must:

(a)(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 by subsection (a)(A) above.

(b) Be at least 18 years of age;

(c) Be a citizen of the United States;

(d) Not have demonstrated a course of behavior in the preceding 10 years that would indicate the applicant is unable to perform the duties of a polygraph examiner in a manner that would serve the interests of the public. When the Department refuses to issue a license based upon an applicant's failure to meet this requirement, the Department must follow the procedures set forth in OAR 259-020-0030.

(e) For the purposes of this rule, an applicant demonstrates a course of behavior indicating they are unable to perform the duties of a polygraph examiner in a manner that would serve the interests of the public if the applicant:

(A) Has been convicted of a Person Felony as defined by the Criminal Justice Commission in OAR 213-003-0001 in effect on February 4, 2014 or any crime with similar elements in any other jurisdiction;

(B) Has been convicted of a Person Class A Misdemeanor as defined by the Criminal Justice Commission in OAR 213-003-0001 in effect on February 4, 2014 or any crime with similar elements in any other jurisdiction;

(C) Demonstrates a lack of respect for the laws of this state and nation by engaging in a pattern of behavior which leads to 3 or more arrests; or

(D) Engages in conduct involving untruthfulness.

(f) Provide any information required by the Department relating to the circumstances of a conviction, if the applicant has previously been convicted of a criminal offense. ORS 670.280 is applicable when the Department considers information provided under this paragraph.

(g) Be fingerprinted and submit one completed fingerprint card to the Department for submission to the Oregon State Police, Identification Services Section.

(A) Appropriate fees must accompany the applicant's fingerprints to pay the costs of the state and federal fingerprint background checks.

(B) Currently employed corrections officers, parole and probation officers, or police officers as defined in ORS 181.610, whose fingerprints are on file in accordance with OAR 259-008-0010, are exempt from this fingerprinting requirement.

(h) Submit a completed Application for Polygraph Examiner's License (DPSST Form F-203) as prescribed by OAR 259-020-



0060, accompanied by documentation of qualifications as required by the Department.

(i) Submit appropriate fees to the Department as prescribed by OAR 259-020-0035.

(2) The internship requirements of any person who is licensed as a trainee under this rule include:

(a) Periodic consultation with licensed general polygraph examiners of the trainee's own choice;

(b) A total review of 20 examinations from the first 200 examinations conducted must be reviewed by a licensed general polygraph examiner. The following review format is mandatory:

(A) 1st series — 5 examinations reviewed of the first 20 conducted;

(B) 2nd series — 5 examinations reviewed of the next 30 conducted;

(C) 3rd series — 5 examinations reviewed of the next 50 conducted;

(D) 4th series — 5 examinations reviewed of the last 100 conducted.

(E) During each review series, the trainee must have a general polygraph examiner complete a Polygraph Review Critique (DPSST Form F-203a) on each set of examinations reviewed. The trainee must forward the original critiques to the Department. One copy of the form must be retained by the reviewer, and one copy must be retained by the trainee. These reviews must be completed and forwarded to the Department within 30 days of the completion date of each of the four (4) series of examinations shown above. The Department will not renew a trainee license unless the trainee has complied with the examination requirements in this subsection.

(F) At least two of the review series must be completed with a general polygraph examiner during personal interviews. However, if time and distance are a distinct problem, up to two of the review series may be completed by mail. These review procedures cannot be interpreted as detracting from the trainee examiner's ability or expertise, but will be considered as legitimate, professional consultation.

(c) When participating in this prescribed course of study, trainees may administer specific issue examinations. If the trainee conducts a test which is to be offered as evidence in a court of law, the trainee must seek and utilize the assistance of a general polygraph examiner during the administration of the case and must have that general polygraph examiner available for continued consultation, including joint court appearances, if necessary. Each trainee should obtain legal advice concerning all questions relating to admissibility of polygraph examination evidence.

(d) Every trainee must maintain basic records of examinations conducted. A numerical log or ledger (beginning with #1) must provide a brief record of the name of the person examined, date, time, type of examination, and results, as well as other information the trainee examiner considers pertinent. Folder or envelope "case" files containing all available test information, including notes, questions, charts, reports, and correspondence, must be maintained for a minimum of five years unless State Archivist rules require longer maintenance.

(e) A person may not hold a license as a trainee for more than two years. An extension of the two-year period may be granted for good cause.

(A) If the applicant requests an extension of time to hold the trainee license beyond the initial two year limitation, the Department may grant an extension to the date of the next regularly scheduled Polygraph Licensing Advisory Committee meeting. The applicant will be scheduled to appear at the next committee meeting. The applicant must provide his or her request and justification for the extension, polygraph log, and the last ten polygraph reports and charts performed by the trainee. If just cause is presented, the Polygraph Licensing Advisory Committee may recommend an extension to the Department.

(B) The Polygraph Licensing Advisory Committee may recommend additional requirements that must be met during the extension period. Failure to complete any additional requirements

imposed by the Department during an extension period may be grounds to deny any additional extension requests.

(f) Trainees must clearly indicate their trainee status on all letterhead, business cards, advertising, signage, and any other type of written material that describes a polygraph examination.

(3) A trainee must not conduct more than five completed examinations, of any type, in any one calendar day.

(4) A trainee must not perform any type of review or provide a professional opinion of any completed polygraph examination performed by another polygraph examiner or polygraph trainee.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99; BPSST 10-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 9-2001, f. & cert. ef. 9-19-01; BPSST 14-2002, f. & cert. ef. 7-1-02; DPSST 1-2003, f. & cert. ef. 1-21-03; DPSST 23-2008(Temp), f. & cert. ef. 12-29-08 thru 5-30-09; DPSST 1-2009, f. & cert. ef. 2-2-09; DPSST 15-2012, f. & cert. ef. 6-28-12; DPSST 29-2012, f. & cert. ef. 12-26-12; DPSST 24-2014, f. & cert. ef. 10-1-14; DPSST 35-2014, f. & cert. ef. 12-30-14

## 259-020-0015

### Minimum Standards for a Polygraph Examiner

(1) Any applicant for a license as a general polygraph examiner must:

(a) Be at least 18 years of age;

(b) Be a citizen of the United States;

(c) Not have demonstrated a course of behavior in the preceding 10 years that would indicate the applicant is unable to perform the duties of a polygraph examiner in a manner that would serve the interests of the public. When the Department refuses to issue a license based upon an applicant's failure to meet this requirement, the Department must follow the procedures set forth in OAR 259-020-0030;

(d) For the purposes of this rule, an applicant demonstrates a course of behavior indicating they are unable to perform the duties of a polygraph examiner in a manner that would serve the interests of the public if the applicant:

(A) Has been convicted of a Person Felony as defined by the Criminal Justice Commission in OAR 213-003-0001 in effect on February 4, 2014 or any crime with similar elements in any other jurisdiction;

(B) Has been convicted of a Person Class A Misdemeanor as defined by the Criminal Justice Commission in OAR 213-003-0001 in effect on February 4, 2014 or any crime with similar elements in any other jurisdiction;

(C) Demonstrates a lack of respect for the laws of this state and nation by engaging in a pattern of behavior which leads to 3 or more arrests; or

(D) Engages in conduct involving untruthfulness.

(e) If previously convicted for a criminal offense, provide information relating to the circumstances of the conviction as required by the Department. ORS 670.280 is applicable when the Department considers information provided under this paragraph;

(f) Be fingerprinted and submit one (1) completed fingerprint cards to the Department for subsequent submission to the Oregon State Police, Identification Services Section.

(A) Appropriate fees must accompany the applicant's fingerprints to pay costs of the state and federal fingerprint background checks. No general license will be issued until the Department has received fingerprint clearance from the Oregon State Police Identification Services Section.

(B) Currently employed corrections officers, parole and probation officers, or police officers, as defined in OAR 181.610, whose fingerprints are on file in accordance with OAR 259-008-0010, are exempt from this fingerprinting requirement.

(g)(A) Have received a baccalaureate degree from an accredited college or university; or

(B) Have graduated from high school or have been awarded a General Educational Development (GED) certificate; and have at

least five years of active investigative experience before the date of the application.

(i) 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.

(ii) Administering polygraph examinations will satisfy the investigative experience requirement of this section.

(iii) The Department may, upon application of an individual polygraph examiner, accept the examiner's professional experience as being equal in professional value to the five years of active investigative experience required by this section.

(h) Have graduated from a polygraph examiner's course approved by the Department and have completed at least 200 examinations, or have worked as a polygraph examiner for a period of at least five years for a governmental agency within the State of Oregon and have satisfactorily completed at least 200 examinations.

(i) An applicant may meet the requirements of subsection (f) and (g) of this section 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.

(j) Have successfully completed an examination conducted by the Department in consultation with the Advisory Committee as defined in OAR 259-020-0055, to determine competency to act as a polygraph examiner. The Department, in consultation with the Advisory Committee, will prescribe the manner and contents of any examination conducted by the Department under provisions of the Act.

(k) Submit a fully-completed Application for Polygraph Examiner's License (DPSST Form F-203) as prescribed by OAR 259-020-0060, accompanied by documentation of qualifications as required by the Department.

(l) Submit to the Department appropriate fees as prescribed by OAR 259-020-0035.

(2) Any person who has held a trainee license for longer than 12 months and who has completed the 200 exams required under OAR 259-020-0015 must take the general license examination within 12 months of completing the required exams.

(3) The Department in consultation with the advisory committee may prescribe requirements for:

(a) The internship of an applicant who fails to pass the first or second oral or written part of the examination described in OAR 259-020-0015(1)(h);

(b) An applicant who resides in a state other than Oregon. The minimum requirements for an out-of-state examiner who does not qualify under ORS 703.130 must include:

(A) Substantial compliance with the applicable requirements for in-state examiners;

(B) A log meeting Oregon guidelines;

(C) Passing the Oregon licensing examination;

(D) Submitting at least 20 of the last 100 polygraph examinations conducted to a licensed Oregon general polygraph examiner for review. A Polygraph Review Critique (DPSST Form F-203a) must be completed on the examinations and provided to the Department for review by the Polygraph Licensing Advisory Committee; and

(E) Demonstrating proficiency in the field of polygraphy by an oral interview with the Polygraph Licensing Advisory Committee.

(c) Any individual whose license has expired for a period of more than two years and who reapplies for licensure. These requirements may include, but are not limited to:

(A) Documentation indicating any necessary training requirements have been met; and

(B) Verification that the individual has the current knowledge, skills and ability to perform the duties of a polygraph examiner.

(4) The Department will immediately suspend an applicant's trainee license if the applicant fails the third examination. The applicant may submit a new application for a general license only after retaking and successfully completing a polygraph examiner's

course approved by the Department and meeting any additional requirements.

(5) The Director, acting on the written recommendation of the Polygraph Examiners Licensing Advisory Committee, may require a licensed general polygraph examiner to appear for reexamination as directed.

(a) In preparing its written recommendation, the Committee must identify the good cause reasons for its recommendation.

(b) Based on the written recommendation, the reexamination may include the written examination, the oral examination, or both.

(c) Failure of the licensee to comply with the directive to appear for reexamination will result in the suspension of the license by the Department, until the licensee appears as directed.

(6) Every examiner must maintain basic records of examinations conducted. A numerical log or ledger (beginning with #1) will provide a brief record of the name of the person examined, date, time, type of examination, and results, as well as other information the examiner considers pertinent. Folder or envelope "case" files containing all available test information, including notes, questions, charts, reports, and correspondence, must be maintained for a minimum of five years unless any applicable Oregon State Archives Records Retention Schedules require longer retention.

(7) An examiner must not conduct more than five (5) completed examinations, of any type, in any one calendar day.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.210 & 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99; BPSST 10-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 9-2001, f. & cert. ef. 9-19-01; BPSST 14-2002, f. & cert. ef. 7-1-02; DPSST 1-2003, f. & cert. ef. 1-21-03; DPSST 1-2009, f. & cert. ef. 2-2-09; DPSST 10-2010, f. 10-15-10, cert. ef. 11-1-10; DPSST 19-2011, f. & cert. ef. 12-30-11; DPSST 2-2012(Temp), f. & cert. ef. 2-24-12 thru 8-15-12; DPSST 15-2012, f. & cert. ef. 6-28-12; DPSST 29-2012, f. & cert. ef. 12-26-12; DPSST 35-2014, f. & cert. ef. 12-30-14

## 259-020-0020

### Special Licenses

(1) The Department may license a person who is not a resident of this state as a polygraph examiner in accordance with the Act. However, any person receiving such a license must include an irrevocable written consent with the application for a license or renewal permitting the Director to act as an agent for the service of all legal process in this state. In any action in a court of competent jurisdiction in this state, service of process may be made upon a polygraph examiner who does not reside in this state by mailing two copies of the process to the Director. The Director must retain one copy of the process in the records and immediately send, by certified or registered mail, the other copy to the polygraph examiner at the most current address as indicated by the records of the Department.

(2) The Department may grant a license as a polygraph examiner in this State to a person who is licensed as a polygraph examiner by another state or territory of the United States, without examination, upon application by such person in the manner prescribed by the Department and upon payment to the Department of a fee of \$50, payable to the Department, if the Department finds that such person:

(a) Is at least 18 years of age;

(b) Is a citizen of the United States;

(c) Has been fingerprinted and has submitted one (1) completed fingerprint card to the Department for subsequent submission to the Oregon State Police, Identification Services Section. Appropriate fees must accompany the applicant's fingerprints to pay costs of the state and federal fingerprint background checks. No General License shall be issued until the Department has received fingerprint clearance from the Oregon State Police Identification Services Section;

(d) Was licensed pursuant to the requirements of such other state or territory that, at the date of the issuance of such license by such other state or territory, were substantially equivalent to the

requirements of the Act for licensing and regulation of polygraph examiners in this state;

(e) Is licensed by another state or territory that grants reciprocity to polygraph examiners licensed in this state; and

(f) If a nonresident of this state has complied with the requirements of section (1) of this rule.

(3) The Director, acting on the written recommendation of the Polygraph Licensing Advisory Committee, may require a licensed general polygraph examiner, licensed under this section, to appear for reexamination as directed. Failure of the licensee to comply with the directive to appear for reexamination shall result in the suspension of the polygraph license by the Department.

(4) The Department may, upon application of an individual polygraph examiner, accept the examiner's professional experience as being equal in professional value to the five years of active investigative experience required by ORS 703.090(1)(e) and OAR 259-020-0015(1)(f).

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 9-2001, f. & cert. ef. 9-19-01; DPSST 1-2009, f. & cert. ef. 2-2-09

### 259-020-0025

#### Expiration and Renewal of Licenses

(1) Each polygraph examiner's license issued by the Department will be issued for a period of one year. The Department may renew the license of a polygraph examiner, unless such license has been suspended or revoked, upon compliance by the person with such conditions as the Department may prescribe.

(2) A person whose polygraph examiner's license has expired may obtain a renewal license without examination within two years after the date of the expiration of such license by:

(a) Submitting an application for renewal;

(b) Payment of the required fee; and

(c) Documentation that the required total number of training hours for the period of time of the expiration of the license has been met, as mandated in OAR 259-020-0025(4).

(3) In addition to the renewal requirements of section (2), a person whose polygraph examiner's license has expired for a period of more than two years may obtain a renewal license by:

(a) Verifying that the individual has the current knowledge, skills and abilities to perform the duties of a polygraph examiner or polygraph examiner trainee; and

(b) Meeting any additional requirements recommended by the Polygraph Licensing Advisory Committee and approved by the Department. Additional requirements may include, but are not limited to:

(A) Attending additional training;

(B) Submitting examinations to other licensed general polygraph examiners for review; and

(c) Successfully completing a written polygraph examination test.

(4) Every two (2) years from the date of issue, all persons licensed under the Act must successfully complete a minimum of thirty (30) hours of Department approved training specifically related to the field of polygraphy. Department approved training in this field includes but is not limited to seminars sponsored by regional and national polygraph associations.

(a) All persons licensed under this Act must document satisfactory completion of this training to the Department. Documentation must include but is not limited to a certificate or letter of completion.

(b) Failure to comply with this section will result in the Department's refusal to reissue a license. This requirement becomes effective 01-01-97.

(c) A license may be reissued upon written application and receipt by the Department of evidence that the conditions which caused the denial have been corrected to the satisfaction of the Department.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99; BPSST 9-2001, f. & cert. ef. 9-19-01; BPSST 14-2002, f. & cert. ef. 7-1-02; DPSST 9-2009, f. & cert. ef. 9-15-09

### 259-020-0030

#### Denial, Suspension, or Revocation of Licenses

(1) It is the responsibility of the Department to set and uphold the standards to ensure the highest level of professionalism and discipline. These standards will be upheld at all times unless the Department determines that neither the safety of the public or respect of the profession is compromised.

(2) Definitions: For the purposes of this rule, the following definitions apply:

(a) "Denial" or "Deny" means the Department's refusal to issue a general polygraph examiner or polygraph examiner trainee license to an applicant who fails to meet the minimum standards for licensure as identified in OAR 259-020-0010 and 259-020-0015.

(b) "Revocation" or "Revoke" means action taken by the Department to rescind the licensure of a polygraph examiner or trainee for behavior identified in section (3) of this rule.

(c) "Surrender" means the voluntary relinquishment of a general polygraph examiner or polygraph examiner trainee licensure to the Department.

(d) "Suspension" or "Suspend" means action taken by the Department temporarily depriving the license of a polygraph examiner trainee.

(e) "Withdraw" means action taken by the applicant, polygraph examiner or trainee to remove an application from consideration.

(3) The Department may deny or revoke the license of any applicant, general polygraph examiner or trainee after written notice and hearing, upon finding that the applicant, general polygraph examiner or trainee:

(a) Fails to appear for re-examination as directed by the Director, on the recommendation of the Polygraph Licensing Advisory Committee;

(b) Engages in any of the behaviors described in ORS 703.210.

(c) For the purposes of ORS 703.210(6), the following are indicators that an applicant, general polygraph examiner or trainee demonstrates the inability or incompetency to carry out the duties of a polygraph examiner:

(A) Misconduct. Misconduct includes conduct that violates the law, practices or standards generally followed in the polygraph profession;

(B) Criminal convictions;

(C) Conduct that is prejudicial to the administration of justice;

(D) Use of test questions relating to sexual, religious, or political matters, unless such matters relate to the issue under investigation;

(E) Deliberately using unclear, misleading, circuitous, or ambiguous language in describing or explaining the relevant issue of the examination, including, but not limited to, the results of the examination;

(F) Failing to maintain any or all written records of all polygraph examinations conducted, along with polygraph charts or polygrams in a manner consistent with State Archivist rules pertaining to reports of investigations conducted by Oregon State Police; or

(G) Failing to meet the minimum standards for a polygraph examiner or trainee as described in OAR 259-020-0010 and 259-020-0015.

(4) The Department will suspend the license of any trainee who fails to pass the oral or written portion of the examination required by OAR 259-020-0015 after three attempts. The applicant may not reapply for internship until after retaking and successfully completing a polygraph examiner's course approved by the Department.



(5) Procedure for Denial or Revocation of Licensure: Denial and Revocation Procedure.

(a)(A) Citizen Request: When the Department receives information that a polygraph examiner or trainee may not meet established standards for Oregon polygraph examiners or trainees, the Polygraph Licensing Advisory Committee will review the request and supporting, factual information to determine if the request for denial or revocation meets statutory and administrative rule requirements.

(B) Department Initiated Review: Upon receipt of factual information from any source, the Department may request that a polygraph examiner's or trainee's license be denied, suspended or revoked.

(b) The Polygraph Licensing Advisory Committee will review and investigate any complaints and allegations, including the basis for the complaint and all supporting, factual information, and make a recommendation to the Director on all allegations against the polygraph examiner or trainee.

(c) The Director will review the complaint and the Committee recommendation to determine whether to proceed with denial, suspension or revocation.

(d) If the issues of a citizen complaint do not meet the statutory and administrative rule requirements, the Department will notify the citizen.

(e) If the complaint and the Committee recommendation meets statutory and administrative rule requirements, but are not supported by adequate factual information, the Department may request further information from the complaining citizen or Polygraph Licensing Advisory Committee.

(f) The Department may choose to conduct its own investigation of the matter separate from, or in conjunction with, that of the Polygraph Licensing Advisory Committee.

(g) Initiation of Proceedings: Upon determination that the reason for denial or revocation is supported by factual data meeting the statutory and administrative rule requirements, the Department will prepare a Contested Case Notice.

(h) 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. The Department will have a copy of the notice served on the person whose license is being affected.

(i) Response time:

(A) A party who has been served with a Contested Case Notice of Intent to Deny Licensure has 60 calendar days from the date of mailing or personal service of the notice in which to file with the Department a written request for hearing or a written notice withdrawing their application for consideration.

(B) A party who has been served with a Contested Case Notice of Intent to Revoke Licensure has 20 calendar days from the date of mailing or personal service of the notice in which to file with the Department a written request for hearing or written notice surrendering their license.

(C) A party who has been served with a Contested Case Notice of Intent to Suspend Licensure has 10 calendar days from the date of mailing or personal service of the notice in which to file with the Department a written request for hearing or written notice surrendering their license.

(j) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying, revoking or suspending licensure pursuant to OAR 137-003-0672.

(k) Stipulated Order Revoking Licensure: The Department may enter a stipulated order revoking the licensure of a general polygraph examiner or trainee upon the person's voluntary agreement to terminate an administrative proceeding to revoke a license under the terms and conditions outlined in the stipulated order.

(l) Upon receipt of written notification of the suspension or revocation of a license by the Department, a polygraph examiner or trainee must immediately surrender the license to the Director. Appeals, Ineligibility Periods and Reconsideration

(6) Appeal Procedure. General polygraph examiners or trainees aggrieved by the findings and Order of the Department may file an appeal with the Court of Appeals from the Final Order of the Department, as provided in ORS 183.480.

(7) The Department may restore a suspended licensure to the prior holder upon written application and receipt by the Department of evidence that the conditions which caused the suspension have been corrected to the satisfaction of the Department.

(8) In denial or revocation cases, the Department and the Polygraph Licensing Advisory Committee will take into consideration any aggravating or mitigating factors surrounding the incident.

(9) Notwithstanding subsection (10), any general polygraph examiner or trainee whose licensure is denied or revoked will be ineligible to hold any polygraph examiner licensure for a period of ten years from the date of the final order issued by the Department.

(10) Reconsideration Process. Any individual whose licensure has been denied or revoked for grounds other than a failure to meet the minimum standards for polygraph examiner or trainee as described in OAR 259-020-0010 and 259-020-0015 may apply for reconsideration after a minimum three-year ineligibility period from the date of the final order.

(a) All applicants for reconsideration are required to submit an application in accordance with OAR 259-020-0060. The applicant may provide any mitigating information for the consideration of the Department, Polygraph Licensing Advisory Committee, and Director.

(b) In reconsidering the application of an applicant whose licensure was previously denied or revoked, the Department and the Polygraph Licensing Advisory Committee may consider any mitigating and aggravating circumstances.

(c) If a polygraph examiner or trainee whose licensure has been denied or revoked has satisfied the minimum three-year ineligibility period and the Director, in collaboration with the Polygraph Licensing Advisory Committee, denies an application for reconsideration, the individual will remain ineligible to apply for licensure. The original ineligibility date remains in effect as described in subsection (8) of this rule and the Department will not consider any further requests for reconsideration.

(d) The Director's decision to deny an application for reconsideration will be subject to the contested case procedure described under subsection (5) of this rule.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99; BPSST 9-2001, f. & cert. ef. 9-19-01; BPSST 14-2002, f. & cert. ef. 7-1-02; DPSST 7-2011, f. & cert. ef. 6-23-11; DPSST 29-2012, f. & cert. ef. 12-26-12

## 259-020-0035

### License Fees

The following fees shall be charged by the Department in carrying out provisions of the Act:

(1) The fee of \$50 for the issuance of each original license as a general polygraph examiner.

(2) The fee of \$50 for the annual renewal of a license as a general polygraph examiner.

(3) The fee of \$50 for examination by the Department to determine the competency of an applicant as a polygraph examiner.

(4) The fee of \$35 for the issuance of a trainee license.

(5) The fee of \$35 for the annual extension or renewal of a trainee license.

(6) The fee of \$5 for issuance by the Department of a duplicate polygraph examiner or trainee license upon satisfactory proof that the original license has been lost or stolen.

(7) All fees, moneys, or other revenues received or collected by the Department under the Act shall be deposited in the Police Standards and Training Account.

Stat. Auth.: ORS 181 & 703

Stats. Implemented: ORS 181 & 703

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-020-0040**

**License Display and Registry**

(1) A polygraph examiner shall display prominently the license at the place of business or employment, and a trainee shall display prominently the license at the place of internship.

(2) A polygraph examiner and trainees shall notify the Director in writing of any change in the principal place of business within 30 days after the date of such change. Upon discovery by the Director of failure by a licensee to comply with this section, the Director shall suspend immediately such license.

Stat. Auth.: ORS 181 & 703

Stats. Implemented: ORS 181 & 703

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 9-2001, f. & cert. ef. 9-19-01; DPSST 18-2008, f. & cert. ef. 10-15-08

**259-020-0045**

**Polygraph Instruments**

(1) All instruments or mechanical devices that are used to test or question individuals for the purpose of detecting deception or of verifying the truth of statements made by the individuals at least shall record visually, permanently, and simultaneously the cardiovascular pattern, the respiratory pattern, and the galvanic skin response of each such individual. The patterns of other physiological changes of any such individual also may be recorded.

(2) No person may use any instrument or mechanical device to test or question individuals for the purpose of detecting deception or verifying the truth of statements made by the individuals that does not comply with the minimum requirements therefor under section (1) of this rule. The Department, in consultation with the Board, may, in the name of the State of Oregon, initiate and maintain appropriate judicial proceeding, in the manner provided by law for such proceedings, to enjoin the use of any instrumentation or mechanical device that does not comply with the minimum requirements specified in section (1) of this rule.

Stat. Auth.: ORS 181 & 703

Stats. Implemented: ORS 181 & 703

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-020-0050**

**Penalties**

Violation of any provision of the Act or of any rule adopted thereunder is a Class A Misdemeanor.

Stat. Auth.: ORS 181 & 703

Stats. Implemented: ORS 181 & 703

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**259-020-0055**

**Polygraph Licensing Advisory Committee**

(1) The Department may appoint a polygraph licensing advisory committee whose function is to assist and advise the Department concerning the administration of the Act. The advisory committee's duties may include, but are not limited to, providing advice and assistance to the Department regarding content and procedures for required examinations, evaluation, and selection of polygraph examiners courses to be approved by the Department; evaluation of applications received for polygraph examiners licenses; examination and approval of instruments; investigation of complaints which could lead to license denial, suspension, or revocation; and general enforcement of all provisions of the Act.

(2) The advisory committee will consist of a minimum of five members to be appointed by the Director, each appointment to be subject to ratification by the Board at its next regular meeting.

Members of the committee will be initially appointed for a two-year term, with additional two-year term reappointments.

(3) The advisory committee will select one of its members to serve as chairperson, and one to serve as vice-chairperson.

(4) The advisory committee will hold regular meetings a minimum of three times per year; approximately once every four months. The advisory committee will also coordinate the scheduling of special meetings with the Director and submit written reports as requested by the Director.

(5) Membership of the advisory committee will consist of at least four persons qualified as general examiners; two currently employed law enforcement members and two members from the private sector. Additional members of the committee may be selected on the basis of special qualifications to be determined by the Director, subject to the provisions of section (2) of this rule.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 9-2001, f. & cert. ef. 9-19-01; DPSST 25-2014, f. & cert. ef. 10-1-14

**259-020-0060**

**Applications**

(1) Applications for polygraph examiner trainee licenses and general polygraph examiners licenses shall be submitted on an Application for Polygraph Examiners License (**DPSST Form F-203**).

(2) Applications for polygraph examiners licenses shall be accompanied by copies of certificates and such other documents as may be specified and required by the Board.

(3) Applications for polygraph licenses shall be accompanied by a check or money order payable to Department of Public Safety Standards and Training in the amount specified in OAR 259-020-0035.

(4) Original polygraph review critiques (**DPSST Form F-203a**) shall be submitted to the Department of Public Safety Standards and Training, according to the requirements outlined in OAR 259-020-0010(2).

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 9-2001, f. & cert. ef. 9-19-01

**259-020-0065**

**Licenses**

Polygraph examiners trainee licenses and general polygraph examiners licenses will be issued on forms approved by the Department. Each license will:

- (1) Clearly designate the type of license awarded;
- (2) Display the licensee's name;
- (3) List the expiration date for the licensee; and
- (4) Bear the signature of the Director.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98

**DIVISION 25**

**FEEES FOR PUBLISHING, PRINTING, OR COPYING  
AND OTHER SERVICES**

**259-025-0000**

**Department Fees and Public Records Requests**

(1) All information in the custody of the Department of Public Safety Standards and Training (Department) will be disclosed or

protected from disclosure in accordance with ORS Chapter 192 and other applicable state and federal laws.

(2) Records Request Procedure. A request for photocopies, facsimile (fax) copies, electronically distributed (e-mail) copies and certifications of public records that are on file with the Department must be made in writing. Submission may be made by mail, fax, e-mail, or in person. The request must include:

(a) The name, address, and telephone number of the person requesting the public record;

(b) The date the request is being made; and

(c) An adequate description of the records being requested including subject matter and approximate creation dates when applicable.

(3) The Department will acknowledge records requests in a reasonable amount of time. In its response, the Department will:

(a) Indicate if they are in possession of the requested records;

(b) Identify the requested records that are exempt from disclosure under current Public Records Law;

(c) Provide an estimate of the expected cost of meeting the request; and

(d) Identify an estimated date by which the information will be provided.

(4) The regular duties of the Department will not be interrupted or interfered with because of time or effort required to respond to records requests.

(5) Records Request Fees. Unless otherwise provided by statute or other administrative rule, the Department may charge fees for recovering actual costs of:

(a) Staff time to research, locate, review, redact, compile and copy records;

(b) All material and media; and

(c) Postage, where applicable.

(6) Basic records requests requiring less than 10 minutes of staff time to compile and provide electronically will be charged a flat rate of \$5.

(7) Records requests that require no redacting and are copied and provided to the requestor in paper form will be charged at the rate of \$5 for the first 1–10 pages and \$.50 for each additional page.

(8) There will be no charge for furnishing normal and necessary records or publications to public safety officers or public safety agencies.

(9) The Department may require payment in advance.

(10) Other Fees: The Department may charge for the use of facilities at the Public Safety Academy.

(11) The Department may charge replacement cost for lost or damaged keys, equipment, or meal cards.

(12) The Department may charge the subject individual or employing agency a fee to recover the costs of administering the fingerprint check through the Oregon State Police and Federal Bureau of Investigation (FBI.)

(a) Fees will not exceed the actual cost of acquiring and furnishing criminal offender information.

(b) An additional fee may be charged upon the rejection of fingerprints by the Oregon State Police or FBI.

(c) Current fee schedules for processing fingerprints may be obtained from the Department.

Stat. Auth.: ORS 181.640 & 703.230

Stats. Implemented: ORS 181.640 & 703.230

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 19-2002, f. & cert. ef. 11-21-02; DPSST 10-2007, f. & cert. ef. 10-15-07; DPSST 4-2011, f. 5-5-11, cert. ef. 6-1-11; DPSST 15-2015, f. & cert. ef. 7-23-15

**DIVISION 30****DIRECTOR****259-030-0000****Director**

(1)(a) The Director of the Department shall be appointed by and hold office at the pleasure of the Governor pursuant to the provisions of ORS 181.635.

(b) The person appointed as Director may be selected from candidates recommended to the Governor by the Board. The candidates shall be well qualified by training and experience to perform the functions of the office.

(c) An appointed Director of the Department shall receive such salary as is provided by law or, if not so provided, as is fixed by the Governor.

(d) The Board shall annually evaluate the Director's implementation of policies, standards and minimum requirements for public safety certifications and training, reporting to the Governor the results of the evaluation.

(2) Duties and Authority:

(a) The Director, with the approval of the Governor and after consulting the Board for advice, shall organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department properly.

(b) The Director shall be responsible to the Governor for the administration and management of the agency's activities and operation of the Oregon Public Safety Academy.

(c) With the approval of the Governor, the Director may appoint a Deputy Director, who shall serve at the pleasure of the Director, not be subject to the State Personnel Relations Law and have full authority to act for the Director, subject to the control of the Director. The appointment of the Deputy Director shall be by written order, filed with the Secretary of State.

(d) The Director, or the Director's designee, shall serve as Executive Secretary to the Board, but shall not be a member of the Board.

(e) The Director, subject to applicable provisions of the State Personnel Relations Law, shall appoint all subordinate officers and employees of the Department, prescribe their functions and fix their compensation.

Stat. Auth.: ORS 181.635 & 181.640

Stats. Implemented: ORS 181.635 & 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1981, f. 9-26-81, ef. 11-2-81; Renumbered from 259-010-0090, PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 4-2010, f. & cert. ef. 6-2-10

**DIVISION 50****DEPARTMENT OF PUBLIC SAFETY STANDARDS  
AND TRAINING****259-050-0005****Department of Public Safety Standards and Training**

(1) In order to carry out its duties the Department may take title to real property needed for a training facility.

(2) The Department may enter into a financing agreement for the purpose of financing infrastructure components for a public safety training facility.

Stat. Auth.: ORS 181.610 - 181.712

Stats. Implemented: ORS 181.610 - 181.712

Hist.: BPSST 17-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 10-2002, f. & cert. ef. 4-3-02



DIVISION 60

PRIVATE SECURITY SERVICES PROVIDERS RULES

259-060-0005

Objectives

(1) The objectives of the Board's and Department's rules on private security standards and certification are to improve the private security industry services in Oregon by raising the level of competence of private security personnel, individually and collectively. This is accomplished by:

(a) Establishing and maintaining minimum standards and qualifications for the training, certification and licensure of private security providers;

(b) Establishing and maintaining minimum standards and qualifications for all training courses and testing required of private security providers; and

(c) Maintaining uniform compliance with all provisions of the Private Security Service Providers Act found in ORS 181.870 through 181.991, including the use of criminal records checks utilizing computerized criminal history information, fingerprint comparisons, and fact-finding investigations.

(2) The scope of authority between the Board and the Department as it relates to joint rulemaking is the same as ORS 181.640(4)(5)(6).

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.875, 181.878 & 181.880

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

259-060-0010

Definitions

(1) "Accreditation Program Manager" means a person who is designated as the administrator of an employer accredited training program and is primary liaison with the Department.

(2) "Alarm Monitor" means an individual whose primary duties are the processing of alarms in an alarm monitoring facility.

(3) "Alarm Monitoring Facility" mean any organization, contract or proprietary, with the primary responsibility of reviewing incoming traffic transmitted to alarm receiving equipment and follows up with actions that may include notification of public agencies to address imminent threats related to public safety. This does not include:

(a) Facilities that monitor only production or environmental signals not directly impacting public safety;

(b) Proprietary alarm systems being monitored by Department-certified private security professionals that generate an internal response by another Department-certified private security professional;

(c) Facilities that monitor Personal Emergency Response Systems (PERS) only; or

(d) Facilities utilizing alarms that never generate a response from a public safety agency.

(4) "Applicant" means an individual who is applying for or renewing certification or licensure as a private security provider.

(5) "Armed Private Security Professional" means a private security professional who is certified to possess or has access to a firearm at any time while performing private security services.

(6) "Assessments" means a Department-approved curriculum given to private security providers that includes, but is not limited to, the demonstration of task-related skills learned in the classroom instruction as applied to hypothetical situations.

(7) "Board" means the Board on Public Safety Standards and Training.

(8) "Certification" means recognition by the Department that a private security professional meets all the qualifications listed in ORS 181A.855 and these rules.

(9) "Confrontational Activity" means the exertion of physical control by detaining individuals.

(10) "Consideration" means something of value promised, given or done that has the effect of making an agreement to provide private security services.

(11) "Crowd Management or Guest Services" means duties performed during an organized event, including pre-event assembly and post-event departure activities relating to the organized event that involve:

(a) Directing people attending an organized event;

(b) Allowing entry into or exit out of an organized event or any area within the established confines of an organized event that requires authorized access; or

(c) Screening individuals for entry into an organized event. Screening does not include physical pat-down searches.

(12) "De Minimis" means non-monetary compensation received by a volunteer performing private security services for a non-profit organization as defined in ORS 181A.845. The compensation may not exceed a fair market value of \$125 per day.

(13) "Denial" or "Deny" means the Department's refusal to grant private security certification or issue a license to an applicant who fails to meet the minimum standards for certification or licensure as identified in OAR 259-060-0020, including the mandatory and discretionary disqualifying misconduct identified in OAR 259-060-0300.

(14) "Department" and "DPSST" means the Department of Public Safety Standards and Training.

(15) "Director" means the Director of the Department of Public Safety Standards and Training.

(16) "Employer" means:

(a) An individual who employs persons to provide private security services;

(b) An owner or owners of a business or entity that provides private security services; or

(c) An owner or owners of a business or entity who employs persons to provide private security services.

(17) "Executive Manager" means a person:

(a) Who is authorized to act on behalf of a company or business in matters of licensure and certification;

(b) Who is authorized to hire and terminate personnel;

(c) Whose primary responsibility is the management of certified private security professionals; and

(d) Who has final responsibility for a company's or business's compliance with the ORS 181A.840 to 181A.995.

(18) "Flagrant Violation" means an act by a provider, contractor, owner or manager who, after being notified of a violation, intentionally continues or repeats the violation within a 36 month period after the initial violation.

(19) "Fundamental" means a duty that is a basic task or function and may be low frequency, but is an essential component of a job.

(20) "Incidental or Temporary Action" means reaction to an unexpected occurrence that requires immediate response and occurs without regularity or expectation. These actions are not primary responsibilities and are for brief periods of time.

(21) "Instructor" means any person who has been certified by the Department as meeting the requirements to provide instruction to private security providers or applicants.

(22) "License" means recognition by the Department that executive manager or supervisory manager meets the requirements listed in ORS 181A.855 and these rules.

(23) "Organized Event" means a temporary gathering of a crowd for a planned occasion or activity that occurs in a defined location during a specific time. An organized event has an established border or boundary.

(24) "Policy Committee" means the Private Security and Investigator Policy Committee.

(25) "Premises" means:

(a) Land or buildings considered as a property, regardless if permanent or temporary; or

(b) With respect to a licensee of the Oregon Liquor Control Commission (OLCC), a permanent place where an OLCC license

is held regularly at a location where licensees can gather for a temporary amount of time.

(26) “Primary Responsibility” means an activity that is fundamental to, and required or expected in, the regular course of employment and is not merely incidental to employment.

(27) “Private” as used in the Act means those activities intended for or restricted to the use of a particular person, group or interest, or belonging to or concerning an individual person, company or interest.

(28) “Private Security Professional” means an individual who performs, as the individual’s primary responsibility, private security services for consideration, regardless of whether the individual, while performing private security services, is armed or unarmed or wears a uniform or plain clothes, and regardless of whether the individual is employed part-time or full-time to perform private security services. A private security professional is not authorized to independently contract with businesses or entities to provide services as a private security professional.

(29) “Private Security Provider” means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor.

(30) “Private Security Services” means the performance of at least one of the following activities:

(a) Observing and reporting unlawful activity;

(b) Preventing or detecting theft or misappropriation of any goods, money or other items of value;

(c) Protecting individuals or property, including, but not limited to proprietary information, from harm or misappropriation;

(d) Controlling access to premises being protected or, with respect to a licensee of the Oregon Liquor Control Commission, controlling access to premises at an entry to the premises or any portion of the premises where minors are prohibited;

(e) Securely moving prisoners;

(f) Taking enforcement action by detaining persons or placing persons under arrest under ORS 133.225; or

(g) Providing canine services for guarding premises or for the detection of unlawful devices or substances.

(31) “Private Security Services Providers Act” or “The Act” means the Private Security Providers Act (ORS Chapter 181A.840 through 181A.995).

(32) “Revocation” or “Revoke” means action taken by the Department to rescind the certification or licensure of a private security provider who fails to meet the minimum standards for certification or licensure as identified in OAR 259-060-0020, including the mandatory and discretionary disqualifying misconduct identified in OAR 259-060-0300.

(33) “Supervisory Manager” means an employee of or a person supervised by an executive manager who has as a primary responsibility the supervision of certified private security professionals. A supervisory manager is not authorized to independently contract with businesses or entities to provide services as a supervisory manager.

(34) “Surrender” means the voluntary relinquishment of private security certification or licensure to the Department.

(35) “Suspension” or “Suspend” means action taken by the Department in temporarily depriving the holder of a license or certificate that authorizes the individual to provide private security services.

(36) “Temporary Work Permit” means a temporary certification or licensure issued by an employing, licensed manager to allow a company to employ and deploy a private security professional, executive or supervisory manager while the application for certification or licensure is being processed. A temporary work permit will not be issued for armed security professionals.

(37) “Unarmed Private Security Professional” means a private security professional who is not in possession of, or has access to, a firearm at any time while performing private security services.

(38) “Violation” means an act or omission that is prohibited under the Act or these rules.

(39) “Withdraw” means action taken by the applicant or private security provider to remove an application from consideration.

Stat. Auth.: ORS 181A.840 & 181A.870

Stats. Implemented: ORS 181A.840 & 181A.870

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 11-2007, f. & cert. ef. 10-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. & cert. ef. 11-1-12; DPSST 28-2012, f. & cert. ef. 12-24-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 3-2015, f. & cert. ef. 1-5-15; DPSST 8-2015, f. & cert. ef. 3-24-15; DPSST 9-2015(Temp), f. & cert. ef. 5-19-15 thru 11-14-15; Administrative correction, 11-20-15; DPSST 20-2015, f. & cert. ef. 12-22-15; DPSST 7-2016, f. & cert. ef. 6-22-16

### 259-060-0015

#### Private Security Provider Responsibilities

(1) A person may not act as a private security provider unless that person is certified or licensed under the Private Security Services Providers Act and these rules.

(2) Private security providers must have in their possession their DPSST issued certification, licensure or temporary work permit (Form PS-20) while performing the functions of a private security provider and must be able to present their license, certificate, or temporary work permit to any DPSST staff member, law enforcement officer or Oregon Liquor Control Commission agent upon demand, or any other person, upon reasonable request.

(3) Persons described in ORS 181A.845 are exempt from regulation as private security providers.

(a) The exemption found in ORS 181A.845(1)(L) does not apply to an individual who has the primary responsibility of controlling access to premises at an entry to the premises or any portion of the premises where minors are prohibited.

(b) The exemption found in ORS 181A.845(1)(k) applies to individuals performing crowd management or guest services inside the established confines of an organized event and who are not armed, permitted to initiate confrontational activities, or hired with the primary responsibility of taking enforcement action as described in ORS 181A.840(8)(f).

(4) Private security providers are prohibited from:

(a) Carrying a concealed weapon while providing security services unless currently certified as an armed private security professional and licensed under ORS 166.291; and

(b) Providing training to private security professionals or applicants unless currently certified as an instructor.

(5) For purposes of these administrative rules, these prohibitions apply to any business, employer, or entity that provides private security services within this state regardless of whether the business, employer, or entity is located in this state.

(6) Change of Information.

(a) An applicant or private security provider must notify the Department within 14 calendar days of any change of address by using Form PS-23 (Private Security Services Provider Change of Information).

(b) Executive managers must advise the Department of the hiring or terminations of private security providers using the Form PS-23.

(7) Notification of Arrest. Pursuant to ORS 181A.885, any private security provider or applicant who is charged with a crime must notify his or her employer or, if not employed, the Department no later than 48 hours after the charge is filed.

(a) The initial notification may be made by telephone or with a Recent Arrest Form.

(b) The Department may request immediate written notification documenting specific charges, the county and state where any charges are pending, the investigating agency, and the date of arrest.

(8) Should any certified armed private security provider become ineligible to purchase, own or possess a firearm, the provider and the manager, employer or supervisor of the provider must notify the Department in writing within 48 hours of the circumstances causing the ineligibility. The notification must list all facts known and must identify a person whom the Department may contact for additional information.

Stat. Auth.: ORS 181A.870

Stats. Implemented: ORS 181A.870

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 9-2012, f. & cert. ef. 4-2-12; DPSST 25-2012, f. & cert. ef. 10-26-12, cert. ef. 11-1-12; DPSST 28-2012, f. & cert. ef. 12-24-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 9-2015(Temp), f. & cert. ef. 5-19-15 thru 11-14-15; Administrative correction, 11-20-15; DPSST 20-2015, f. & cert. ef. 12-22-15; DPSST 8-2016, f. & cert. ef. 6-22-16

## **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 unarmed private security professional or licensed supervisory manager; and

(b) At least 21 years of age to be certified as an armed private security professional or instructor or be 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 Office of Degree Authorization 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) 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 Mental Health and Development Disability Services Division 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.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 181.875, 181.878 & 181.883

Stats. Implemented: ORS 181.875 & 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 10-2003(Temp), f. & cert. ef. 6-16-03 thru 12-1-03; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 6-2004, f. & cert. ef. 4-23-04; DPSST 9-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 19-2008, f. & cert. ef. 10-15-08; DPSST 25-2012, f. & cert. ef. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 20-2013, f. & cert. ef. 9-23-13; DPSST 14-2015, f. & cert. ef. 6-23-15

## **259-060-0025**

### **Application for Certification and Licensure**

(1) An applicant must meet all minimum standards for the certification or license being applied for as described in OAR 259-060-0020.

(2) Application Packet and Fees.

(a) The application packet for new certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-1 (Application for Licensure or Certification of Private Security Services Provider);

(B) Fingerprints submitted to the Department on a standard applicant fingerprint card or through a Department approved vendor of electronic fingerprint capture services. The Department will supply pre-printed FBI fingerprint cards. If a fingerprint card is rejected twice by the Federal Bureau of Investigation, the applicant may be charged a fee for a third submittal of fingerprint cards.

(C) The original Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(D) A completed Form PS-7 (Private Security Instructor Evaluation) (optional);

(E) If currently employed, a completed Form PS-20 (Private Security Services Provider Temporary Work Permit). Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(F) A completed Form PS-27 (Private Security Professional Code of Ethics) affirming moral fitness and professional standards;

(G) All applicants for instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135; and

(H) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500.

(b) The application packet for renewing certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-21 (Application for Renewal of Private Security Certification/Licensure);



(B) A completed Form PS-27 affirming moral fitness and professional standards;

(C) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(D) All applicants for renewal of instructor certification must submit a Form PS-8 (Private Security Instructor Continuing Education), including proof of at least eight hours of continuing education taken within the last certification period. Proof can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment;

(E) A Form PS-20 if currently employed and submitting the renewal packet less than 30 days prior to the expiration of certification or licensure; and

(F) Nonrefundable renewal certification or licensure fees as prescribed by OAR 259-060-0500;

(c) The application packet for adding certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-1;

(B) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(C) If currently employed, a completed Form PS-20. Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(D) A completed Form PS-27 affirming moral fitness and professional standards;

(E) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(F) Individuals applying to add private security instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135.

(G) Individuals currently certified as an unarmed private security professional applying to add armed private security certification must have in their possession a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing the duties of an armed private security professional until a new certificate is received.

(d) The application packet for upgrading from unarmed private security professional to an armed private security professional must be completed in its entirety and must include:

(A) A completed Form PS-1;

(B) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program;

(C) A completed Form PS-27 affirming moral fitness and professional standards; and

(D) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(E) Individuals currently certified as an unarmed private security professional applying to upgrade to armed private security certification must have in their possession a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing the duties of an armed private security professional until a new certificate is received.

(3) Timelines.

(a) A completed application packet must be submitted electronically or mailed and postmarked to the Department prior to the applicant performing any private security services.

(b) Renewal application documents must be received by the Department within 180 days prior to the expiration date of the certification or licensure to allow for processing of the forms and criminal history check.

(c) A late submission penalty will be assessed as prescribed in OAR 259-060-0500 if reapplying after the expiration date of the certification or licensure.

(d) Applicants renewing their certification or licensure more than four years after the expiration date of the certification or licensure must submit a new application packet in accordance with subsection (2)(a) of this rule.

(4) The Department may administratively terminate the application process if the Department is unable to complete the certification process due to non-response or non-compliance, or upon the discovery of disqualifying criminal convictions or any violation of the temporary work permit provisions, the Act or these rules.

(a) Once the application process has been administratively terminated, the applicant may not perform private security services.

(b) To re-apply, applicants will be required to re-submit an application packet with all deficiencies corrected, including new fees and proof of valid training.

(5) A Notice of Deficiency will be issued to an applicant whose application packet is determined by the Department to be incomplete or insufficient. If the deficiency is not corrected within 21 days of the date of the Notice of Deficiency, the application process will be administratively terminated.

(6) Any exception to the application process found in this rule must be approved by the Department.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.870

Stats. Implemented: ORS 181A.870

Hist.: DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 26-2014, f. & cert. ef. 10-1-14; DPSST 8-2016, f. & cert. ef. 6-22-16; DPSST 16-2016, f. & cert. ef. 9-22-16

## **259-060-0030**

### **Temporary Assignments**

(1) Temporary Work Permits. Employing, licensed managers may issue Temporary Work Permits to private security providers upon verification that all application requirements have been completed.

(a) Temporary work permits must be requested on a Form PS-20 (Temporary Work Permit).

(A) One copy of the Form PS-20 must be submitted electronically or mailed and postmarked to the Department on or before the first day the applicant performs private security services.

(B) Additional copies of the Form PS-20 must be retained by the employer and employee.

(C) The employee must have a copy of their Form PS-20 in their possession while performing the functions of a private security provider and must be able to present their copy of the PS-20 to any DPSST staff member, law enforcement officer or Oregon Liquor Control Commission agent upon demand, or any other person, upon reasonable request.

(b) Temporary Work Permits may be held for up to 120 days.

(c) Employing, licensed managers may only issue one Temporary Work Permit per employee. Upon expiration of a Temporary Work Permit, subsequent Temporary Work Permits may be issued by contacting the Department and receiving approval.

(d) An employing, licensed manager may replace a Temporary Work Permit that has been lost or destroyed without Department approval. The issued and expiration dates on a replacement Temporary Work Permit must be the same dates listed on the lost or destroyed Temporary Work Permit.

(e) Temporary work permits may not be issued to armed private security professionals or instructors.

(f) Managers may self-issue a temporary work permit upon completion of all application requirements.

(g) The Department may, upon written notice, administratively terminate a Temporary Work Permit for the following reasons:

(A) The Department has reason to believe that a person with the applicant's name and birth date fails to meet the minimum moral fitness standards as described in OAR 259-060-0020 and 259-060-0300;

(B) An application is incomplete or the Department has been unable to verify application information to its satisfaction due to non-response or non-compliance of the applicant; or

(C) The holder of the Temporary Work Permit has violated any provisions of the Temporary Work Permit, the Act or these administrative rules.

(h) Upon notification from the Department that the Temporary Work Permit has been administratively terminated, the applicant may not perform private security services.

(i) A new application packet, including all required fees and proof of valid training, must be submitted as prescribed in OAR 259-060-0025 prior to the issuance of a new Temporary Work Permit.

(2) Reciprocity.

(a) As prescribed by ORS 181A.850(2), an employing, licensed executive manager may temporarily assign a person who is not certified as a private security professional in the state of Oregon to perform private security services in this state for a period of time not to exceed 90 days if:

(A) The person is employed in another state;

(B) The person holds a private security professional's certification or license from another state; and

(C) The certification or licensing standards of the other state meet or exceed the standards of this state.

(b) Reciprocity must be requested on a Form PS-9 (Private Security Waiver for Reciprocity.)

(A) One copy of the Form PS-9 must be submitted electronically or mailed and postmarked to the Department on or before the first day the applicant performs private security services.

(B) Additional copies of the Form PS-9 must be retained by the employer and employee.

(C) The employee must have a copy of their Form PS-9 in their possession while performing the functions of a private security provider and must be able to present their copy of the PS-9 to any DPSST staff member, law enforcement officer or Oregon Liquor Control Commission agent upon demand, or any other person, upon reasonable request.

(c) Only one Form PS-9 will be authorized per private security provider in a 24-month period. Additional Form PS-9's may be issued by contacting the Department and receiving approval prior to the issuance of the PS-9.

Stat. Auth.: ORS 181.873 - 181.878 & 181.883 - 181.885

Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 181.885

Hist.: DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 8-2016, f. & cert. ef. 6-22-16

### 259-060-0060

#### Minimum Standards for Training

(1) All private security courses and examinations will be based upon a curriculum approved by the Board.

(2) All required training and testing must be conducted by a certified private security instructor as defined in OAR 259-060-0010 or by a Department designee.

(3) All required firearms courses must be administered by a certified private security firearms instructor.

(4) Only the Department or a designee will deliver instructor courses, firearms private security instructor courses and manager courses.

(5) All training must be delivered in English and assessments and written exams must be completed in English, without assistance.

(6) The Department website will provide names of instructors who have requested on a Department-approved form that their names be available to applicants.

(7) Only a certified private security instructor delivering the training on-site may sign a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).

(8) It is the responsibility of the applicant or private security provider to submit the original Form PS-6 to the Department upon completion of courses as specified in these rules. The Form PS-6 must be signed by the certified instructor who administered the course.

(9) To satisfy the training requirements for private security certification or licensure, training must be submitted to the Department within 180 days of the training being completed.

(10) Private Security Course Descriptions.

(a) Basic Classroom Instruction. Basic classroom consists of live classroom instruction which may include use of a subject matter expert, audio and visual instruction. Instructors must provide individuals with a manual of the basic curriculum. Applicants must complete a closed-book written examination.

(b) Assessments. Assessments are hands-on, practical exercises given to private security professionals that will reinforce the knowledge and techniques presented during classroom instruction. Assessments consist of evaluations and include, but are not limited to, scenarios requiring application of task-related skills learned in the basic classroom instruction.

(c) Basic Firearms Course. Basic Firearms course must include:

(A) A minimum of 24 hours of instruction and an open-book written examination covering firearms instruction materials;

(B) A safe gun handling test; and

(C) A marksmanship qualification using firearms qualification standards and targets.

(d) Instructor Course. The instructor course teaches curriculum, instructing techniques, and Department policies and procedures. The course includes classroom instruction, assessments and a written examination. Instructor applicants must use a Board-approved manual to review the course in a self-study environment; and

(e) Firearms Private Security Instructor Course. The firearms private security instructor course teaches armed professional curriculum instruction, instructing techniques, practical application and Department policies and procedures. The course includes classroom instruction, marksmanship qualification, safe handgun handling and a written examination. Instructor applicants must use a Board-approved manual to review the course in a self-study environment.

(f) Manager Course. The manager course trains on Department policies and procedures. The course includes classroom instruction, assessments and a written examination.

(11) Private Security Certification and Licensure Maintenance Course Descriptions.

(a) Annual Firearms Marksmanship Requalification and Refresher Course includes an annual firearms marksmanship requalification and the annual armed 4-hour classroom refresher course and closed-book written examination.

(b) Biennial Renewal Training includes a four-hour biennial renewal course related to the current level of certification and in accordance with OAR 259-060-0120, 259-060-0130, and 259-060-0135.

(c) Annual Firearms Instructor Marksmanship Qualification includes an annual firearms marksmanship requalification.

(12) Applicants must achieve a score of 100 percent on all examinations and assessments with remediation in accordance with OAR 259-060-0135(9).

(13) Notwithstanding section (14), all individuals who have previously been certified or licensed by the Department as a private security provider who have not held certification or licensure for over four years must complete basic training in its entirety.

(14) Individuals who have previously been certified by the Department as an armed private security professional or firearms private security instructor, who have not held certification as an armed private security professional or firearms private security instructor for over 90 days must complete basic training in its entirety.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.870

Stats. Implemented: ORS 181A.870

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02;

BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 8-2015, f. & cert. ef. 3-24-15; DPSST 2-2016, f. & cert. ef. 3-22-16

**259-060-0090**

**Challenge of Alarm Monitor Classroom Instruction and Assessment Module**

(1) At the discretion of the Department, an applicant for alarm monitor supervisory manager licensure, alarm monitor executive manager licensure, or alarm monitor instructor certification employed outside the state of Oregon may challenge the basic classroom instruction training requirement described in these rules if the person has three or more years experience in the field of alarm monitoring.

(a) The applicant will only be given one opportunity to challenge the basic classroom instruction course by successfully completing the required written examination administered by the Department or designee in accordance with these rules.

(b) Failure to obtain a passing score on the challenged examination will require attendance at a basic classroom instruction course and successful completion of the examination.

(2) The Department may waive the assessment module training requirement for alarm monitor instructor certification for applicants with three or more years experience instructing in the field of alarm monitoring.

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878 & 181.883

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 11-2007, f. & cert. ef. 10-15-07; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13

**259-060-0092**

**Accreditation of Private Security Training Programs**

(1) An employer seeking accreditation of training programs pursuant to ORS 181.878(3) must submit:

(a) A completed application on a form approved by the Department;

(b) A course syllabus with an hour- breakdown of the course outline and training schedule;

(c) A complete copy of the course curriculum; and

(d) Any required fees.

(2) Applications for accreditation that are determined by the Department to be incomplete or insufficient will be returned to the designated accreditation program manager and executive manager with a Notice of Deficiency.

(a) The provider must correct deficiencies and resubmit all required information in accordance with subsection (1) of this rule to reapply.

(b) If the deficiency is not corrected within 21 days of the date of the Notice of Deficiency, the request for accreditation will be administratively terminated.

(3) Upon approval of an application, a written accreditation agreement will be prepared. This agreement will not be valid until signed by the Department, the security service provider's executive manager, and the designated accreditation program manager who is responsible for the administration of the accredited program.

(4) The accreditation agreement must be renewed every two years in accordance with subsection (1) of this rule.

(5) Certified private security instructors must administer the delivery and instruction of the accredited curriculum in accordance with OAR 259-060-0135.

(6) The Department may conduct periodic reviews of an accredited program at its discretion or upon constituent request.

(a) The review may consist of physical audits, written questionnaires, and the monitoring of training and testing processes during the delivery of accredited portions of a training program.

(b) During a review, the Department will, within a reasonable amount of time, be given access to personnel training records to verify training received under an accredited program.

(7) An accreditation agreement may be terminated for any of the following reasons:

(a) Any violation of the Act or these administrative rules;

(b) Failure to comply with the terms of the accreditation agreement; or

(c) At the discretion of the Department or the service provider with 14 days written notice.

(8) The executive manager, on behalf of the private security company, business or entity, will have the right to appeal a proposed termination of an accreditation agreement. The appeal must be in writing and addressed to the Department.

(9) The Department may work with the company, business or entity to correct any violation and continue the accreditation agreement upon a finding of good cause.

(10) Individuals or private security companies, businesses or entities that use another company's, business's or entity's accredited training program must also enter into an accreditation agreement with the Department before using the accredited program.

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878 & 181.883

Hist.: DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

**259-060-0120**

**Private Security Professional Certification and Responsibilities**

(1) All private security professional applicants must complete an application in accordance with OAR 259-060-0025.

(2) All private security professionals must be in compliance with the minimum standards for certification as listed in OAR 259-060-0020.

(3) Alarm Monitor Private Security Professional.

(a) A certified private security alarm monitor professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) Basic training consists of successful completion of eight hours of alarm monitor basic classroom instruction and exam and a four-hour alarm monitor assessment.

(c) Biennial alarm monitor renewal training consists of a four-hour alarm monitor renewal course and exam.

(4) Unarmed Private Security Professional.

(a) A certified unarmed private security professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) Basic training consists of successful completion of 14 hours of unarmed basic classroom instruction, exam and assessments.

(c) Biennial unarmed renewal training consists of a four-hour unarmed renewal course and exam.

(5) Armed Private Security Professional.

(a) A certified armed private security professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) In addition to the minimum standards for unarmed certification, armed professionals must also be in compliance with the firearms standards listed in OAR 259-060-0020.

(c) Basic training consists of successful completion of:

(A) Fourteen hours of unarmed basic classroom instruction, exam and assessments; and

(B) Basic firearms course as defined in OAR 259-060-0060 which consists of a minimum 24 hours of basic armed instruction, a written examination, safe gun handling test and marksmanship qualification.

(d) The annual firearms marksmanship requalification and refresher course must be completed annually and consists of a minimum of four hours, including the armed refresher course, exam and firearms marksmanship requalification.

(A) The armed certification of any armed private security professional who fails to complete the annual firearms marksmanship



requalification and refresher course by the anniversary date of their armed certification is subject to revocation pursuant to OAR 259-060-0300.

(B) Armed private security professionals who fail to complete the annual firearms marksmanship requalification and refresher course by the anniversary date of their armed certification are prohibited from performing armed private security services until the required training is successfully completed.

(C) Armed private security professionals who fail to complete the annual firearms marksmanship requalification and refresher course within 90 days after their armed certification anniversary date will be required to complete the entire basic firearms course as described in (5)(c)(B).

(e) In addition to the annual firearms marksmanship requalification and refresher course, armed private security professionals must complete an unarmed renewal training biennially.

(6) Department-accredited courses may satisfy the training requirements listed above.

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

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.870

Stats. Implemented: 181A.870

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 3-2005(Temp), f. & cert. ef. 5-1-05 thru 10-28-05; DPSST 9-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. & cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 14-2014, f. & cert. ef. 6-24-14; DPSST 8-2015, f. & cert. ef. 3-24-15; DPSST 2-2016, f. & cert. ef. 3-22-16

### 259-060-0130

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

(1) All private security executive or supervisory manager applicants must complete an application in accordance with OAR 259-060-0025.

(2) All private security executive or supervisory manager applicants must be in compliance with the minimum standards for licensure as listed in OAR 259-060-0020.

(3) Private security executive managers are responsible for ensuring compliance of all private security providers employed by businesses or entities by which the executive manager is employed or contracted. An executive manager is authorized to perform the duties defined in OAR 259-060-0010.

(4) Private security supervisory managers have the responsibility and authority of supervising persons providing security services. A supervisory manager is authorized to perform the duties defined in OAR 259-060-0010.

(5) Basic training for executive and supervisory private security managers consists of successful completion of the following:

(a) The required basic classroom instruction, exam and assessments as defined in OAR 259-060-0120; and

(b) Manager course, exam and assessments.

(6) Biennial renewal training consists of the manager course, exam and assessments.

(7) Each business, employer or entity with private security professional staff of at least one person must designate an individual to perform the duties of an executive manager as described in these rules. This provision applies to any business, employer or entity that provides private security services within this state, regardless of whether the business, employer or entity is located in or out of this state.

(a) An employer may obtain licensure for more than one executive manager.

(b) In the event of a staff change of executive managers or supervisory managers, the business, employer or entity must select a replacement manager and immediately notify the Department of the staff change on the Form PS-23 (Change of Information.)

(8) Employing, licensed managers may issue temporary work permits to private security applicants upon verification that all application requirements have been completed.

(9) An executive manager is authorized to contract with businesses or entities to provide services as an executive manager.

(a) An executive manager is required to notify the Department in writing of the names, addresses and contact information of each business or entity with which they contract within two days of beginning the contract.

(b) An executive manager must notify the Department within two days of the termination or completion of a contract with a business or entity.

(c) For the purposes of this rule, an executive manager who contracts with businesses or entities to provide services as an executive manager is considered an employing, licensed manager.

(10) A licensed manager who performs private security services must complete the full training required for that classification and be certified.

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

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.870

Stats. Implemented: ORS 181A.870

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. & cert. ef. 11-1-12; DPSST 3-2015, f. & cert. ef. 1-5-15; DPSST 8-2015, f. & cert. ef. 3-24-15; DPSST 9-2016, f. & cert. ef. 6-22-16

### 259-060-0135

#### Private Security Instructor Certification and Responsibilities

(1) The Department will certify instructors deemed qualified to instruct any required private security professional training courses.

(2) All private security instructor applicants must complete an application in accordance with OAR 259-060-0025.

(3) All private security instructor applicants must be in compliance with the minimum standards for certification as listed in OAR 259-060-0020. In addition, applicants must:

(a) Have a minimum three years of work experience in private security services, military police, or law enforcement fields; and

(b) Applicants for certification as a firearms private security instructor must be in compliance with the firearms standards listed in OAR 259-060-0020.

(4) Private security instructors are authorized to instruct and deliver private security professional courses based on the approved or accredited private security professional course content and materials provided by the Department.

(a) Private security instructors must remediate or fail applicants as necessary.

(b) Private security instructors must provide all applicants with appropriate printed training manuals for the applicant to retain upon completion of the course.

(c) Only a certified private security instructor delivering the training on-site may sign a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).

(d) Certified private security instructors are responsible for verifying the identity of all applicants using government-issued identification.

(e) Only private security firearms instructors are authorized to instruct and administer basic and renewal firearms courses.

(f) All private security instructors must instruct courses in a manner that is consistent with the minimum requirements of the Department, including safety provisions. Training facilities must be an environment conducive to learning.

(5) Alarm monitor private security instructor.

(a) Basic training consists of the successful completion of:

(A) Alarm monitor basic classroom instruction and exam;

(B) Alarm monitor assessment; and

(C) Alarm monitor private security instructor course.

(b) Biennial alarm monitor private security instructor renewal training consists of the successful completion of:

(A) Alarm monitor private security instructor course; and

(B) A minimum of eight hours of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills. Coursework must be submitted on a form PS-8 (Private Security Instructor Continuing Education), including proof of at least eight hours of continuing education taken within the last certification period. Proof can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment.

(6) Unarmed private security instructor.

(a) Basic training consists of the successful completion of:

(A) Unarmed basic classroom instruction and exam;

(B) Unarmed assessments; and

(C) Unarmed private security instructor course and exam.

(b) Biennial unarmed private security instructor renewal training consists of the successful completion of:

(A) Unarmed private security instructor course and exam; and

(B) A minimum of eight hours of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills. Coursework must be submitted on a form PS-8 (Private Security Instructor Continuing Education), including proof of at least eight hours of continuing education taken within the last certification period. Proof can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment.

(7) Firearms Private Security Instructor.

(a) Basic training consists of the successful completion of:

(A) Basic unarmed classroom instruction and exam;

(B) Basic unarmed assessments;

(C) Basic firearms course;

(D) Department-administered firearms private security instructor course and Department-approved marksmanship qualification; and

(E) Proof of successful completion of training from one or more of the following sources no more than five years prior to the time of application:

(i) The National Rifle Association Law Enforcement Firearms Instructor Development School;

(ii) A firearms instructor through the Federal Law Enforcement Training Center;

(iii) A Department-certified law enforcement or criminal justice firearms instructor course;

(iv) A firearms instructor through the Federal Bureau of Investigation;

(v) A private security firearms instructor through the Washington Criminal Justice Training Center; or

(vi) A qualified instructor certification course as determined by the Department.

(b) The annual firearms instructor marksmanship qualification must be completed annually. Instructors must qualify on a target authorized by the Department, within three attempts in one day.

(c) The firearms instructor certification of any firearms private security instructor who fails to complete the annual firearms instructor marksmanship qualification by the anniversary date of their firearms private security instructor certification is subject to revocation pursuant to OAR 259-060-0300.

(d) Firearms private security instructors who fail to complete the annual firearms instructor marksmanship qualification by the

anniversary date of their firearms private security instructor certification are prohibited from performing as a firearms private security instructor until the required training is successfully completed.

(e) Firearms private security instructors who fail to complete the annual firearms instructor marksmanship qualification within 90 days of their instructor certification anniversary date will be required to complete the firearms private security instructor course as described in OAR 259-060-0060(10)(e).

(f) Biennial renewal consists of:

(A) Successful completion of the firearms private security instructor course, written exam, and marksmanship qualification; and

(B) A minimum of eight hours of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills. Coursework must be submitted on a form PS-8 (Private Security Instructor Continuing Education), including proof of at least eight hours of continuing education taken within the last certification period. Proof can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment.

(8) Certified private security instructors who simultaneously hold certification as a private security professional are exempt from the required private security professional renewal training if they deliver the basic curriculum of the discipline for which they are certified at least one time per year.

(9) Applicant Remediation/Failure. When an applicant fails to successfully complete any portion of the required training the instructor must remediate or fail the applicant as follows:

(a) If a test score is between 85 and 99 percent, the instructor must remediate the incorrect test responses by reviewing each incorrect test question with the applicant, explaining the principle behind the question, the correct answer, and the basis for the correct answer. The instructor must assess whether oral responses from the applicant indicate that the applicant understands the underlying principles. An inappropriate answer may result in the termination of training and indication on the training affidavit that the applicant has failed to successfully complete the required training.

(b) If a test score is below 85 percent correct, the instructor must fail the applicant or require the applicant repeat the deficient section missed of the curriculum and retake the exam.

(c) The instructor may remediate and re-test an applicant who fails to score 100% on the firearms marksmanship qualification course. Re-qualification attempts are limited to three in a single session.

(d) An applicant who is unable to successfully achieve a training standard must be failed. Any instructor who fails an applicant must:

(A) Fully document the reason for failure;

(B) Retain documentation of failure in the instructor's file for a minimum period of two years; and

(C) Notify the Department within 48 hours of the failure by submitting a Form PS-6 indicating that an individual has failed.

(10) Instructors may terminate training if, in the instructor's opinion, the applicant is unfit to proceed, taking into consideration the applicant's poor judgment, unsafe practices, abnormal behavior or other relevant factors. The instructor must immediately notify the applicant of the reason for termination of training and must also notify the Department within 48 hours in writing, using a Form PS-6.

(11) Training Records.

(a) Instructors must maintain the following documents in separate class files for a period of two years:

(A) A Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) for each applicant;

(B) All written exams, assessments and any applicable qualification records;

(C) A training outline for the curriculum used, including any references to any resources used; and

(D) A class roster, including the name and address of each applicant.

(b) Upon successful completion of all requirements, the instructor must provide the applicant the accurately-completed, original Form PS-6. The instructor will also supply the applicant with a colored carbon copy of the Form PS-6.

(c) Instructors will provide additional copies of the Form PS-6 to applicants at any time during the life of their training at reasonable expense to the applicant.

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

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. & cert. ef. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 26-2014, f. & cert. ef. 10-1-14; DPSST 8-2015, f. & cert. ef. 3-24-15; DPSST 2-2016, f. & cert. ef. 3-22-16

### **259-060-0145**

#### **Crowd Management, Event or Guest Services**

(1) Individuals who are performing crowd management or guest services, as defined in OAR 259-060-0010 and meet all the requirements of the exemption found in OAR 259-060-0015, are not required to be certified as a private security provider.

(2) Managers, contractors, or employers who employ individuals to provide crowd management or guest services must:

(a) Provide one certified private security professional on-site for every 10 or fewer crowd management or guest services staff;

(b) Ensure all crowd management or guest services staff have the ability to communicate with a certified private security professional at all times; and

(c) Provide documentation confirming the appropriate staffing ratio and communication ability to the Department upon request or to any other person upon reasonable request.

(3) Civil penalties may be assessed for violation of these rules in accordance with OAR 259-060-0450.

Stat. Auth.: ORS 181A.870

Stats. Implemented: ORS 181A.870

Hist.: DPSST 25-2012, f. & cert. ef. 11-1-12; DPSST 8-2015, f. & cert. ef. 3-24-15; DPSST 9-2015(Temp), f. & cert. ef. 5-19-15 thru 11-14-15; Administrative correction, 11-20-15; DPSST 20-2015, f. & cert. ef. 12-22-15

### **259-060-0300**

#### **Denial/Suspension/Revocation**

(1) It is the responsibility of the Board, through the Private Security and Investigator Policy Committee, to set the standards, and of the Department to uphold them, to ensure the highest level of professionalism and discipline. The Board will uphold these standards at all times unless the Board determines that neither the safety of the public or respect of the profession is compromised.

(2) Mandatory Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure. The Department must deny or revoke a certification or license of any applicant or private security provider after written notice and hearing, if requested, upon a finding that the applicant or private security provider:

(a) Has been convicted of a person felony as defined by the Criminal Justice Commission in OAR 213-003-0001 in effect on February 3, 2014 or any crime with similar elements in any other jurisdiction;

(b) Is required to register as a sex offender under ORS 181.595, 181.596, 181.597 or 181.609; or

(c) Has, within a period of ten years prior to application or during certification or licensure, been convicted of the following:

(A) Any felony other than those described in subsection (a) above or any crime with similar elements in any other jurisdiction;

(B) A person class A misdemeanor as defined by the Criminal Justice Commission in OAR 213-003-0001 in effect on February 3, 2014 or any crime with similar elements in any other jurisdiction;

(C) Any crime involving any act of domestic violence as defined in ORS 135.230 or any crime with similar elements in any other jurisdiction;

(D) Any misdemeanor or felony conviction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic, or dangerous drug in this or any other jurisdiction;

(E) Any misdemeanor arising from conduct while on duty as a private security provider; or

(F) Any of the following misdemeanors:

161.405(2)(d) (Attempt to Commit a Class C Felony or Unclassified Felony);

161.435(2)(d) (Solicitation of a Class C Felony);

161.450(2)(d) (Conspiracy to Commit a Class A misdemeanor);

162.075 (False Swearing);

162.085 (Unsworn Falsification);

162.145 (Escape III);

162.235 (Obstructing Governmental or Judicial Administration);

162.247 (Interfering with a Peace Officer);

162.295 (Tampering with Physical Evidence);

162.335 (Compounding a Felony);

162.365 (Criminal Impersonation);

162.369 (Possession of a False Law Enforcement Identification Card);

162.375 (Initiating a False Report);

162.385 (Giving False Information to Police Officer for a Citation or Arrest on a Warrant);

162.415 (Official Misconduct I);

163.435 (Contributing to the Sexual Delinquency of a Minor);

164.043 (Theft III);

164.045 (Theft II);

164.125 (Theft of Services);

164.140 (Criminal Possession of Rented or Leased Personal Property);

164.235 (Possession of Burglar's Tools);

164.255 (Criminal Trespass I);

164.265 (Criminal Trespass while in Possession of a Firearm);

164.335 (Reckless Burning);

164.354 (Criminal Mischief II);

164.369 (Interfering with Police Animal);

164.377(4) (Computer Crime);

165.007 (Forgery II);

165.055(4)(a) (Fraudulent Use of a Credit Card);

165.065 (Negotiating a Bad Check);

165.570 (Improper Use of Emergency Reporting System);

166.116 (Interfering with Public Transportation);

166.240 (Carrying of Concealed Weapons);

166.250 (Unlawful Possession of Firearms);

166.350 (Unlawful Possession of Armor Piercing Ammunition);

166.425 (Unlawful Purchase of Firearm);

167.007 (Prostitution);

167.008 (Patronizing a Prostitute);

167.062 (Sodomasochistic Abuse or Sexual Conduct in a Live Show);

167.075 (Exhibiting an Obscene Performance to a Minor);

167.080 (Displaying Obscene Material to Minors);

167.262 (Adult Using Minor in Commission of Controlled Substance Offense);

167.320 (Animal Abuse I);

167.330 (Animal Neglect I);

471.410 (Providing Liquor to a Person Under 21 or Intoxicated Person);

807.620 (Giving False Information to a Police Officer/Traffic);

811.540(3)(b) (Fleeing or Attempting to Elude Police Officer);

(G) Any crime with similar elements in any other jurisdiction.

(3) Emergency Suspension Order: The Department may issue an emergency suspension order pursuant to OAR 137-003-0560 immediately suspending a private security provider's certification or licensure upon finding that a person has been charged with any of the mandatory disqualifying crimes listed in section (2) of this rule. The report may be in any form and from any source.

(a) The Department may combine the hearing on the Emergency Suspension Order with any underlying proceeding affecting the license or certificate.

(b) The sole purpose of the emergency suspension hearing will be to determine whether the individual was charged with a mandatory disqualifying crime. Upon showing that an individual was not charged with a mandatory disqualifying crime, the suspension of the individual's certification or licensure will be rescinded,



otherwise the suspension will remain in effect until final disposition of the charges.

(4) Discretionary Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure. The Department may deny or revoke the certification or licensure of any applicant or private security provider after written notice and hearing, if requested, upon finding that an applicant or private security provider:

(a) Fails to meet the minimum standards for certification or licensure as a private security provider as defined in OAR 259-060-0020;

(b) Has falsified any information submitted on the application for certification or licensure or any documents submitted to the Department pertaining to private security certification or licensure;

(c) Has violated any of the temporary assignment provisions of OAR 259-060-0120(1);

(d) Has failed to submit properly completed forms or documentation in a time frame as designated by the Department;

(e) Has failed to pay a civil penalty or fee imposed by the Department when due;

(f) Has failed to comply with any provisions found in the Act or these rules; or

(g) Lacks moral fitness. For the purposes of this standard, the Department, through the Policy Committee and Board, has defined lack of moral fitness as:

(A) Dishonesty. Lack of honesty includes, but is not limited to, untruthfulness, dishonesty by admission or omission, deception, misrepresentation or falsification;

(B) Lack of Good Character. Lack of good character includes, but is not limited to, failure to be faithful and loyal to the employer's charge and failure to use discretion and compassion;

(C) Mistreatment of Others. Mistreatment of others includes, but is not limited to, violating another person's rights and failure to respect others;

(D) Lack of Public Trust. Failure to maintain public trust and confidence includes, but is not limited to, acting in an unlawful manner or not adhering to recognized industry standards; or

(E) Lack of Respect for the Laws of this State or Nation. Lack of respect for the laws of this state and nation includes a pattern of behavior which leads to three or more arrests or convictions within a ten-year period prior to application or during certification or licensure.

(5) Scope of Revocation. Whenever the Department revokes the certification or licensure of a private security provider under the provisions of this rule, the revocation will encompass all private security certificates and licenses the Department has issued to that person.

(6) Denial and Revocation Procedure.

(a) Employer Request: When the employer of the private security provider requests that certification or licensure be denied or revoked, the employer must submit in writing to the Department the reason for the requested action and include all factual information supporting the request.

(b) Department Initiated Request: Upon receipt of factual written information from any source other than an employer, and pursuant to ORS 181.878, the Department may request that the Board deny, revoke or suspend the private security provider's certification or licensure.

(c) Department Staff Review: When the Department receives information from any source that a private security provider may not meet the established standards for Oregon private security providers, the Department will review the request and the supporting factual information to determine if a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private security license or certification under the Act or these administrative rules. If the Department determines that a private security provider may have engaged in discretionary disqualifying misconduct;

(A) The Department will seek input from the affected private security provider by allowing the individual to provide, in writing, information for review.

(B) The Department may take action upon discovery of discretionary disqualifying misconduct when consensus is reached that the nature of the discretionary disqualifying misconduct is appropriate for summary staff disposition or administrative closure.

(C) If Department staff believes that a private security provider may have engaged in discretionary disqualifying misconduct, Department staff will review the conduct, including aggravating and mitigating circumstances. If Department staff is unable to reach a consensus to summarily dispose of or administratively close the case, the case will be presented to the Board, through the Policy Committee.

(d) In making a decision to authorize initiation of proceedings under subsection (e) of this rule based on discretionary disqualifying misconduct, Department staff, the Policy Committee and Board will consider mitigating and aggravating circumstances.

(e) Initiation of Proceedings: Upon determination that a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private security license or certification under the Act or these administrative rules, the Department will prepare and serve a contested case notice on the private security provider.

(A) 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.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the private security provider prior to Board review. If the Board disapproves the Policy Committee's recommendation, the Department will withdraw the contested case notice.

(C) Applicants who choose to withdraw their application forfeit their application fees.

(f) 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 in which to file a written request for hearing with the Department.

(B) A party who has been served with a Contested Case Notice of Intent to Deny Certification or Licensure has 60 days from the date of mailing or personal service of the notice in which to file a written request for hearing or a written request withdrawing their application from consideration with the Department.

(C) A party who has been served with a Contested Case Notice of Intent to Revoke Certification or Licensure has 20 days from the date of the mailing or personal service of the notice in which to file a written request for hearing with the Department.

(g) Default Orders:

(A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672.

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.

(h) Final Order:

(A) A final order will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015 if a private security provider fails to file exceptions and arguments within 20 days of issuance of the proposed order.

(B) Department-proposed amendments to the proposed order in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order is issued.

(i) Stipulated Order Revoking Certification or Licensure: The Department may enter a stipulated order revoking certification or licensure of a private security provider upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification or license, or to surrender a certification or license, under the terms and conditions provided in the stipulated order.

(7) Appeal Procedure. Private security applicants and providers aggrieved by the findings and Order of the Department may file an

appeal with the Court of Appeals from the Final Order of the Department, as provided in ORS 183.480.

(8) Notwithstanding section (9) of this rule, any private security applicant or provider whose certification or licensure is denied or revoked will be ineligible to hold any private security certification or licensure for a period of ten years from the date of the final order issued by the Department.

(9) Reconsideration Process. Any individual whose certification or license has been denied or revoked for discretionary grounds may apply for reconsideration of the denial or revocation after a minimum four-year ineligibility period from the date of the final order.

(a) All applicants for reconsideration are required to submit a new application packet along with a Form PS- 30 Application for Reconsideration. The applicant may provide any mitigating information for the consideration of DPSST, Policy Committee, and Board.

(b) In reconsidering the application of an applicant whose certification or licensure was previously denied or revoked for discretionary grounds, DPSST, the Policy Committee and the Board may consider mitigating and aggravating circumstances.

(c) The Board's decision to deny an application for reconsideration will be subject to the contested case procedure described under subsection (6) of this rule.

(d) If an application for reconsideration is denied, the original ineligibility date remains in effect as described in subsection (8) of this rule.

Stat. Auth.: ORS 181.878, 181.882 & 181.885

Stats. Implemented: ORS 181.878 & 181.885

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 10-2003(Temp), f. & cert. ef. 6-16-03 thru 12-1-03; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 6-2004, f. & cert. ef. 4-23-04; DPSST 5-2005(Temp), f. & cert. ef. 8-3-05 thru 1-1-06; DPSST 10-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 25-2012, f. & cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 3-2014, f. & cert. ef. 1-2-14; DPSST 4-2014, f. & cert. ef. 1-28-14; DPSST 8-2014(Temp), f. & cert. ef. 3-6-14 thru 8-1-14; DPSST 15-2014, f. & cert. ef. 6-24-14; DPSST 20-2014, f. & cert. ef. 7-30-14; DPSST 5-2015, f. & cert. ef. 3-24-15

## **259-060-0450**

### **Compliance**

(1) The Department may cause administrative proceedings or court action to be initiated to enforce compliance with the Act and these rules.

(2) Violations. The Department may find violation and recommend assessment of civil penalties upon finding that a private security provider, individual, or employer has previously engaged in or is currently engaging in any of the following acts:

(a) Providing private security services without valid certification or licensure or Temporary Work Permit;

(b) Failure to submit properly completed forms or documentation in a time frame as designated by the Department;

(c) The falsification of any documents submitted to the Department;

(d) Failure to cease providing private security services upon issuance of a cease and desist order, expiration of certification or licensure, notice of termination, suspension, denial or revocation;

(e) Failure to complete required training as prescribed in OAR 259-060-0060;

(f) Failure to report criminal charges as required in ORS 181.885;

(g) Providing training without a valid certification;

(h) Failure of a private security instructor to instruct the full Department-approved curriculum;

(i) Failure to terminate employment as a private security provider of an individual whose application has been terminated,

or whose certification or licensure has been suspended, denied or revoked, upon notice from the Department to do so;

(j) Employing private security providers who have not completed the training and application process required under the Act and these rules;

(k) Failure to employ a licensed executive manager;

(l) Failure to provide technological communication or visibility of a certified security professional to crowd management staff;

(m) Failure to provide documentation of one certified security professional to ten crowd management staff;

(n) Expecting crowd management staff to perform security services duties other than the duties incidental to crowd management; or

(o) Any other violation of requirements of the Act or these rules.

(3) The Department may issue a Demand to Examine Books and Records (DEBR) to obtain any record or document related to compliance.

(a) The Department may cause inspection or audits of the records of any private security provider or employer. Records inspected may include any document relating to the requirements of the Act and these rules.

(b) Failure to cooperate or respond to any investigative inquiries or DEBR may result in issuance of a civil penalty as described in this rule and the revocation or denial of certification or licensure as described in OAR 259-060-0300.

(4) The Department may issue a Cease and Desist Order when an individual or employer is not in compliance with these rules. The order requires the individual or employer cease and desist providing private security services in the state of Oregon and will remain in effect until the individual or employer gains compliance.

(5) Complaints and Allegations of Violations.

(a) All complaints or allegations of violations must be submitted on a Department-approved complaint form before an investigation can be initiated, unless the Department grants an exception. The Department may consider additional credible sources of information to determine non-compliance.

(b) A preliminary administrative review of the complaint or allegation will be conducted by the Department to ensure there is sufficient information to proceed. Staff may conduct a fact-finding preliminary investigation.

(A) If sufficient information is determined to support the complaint or allegation, the Department may open and conduct an investigation and gather relevant information.

(B) Private security providers, applicants, or other involved parties will respond to any questions or requests with 20 days after a request is mailed by the Department, unless an extension is requested and approved by the Department.

(6) Procedures for Proposing a Civil Penalty.

(a) The Department may issue an Allegation of Non-Compliance when there is a reason to believe a violation has occurred. The purpose of this document is to provide education and allow an opportunity to gain compliance within 30 days without penalty.

(b) The Department will issue a Notice of Violation upon discovery of violation as described in this rule. The Notice will include a statement of found violations and proposed sanctions. An individual or employer may be given the opportunity to remedy the violation and pay a penalty within 10 days of the mailing of the notice.

(c) The Department, through the Policy Committee and Board, will issue a Notice of Intent to Propose a Civil Penalty upon the failure to remedy a violation or request an extension within 10 days of the mailing of the Notice of Violation.

(A) The Department may extend the time to remedy a violation upon a showing of good cause.

(B) An individual or employer will be given the opportunity to provide mitigation to the Department.

(7) Hearing Request.

(a) If the Department issues a Notice of Intent to Propose Civil Penalty, an individual, business or entity is entitled to a contested case hearing in accordance with the applicable provisions of

the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(b) The Department must receive a request for hearing in writing within 20 days of the date the Notice of Intent to Propose Civil Penalty was served on the individual or employer.

(8) Default Order. If a timely request for a hearing is not received, the Notice of Intent to Impose a Civil Penalty will become a Final Order Imposing Civil Penalty.

(9) Resolution by Stipulation. The Department is authorized to seek resolution by stipulation, subject to acceptance and approval by the Board or Director, if:

(a) The matter is resolved before entry of a final order assessing penalty;

(b) The respondent satisfies all terms set forth by the Department within the time allowed; and

(c) Any stipulated penalty amount is received by the Department.

(10) Civil Penalty Amounts.

(a) Unarmed private security providers and alarm monitors will be charged a penalty of not less than \$250 for the first violation and a maximum of \$1,500 for each flagrant violation.

(b) Armed private security providers will be charged a penalty of not less than \$500 for the first violation and a maximum of \$1,500 for each flagrant violation.

(c) Private security instructors will be charged a penalty of not less than \$750 for the first violation and a maximum of \$1,500 for each flagrant violation.

(d) Private security managers, contract executive managers and employers that employ private security staff will be charged a penalty of not less than \$1,000 for the first violation and a maximum of \$1,500 for each flagrant violation.

(e) For the purposes of imposing civil penalties, each 30 day period in violation of the same statute or rule may be considered a separate violation by the Department.

(11) The Department may reduce or waive civil penalties from the amounts set in this rule in situations where further mitigation is warranted or the matter is resolved by stipulation at any time prior to the entry of a final order.

(12) Staff will recommend the full civil penalty amount for individuals, businesses or entities that fail to satisfy the terms as stipulated. The recommendation will be reviewed by the Policy Committee and Board.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 11-2007, f. & cert. ef. 10-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 8-2015, f. & cert. ef. 3-24-15

## **259-060-0500**

### **License Fees**

(1) Payments to the Department are non-refundable and non-transferable and must be paid by business check, money order, cashier's check or credit card. No personal checks or cash will be accepted.

(2) The Department will charge the following fees:

(a) The fee of \$65 for the issuance of each two-year certification as a private security professional.

(b) Appropriate fees must be submitted with each application for a fingerprint criminal history check. These fees are to recover the costs of administering the fingerprint check through the Oregon State Police and Federal Bureau of Investigation. An additional fee will be charged for the third submittal of fingerprint cards when rejected for filing by FBI. Current fee schedules for processing fingerprints may be obtained from the Department.

(c) The fee of \$75 for the issuance of a two-year license as a supervisory manager.

(d) The fee of \$250 for the issuance of a two-year license as an executive manager.

(e) The fee of \$90 for the issuance of a two-year certification as a private security instructor.

(f) The fee of \$20 for the issuance of each upgrade, duplicate or replacement card issued.

(g) The late submission penalty fee of \$25 will be added to the fees for recertification if the provider fails to complete certification by the expiration date of the license or certificate.

(h) In the event a non-sufficient check is received for payment, an additional \$25 administrative fee will be assessed.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 1-1997(Temp), f. 2-21-97, cert. ef. 2-24-97; PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 3-2005(Temp), f. & cert. ef. 5-1-05 thru 10-28-05; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 6-2010(Temp), f. & cert. ef. 7-1-10 thru 12-27-10; DPSST 12-2010, f. & cert. ef. 11-12-10; DPSST 6-2011(Temp), f. & cert. ef. 7-1-11 thru 12-1-11; DPSST 12-2011, f. & cert. ef. 8-1-11; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13

## **259-060-0600**

### **Forms**

The Department utilizes the following forms:

(1) PS-1 — Application for Licensure or Certification of Private Security Services Provider.

(2) PS-3 — Private Security Order Forms Sheet.

(3) PS-6 — Affidavit of Instructor and Private Security Provider Testing Results.

(4) PS-7 — Private Security Instructor Evaluation.

(5) PS-8 — Private Security Instructor Continuing Education.

(6) PS-9 — Private Security Waiver for Reciprocity.

(7) PS-20 — Private Security Services Provider Temporary Work Permit.

(8) PS-21 — Renewal of Private Security Services Licensure or Certification.

(9) PS-23 — Private Security Services Provider Change of Information.

(10) PS-27 — Private Security Code of Ethics.

(11) PS-30 — Reconsideration Application for Private Security Services Providers

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181A.870

Stats. Implemented: ORS 181A.870

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 15-2006, f. & cert. ef. 10-13-06; DPSST 30-2012, f. & cert. ef. 12-26-12; DPSST 16-2016, f. & cert. ef. 9-22-16

## **DIVISION 61**

### **INVESTIGATOR LICENSING STANDARDS AND REGULATIONS**

## **259-061-0005**

### **Definitions**

(1) "Administrative Termination" means the Department has stopped the processing of an application due to non-response from applicant or noncompliance with the application requirements or the requirements of these rules."

(2) "Board" means Board on Public Safety Standards and Training.



(3) “Complainant” means any person or group of persons who file(s) a complaint. The Department may, on its own action, initiate a complaint.

(4) “Complaint” means a specific charge filed with the Department that a licensed investigator or candidate thereto, or any person apparently operating as an investigator without a license, has committed an act in violation of ORS Chapter 703 or OAR chapter 259.

(5) “Committee” means the Private Security and Investigator Policy Committee.

(6) “Continuing Education” means any educational endeavor that reasonably could be considered beneficial to the work of the investigator.

(7) “Department” means the Department of Public Safety Standards and Training.

(8) “Disciplinary Procedure” means all action up to the final resolution of a complaint after the issuance of a “Notice of Intent.”

(9) “Educational endeavor that reasonably could be beneficial to the work of the investigator” as used in ORS 703.447(4) means those educational endeavors that are in compliance with the Department’s Continuing Education Guidelines, or are approved by the Private Security and Investigator Policy Committee.

(10) “Employee,” as used in ORS 703.401 to 703.490, means a person who is employed lawfully by an employer. The employer controls the performance of that person; pays the salary, unemployment insurance, and worker’s compensation insurance; and has sole authority to fire and control work hours and the conditions of work. “Employee” in this context does not include a person engaged as an independent contractor.

(11) “Expired license”: A license is considered expired on the date of expiration. A person may not practice as an investigator with an expired license.

(12) “Hours of experience” means documented clock hours.

(13) “Investigatory work” means any work performed in accordance with ORS 703.401(2).

(14) “Licensee” or “Licensed Investigator”, as used in OAR 259-061-0005 through 259-061-0300 means a person licensed as an investigator under ORS 703.430.

(15) “Private investigator” is a licensed investigator who has completed a minimum of 1500 documented clock hours of investigatory work experience or an approved course of study or a combination of work and study as approved by the Department.

(16) “Provisional investigator” is a licensed investigator who has completed fewer than 1500 documented clock hours of investigatory work experience, or an approved course of study, or a combination of work and study as approved by the Department; and who may not employ or supervise other investigators. Under 1997 and 1999 editions of governing statute, this type of investigator was referred to as a “Registered Operative.”

(17) “Respondent” means an investigator who is a licensee or candidate for licensure, or any person apparently operating as an investigator without a license, against whom a complaint has been filed.

(18) “Stipulated Agreement” means a written agreement entered into between the Department and a respondent.

(19) “Violation” means a violation of Oregon Revised Statutes or Oregon Administrative Rules as they pertain to the licensing requirements of investigators in the state of Oregon.

Stat. Auth.: ORS 703.401 & 703.480

Stats. Implemented: ORS 703.401 & 703.480

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 2-2015, f. & cert. ef. 1-5-15

### 259-061-0010 Fees

(1) Payments to the Department are due at the time of application. All payments are non-refundable and must be paid by business check, money order, cashier’s check or credit card. No personal checks or cash will be accepted.

(2) The Department will charge the following fees:

(a) The fee of \$79 for the application for licensure as a private investigator. This fee includes the cost of a criminal background check and private investigator examination;

(b) The fee of \$550 for the issuance of a two-year license as a private investigator;

(c) The fee of \$50 for application of reactivation from inactive status as described in OAR 259-061-0160;

(d) The fee of \$125 for the issuance of a temporary license as private investigator;

(e) The fee of \$550 for the renewal of a two-year private investigator license;

(f) A late submission fee of \$25 will be added to the fees for licensure renewal if the private investigator fails to complete the application process by the expiration date of the license; and

(g) The fee of \$20 for the issuance of a duplicate or replacement card or license.

(3) In the event a non-sufficient check is received for payment, an additional \$25 administrative fee will be assessed.

Stat. Auth.: ORS 703.480

Stats. Implemented: ORS 703.480

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 1-2013, f. & cert. ef. 1-2-13; DPSST 3-2016, f. & cert. ef. 3-22-16

### 259-061-0018

#### Private Investigator Responsibilities

(1) A person may not act as an investigator or represent themselves as an investigator unless they are licensed as described in ORS 703.430 and these rules.

(2) A licensed investigator must abide by all the requirements of conduct found in ORS 703.450.

(3) All contracts signed by private investigators to provide private investigation services must include the investigator’s legal name and DPSST-issued license number.

(4) Exemptions: Persons described in ORS 703.411 are exempt from regulation as private investigators.

(5) For the purposes of ORS 703.411(1), a person is “employed exclusively by one employer in connection with the affairs of that employer only” when;

(a) The person has one, exclusive employer; and

(b) The person conducts investigations on behalf of that employer only. This subsection does not apply to a person who conducts investigations on behalf of the employer’s clients.

(c) Section (5) of this rule applies as of August 9, 2011.

Stat. Auth.: ORS 703.430, 703.450, 703.480

Stats. Implemented: ORS 703.430, 703.450, 703.480

Hist.: DPSST 1-2012(Temp), f. & cert. ef. 2-6-12 thru 7-31-12; DPSST 16-2012, f. & cert. ef. 7-2-12; DPSST 1-2016, f. & cert. ef. 3-22-16

### 259-061-0020

#### Application for Private Investigator Licensure

(1) All applicants for licensure must meet all minimum standards for licensure as described in OAR 259-061-0040.

(2) Applications for new licensure as an investigator must include:

(a) A completed Form PI-1 (Application for Licensure);

(b) Fingerprints submitted to the Department on a standard applicant fingerprint card or through a Department approved vendor of electronic fingerprint capture services. The Department will supply pre-printed FBI fingerprint cards. If a fingerprint card is rejected twice by the Federal Bureau of Investigation (FBI), the applicant may be charged a fee for a third submittal of a fingerprint card.

(c) Proof of a corporate surety bond, an irrevocable letter of credit issued by an Oregon commercial bank as defined in ORS 706.008, or errors and omission insurance in the amount of at least \$5,000;

(A) Bonds and letters of credit must have the applicant’s name listed as the principal.

(B) Proof of surety bonds must be submitted on a Department-approved form and will not be valid for the purposes of licensure unless filed with the Department within 60 days of the signature on the bond.

(C) An irrevocable letter of credit submitted to the Department is subject to approval by the Department prior to the issuance of a license.

## Chapter 259 Department of Public Safety Standards and Training

(D) Errors and Omission insurance must have the applicant's name listed on the Certificate of Liability or include a letter from the employing agency or insurance company confirming the applicant is covered as an employee.

(d) Two identical, passport-quality photographs for identification;

(A) Photographs must be in color with a solid-colored background and must be a cropped head shot. The applicant's face must be clearly visible and free from shadows or other obstacles. Photocopies will not be accepted.

(B) The applicant's head in the photograph must be no more than 1" wide and 1.25" high.

(C) Photographs must have been taken not more than six months prior to filing of the application for licensure.

(D) Photographs may be submitted to the Department digitally in the format prescribed on the Form PI-1.

(e) A completed Form PI-27 (Investigator Professional Code of Ethics) affirming moral fitness and professional standards; and

(f) Three professional letters of reference, none of which may be from a person who is related to the applicant by blood or marriage.

(g) Proof of a passing score on the Private Investigator Proficiency Exam administered by the Department.

(h) Non-refundable application fees as prescribed by OAR 259-061-0010.

(3) Applications for renewing licensure as an investigator must include:

(a) A Form PI-21 (Investigator Renewal Application) completed in its entirety;

(b) A completed Form PI-6 (Continuing Education Summary.)

(c) Two identical, passport-quality photographs for identification in accordance with subsection (2)(d) of this rule.

(d) A completed Form PI-27 (Investigator Professional Code of Ethics) affirming moral fitness and professional standards; and

(e) Proof of a corporate surety bond, an irrevocable letter of credit issued by an Oregon commercial bank as defined in ORS 706.008, or errors and omission insurance in the amount of at least \$5,000 in accordance with this rule; and

(f) Non-refundable renewal application fees as prescribed by OAR 259-061-0010.

(4) Timelines.

(a) A completed application packet must be mailed to the Department and postmarked prior to the applicant performing any investigatory work.

(b) Renewal application documents must be received by the Department within 90 days prior to the expiration date of the licensure to allow for processing of the forms and criminal history check.

(c) A late submission fee will be assessed as prescribed by OAR 259-061-0010 if reapplying after the license expiration date of the licensure.

(d) Applicants renewing their licensure more than 30 days after the expiration date of the original license must submit the following:

(A) A new application packet in accordance with subsection (2) of this rule; and

(B) A Form PI-6.

(5) Applicants for licensure who were previously licensed in Oregon must provide proof of completion of continuing education requirements or a written explanation detailing why continuing education requirements were not met and a written plan detailing how the continuing education will be made up, including a time line. The Department, at its discretion, may accept the plan in place of completed continuing education.

(6) Submission of any false information in connection with an application, supporting documentation or attachments for a license or registration may be grounds for discipline, criminal penalty, or civil penalty.

(7) The Department may administratively terminate the application process, upon written notification to the applicant, for any of the following reasons:

(a) The Department has reason to believe that the applicant has committed an act that constitutes ground for denial of a license as described in OAR 259-061-0040. The termination of an application due to criminal conviction disqualification is subject to the contested case procedures set forth in 259-061-0300;

(b) The application or any required documentation is incomplete or the Department is unable to satisfactorily verify application information due to non-response or non-compliance of the application;

(c) The fingerprint cards of an applicant have been rejected and returned by the Oregon State Police or Federal Bureau of Investigation;

(8) The Department may administratively terminate the application process after exhausting the following efforts:

(a) A letter will be mailed by the Department to the applicant at the last known mailing address identifying the deficiencies in the application process. The applicant will have 21 calendar days from the date of the mailing to notify the Department that the deficiencies are corrected. The Department may extend the time for compliance upon good cause shown by the applicant.

(b) If the Department is unable to determine a current address for the application, or if the applicant does not respond and correct the deficiencies within 21 calendar days, or such additional time authorized by the Department, the Department will list the applicant's status as "administratively terminated." The Department will notify the applicant at the last known address that the Department has administratively terminated the application process.

(c) Once the application process has been administratively terminated, the applicant must reapply by submitting a new completed application packet with all deficiencies corrected, including new fees and proof of valid training.

(9) Any exception to the application process found in this rule must be approved by the Department.

Stat. Auth.: ORS 703.480

Stats. Implemented: ORS 703.401, 703.405, 703.415, 703.425, 703.430, 703.435, 703.445, 703.447, 703.450, 703.460, 703.465, 703.470, 703.473, 703.480, 703.993 & 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 2-2013, f. & cert. ef. 1-2-13; DPSST 14-2013, f. & cert. ef. 6-24-13; DPSST 17-2016, f. & cert. ef. 9-22-16

### 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) 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.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 7-2008(Temp), f. & cert. ef. 5-15-08 thru 10-16-08; DPSST 12-2008, f. & cert. ef. 7-15-08; DPSST 11-2014, f. & cert. ef. 5-5-14

**259-061-0095**

**Administration of the Exam**

(1) The Department will adopt a test of professional investigator competency.

(2) Department staff or department approved designee will proctor the exam at a time and place established by staff or the designee.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06

**259-061-0100**

**Exam Results**

(1) The minimum passing score for the exam is 86%.

(2) The exam may be administered to an applicant no more than three consecutive times. If the applicant does not pass the exam on the third attempt, the applicant must wait one year from the date the last exam was taken to re-take the exam.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06

**259-061-0110**

**Temporary License**

(1) A person licensed as an Investigator in another jurisdiction may be licensed as a temporary investigator in the state of Oregon if:

(a) The person is licensed or certified to practice as an investigator in another state or jurisdiction,

(b) The certification or licensing standards of the other state or jurisdiction meet or exceed the standards for achieving a Provisional License in the state of Oregon, including a criminal background check.

(c) The person pays a non-refundable temporary license fee.

(d) The Department has received the application packet for Temporary Licensure.

(2) The person shall provide to the Department a copy of the authorizing states statutory requirements for private investigators, demonstrating that the person has undergone a criminal history background check. Additionally, the person shall provide a copy of the held certification or license issued by the authorizing jurisdiction and submit a Department approved application requesting a Temporary License. The Application form is a triplicate form; the original and one copy shall be mailed to the Department, one copy shall be retained by the investigator. The investigator's copy shall be carried on the person at all times while performing investigative services in this state. It shall be presented to any law enforcement officer upon demand and shall be displayed to any other person upon reasonable request.

(3) The Temporary License application packet must be mailed to the Department on or before the first day the person performs investigatory services in Oregon.

(4) The Temporary License shall be in effect for 90 days from the date the complete application and fees are received.

(5) The intent of this provision is to allow out-of-state investigators to temporarily conduct lawful business in this state.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06

**259-061-0120**

**Interim Investigators License**

(1) A person may request an interim investigator's license to perform investigative work while the person's application for licensure as a private or provisional investigator is being processed by the Department if the person:

(a) Only provides investigatory services for a licensed private investigator, an attorney, or another employer who has requested that the person be issued an interim investigator's license;

(b) Has never been convicted of, pled guilty or no contest to, or forfeited security for a crime;

(c) Has submitted to the Department all required application materials as prescribed in OAR 259-061-0020, including all fees and proof of a passing score on the Private Investigator Proficiency Exam; and

(d) Has submitted to the Department a signed Interim Investigator License (PI-20), postmarked on or before the first day the applicant performs investigatory services.

(2) The interim license is valid for 120 days from the date the PI-20 is submitted, until the private investigator or provisional license is issued by the Department or upon written notice that the Department has administratively terminated the license for any reason.

Stat. Auth.: ORS 703.430 & 703.480

Stats. Implemented: ORS 703.430 & 703.480

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 19-2015, f. & cert. ef. 12-22-15

**259-061-0130**

**Copying and Distribution of the Exam**

(1) No person, school, association or any other entity is authorized to copy or distribute any exam administered by the Department without prior written authorization;

(2) Applicants who take the exam must not disclose to anyone or any entity the contents of the exam including the exam questions and answers.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06

**259-061-0140**

**Educational Substitutes for Experience**

(1) Completion of a related course of study at an educational institution licensed or approved by a State Department of Education or other State approving agency, and approved by the Department may be substituted for up to 500 hours of the required work experience. Correspondence courses, online courses, or similar coursework will be evaluated on a case-by-case basis.

(2) Educational substitutions applied toward the required work experience will be granted on a three to one (3 to 1) basis and will be calculated using clock hours spent in class. For example, three hours in class would equate to one hour of allowable experience;

(3) Applicants must provide the Department or its authorized representative verifiable documentation in the form of sealed certified transcripts or an official certificate from the administering institution(s) showing successful completion of study in the related subject matter;

(4) The Department or its authorized representative will review the subject matter of the applicant's education on an individual basis;

(5) Certified transcripts or official copies of certificates presented to the Department in an envelope sealed by the program or institution or instructor and verified as sealed may be accepted directly from the applicant;

(6) If a program or institution granting credit is no longer in business, the Department will accept for review a copy of a certificate of completion or transcript or diploma in the required subject matter and hours. The Department may require additional information to verify the authenticity of such documents.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06

**259-061-0150**

**Provisional Investigator Upgrade to Private Investigator**

(1) The license of a Provisional Investigator will be upgraded to a Private Investigator license when the applicant provides verifiable documentation that he or she has performed 1500 hours of



investigatory work, or completed a course of study approved by the Department.

(2) The expiration date for a provisional investigator's current license will not change when upgraded to a private investigator unless the upgrade is granted at the time of renewal or a new application and fee is received.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06

### 259-061-0160

#### Applying for Inactive Status

(1) Licensed investigators may apply to have their license inactivated at any time during a licensure period by submitting a DPSST Inactive and Reactive Application (PI-17). Investigators whose licenses are on an inactive status may not work as an investigator.

(2) License reactivation may be applied for at any time during a licensure period by submitting a PI-17, along with payment of the license reactivation fee.

(3) Entering into inactive status does not affect the expiration date of an investigator's license or the application or reapplication timelines found in OAR 259-061-0010.

Stat. Auth.: ORS 703.480

Stats. Implemented: ORS 703.445 & 703.480

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 3-2016, f. & cert. ef. 3-22-16

### 259-061-0180

#### Maintaining Current Information

Within 10 days of a change, a licensed investigator or applicant for licensure must notify the Department in writing of any changes to name, home address, home phone number, mailing address, business name, business address, or business phone number.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06

### 259-061-0200

#### Compliance

(1) The Department may cause any administrative proceeding or court action to be initiated to enforce compliance with the provisions of ORS 703.010 to 703.995 and these rules.

(2) Violations. The Department may find violations and recommend assessment of civil penalties upon finding that an investigator has previously engaged in or is currently engaging in any of the following acts:

(a) Providing investigative services without valid licensure;

(b) The falsification of any documents submitted to the Department;

(c) Failure to cease providing investigative services upon issuance of a cease and desist order, expiration of licensure, notice of termination, suspension, denial or revocation;

(d) Failure to submit properly completed forms or documentation in a time frame as designated by the Department; or

(e) Any other violation of the requirements of ORS 703.401 to 703.490 or these rules.

(3) The Department may issue a Demand to Examine Books and Records (DEBR) to obtain any record or document related to compliance.

(a) The Department may cause inspection or audits of the records of any investigator. Records inspected may include any document relating to the requirements of ORS 703.401 to 703.490 and these rules.

(b) Failure to cooperate or respond to any investigative inquiries or DEBR may result in the issuance of a civil penalty as described in this rule and the revocation or denial of licensure as described in OAR 259-061-0300.

(4) The Department may issue a Cease and Desist Order when an individual is not in compliance with these rules. The order requires the individual to cease and desist providing investigative

services in the state of Oregon and will remain in effect until rescinded by the Department.

(5) Complaints and Allegations of Violation.

(a) All complaints or allegations of violations must be submitted on a Department-approved complaint form before an investigation can be initiated, unless the Department grants an exception. The Department may consider additional credible sources of information to determine non-compliance.

(b) A complainant other than the Department must file the complaint with the Department within one year of knowledge of the incident's occurrence.

(c) A preliminary administrative review of the complaint or allegation will be conducted by the Department to ensure there is sufficient information to proceed. Staff may conduct a fact-finding preliminary investigation.

(A) If sufficient information is determined to support the complaint or allegation, the Department may open and conduct an investigation and gather relevant information.

(B) Investigators or other involved parties must respond to any questions or requests within 20 days after a request is mailed by the Department, unless an extension is requested and approved by the Department.

(d) Unless otherwise prohibited by law, if the complainant is a client or former client of the respondent, the complainant must sign the waiver of confidentiality allowing the Department access to records and other materials. Refusal by a complainant to comply with these requirements may result in no investigation of the complaint.

(6) All records related to alleged violations are subject to ORS 192.410 to 192.505, 703.480(2)(a) and ORS 703.473(3).

(7) Procedures for Proposing a Civil Penalty.

(a) The Department may issue an Allegation of Non-Compliance when there is reason to believe a violation has occurred. The purpose of this document is to provide education and allow an opportunity to gain compliance within 30 days without penalty.

(b) The Department will issue a Notice of Violation upon discovery of violation as described in this rule. The Notice will include a statement of found violations and proposed sanctions. An individual may be given the opportunity to remedy the violation and pay a penalty within 10 days of the mailing of the notice.

(A) The Department may extend the time to remedy a violation upon a showing of good cause.

(B) An individual will be given the opportunity to provide mitigation to the Department.

(c) The Department, through the Policy Committee and Board, will issue a Notice of Intent to Propose Civil Penalty upon the failure to remedy a violation or request an extension within 10 days of the mailing of the Notice of Violation.

(8) Hearing Request.

(a) If the Department issues a Notice of Intent to Propose Civil Penalty, an individual is entitled to a contested case hearing in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(b) The Department must receive a request for hearing in writing within 20 days of the date the Notice of Intent to Propose Civil Penalty was served on the individual.

(9) Default Order. If a timely request for a hearing is not received, the Notice of Intent to Impose Civil Penalty will become a Final Order Imposing Civil Penalty.

(10) Resolution by Stipulation. The Department is authorized to seek resolution by stipulation, subject to acceptance and approval by the Board and Director, if:

(a) The matter is resolved before entry of a Final Order assessing penalty;

(b) The respondent satisfies all terms set forth by the Department within the time allowed; and

(c) Any stipulated penalty amount is received by the Department.

(11) Civil Penalty Amounts.

(a) Investigators will be charged a penalty of not more than \$500 for each violation.

(b) Notwithstanding subsection (a), individuals in violation of ORS 703.405 will be charged a penalty of not more than \$5,000 for each violation with maximum penalties not to exceed \$10,000 per year.

(c) For the purposes of imposing civil penalties, the Department will consider each violation of any section or sub-section of ORS 703.401 to 703.490 or any section or subsection of these rules a separate violation.

(12) The Department may reduce or waive civil penalties from the amounts set in this rule in situations where further mitigation is warranted or the matter is resolved by stipulation at any time prior to the entry of a Final Order.

(13) Staff will recommend the full civil penalty amount for individuals that fail to satisfy the terms as stipulated. The recommendation will be reviewed by the Policy Committee and approved by the Board.

(14) An individual accused of a violation will be given the opportunity to provide written mitigation to the Department for consideration by the Department, Policy Committee or the Board.

Stat. Auth.: ORS 703.995

Stats. Implemented: ORS 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 27-2014, f. & cert. ef. 10-1-14

#### 259-061-0240

##### Continuing Education Requirements

(1) A licensed Private Investigator must complete and report 32 hours of continuing education. Two of the hours must be in ethics.

(2) A licensed Provisional Investigator must complete and report 40 hours of continuing education. Two of the hours must be in ethics.

(3) Except as listed in (a)(ix) below, A licensed investigator may carry over up to 15 hours of unused continuing education to his or her next licensing period. "Continuing Education" as defined in OAR 259-061-0005(6), includes, but is not limited to:

(a) Books and manuals: Two hours of continuing education will be granted for each non-fiction book or professional/technical manual read, with a limit of six continuing education hours per licensing period. Books will be approved on a case-by-case basis;

(b) College, internet or correspondence courses;

(c) Conferences, seminars and interactive webinars;

(d) Pre-recorded or non-interactive media: Limited to 24 continuing education hours per licensing period.

(e) Department/Board/Committee Meetings: One hour of continuing education will be granted for each hour in attendance of a Board or Committee Meeting, with a limit of eight continuing education hours per licensing period;

(f) Lectures and public presentations: One hour of continuing education will be granted for each hour of presenting or attending a lecture or public presentation, with a limit of eight hours of continuing education per licensing period;

(g) Mentoring: One hour of continuing education per eight hours of training will be granted to licensed investigators who provide training to another investigator, with a limit of eight continuing educational hours per licensing period;

(h) Network meetings: One hour of continuing education will be granted for each network meeting attended, with a limit of eight continuing education hours per licensing period;

(i) Publications: Continuing education hours will be granted to individuals who have authored or co-authored publications. Continuing education hours awarded for publications will be at the Department's discretion, with a limit of 10 continuing education hours per licensing period, with no carry over.

(j) Any other continuing education that reasonably could be considered beneficial to the work of the investigator. The Department reserves the right to approve or disapprove any continuing education request.

(4) License renewal. An investigator must provide proof of completed continuing education by completing a Form PI-6 (Continuing Education Summary), upon application of license renewal.

(5) Licensed Investigators must retain documentation of proof of continuing education for four years.

(6) At the Department's discretion, the Department may audit continuing education documents to ensure compliance with this rule.

Stat. Auth.: ORS 703.430, 703.447 & 703.480

Stats. Implemented: ORS 703.447

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 2-2015, f. & cert. ef. 1-5-15

#### 259-061-0260

##### Continuing Education (CE) Guidelines

(1) Conferences and Seminars. All Department, county, state, national, international bar, investigator, fire-related, law enforcement, forensic science, medical and mental health associations are approved for continuing education units. The Department will also maintain a list of organizations whose conferences, seminars, and educational meetings have standing approval. Continuing Education from any other organizations will be approved on a case-by-case basis.

(a) Attendance: 1 CE Unit for each hour of speaker presentation.

(b) Lecturing: 4 CE Units for each hour presented. (Limit of 8 units per licensing period.)

(c) Video and Audio Media: 1 CE Unit for each hour of presentation. (Limit 16 units per licensing period.)

(2) Computer Seminars: One (1) CE unit of credit for each hour of attended seminar sessions hosted by computer information sources such as public record vendors; and any other similar approved seminar regarding computer information sources. Seminars on how to operate computers will not be approved for credits. (Limit 12 units per licensing period.)

(3) Educational Institutions: Programming presented in state, nationally or internationally, by licensed or accredited educational institutions including, but not limited to colleges, universities, trade and professional schools, will be granted standing approval when that institution is licensed or approved by the respective State's Department of Education or other State approving agency. Others may be approved on a case-by-case basis.

(a) All accredited or licensed Colleges and Universities:

(A) Attendance: 1 CE Unit per college-level credit hour. (Limit 24 units per licensing period.)

(B) Lecturing: 4 CE Units per hour of presentation. (Limit 8 units per licensing period.)

(b) Online Studies:

(A) Two (2) CE Units per college-level credit hour. (Limit 20 units per licensing period.)

(B) All accredited or licensed trade and professional schools (other than colleges and universities). Course work directly related to investigations, including but not limited to, crash technology; criminal justice; fire science; law; judicial; legal and governmental systems equal one (1) CE Unit per hour of presentation. (Limit 20 units per licensing period.)

(C) All accredited or licensed trade and professional schools (other than colleges and universities). Course work indirectly related to the practice of investigation or business operation instruction. (Limit 12 units per licensing period.)

(4) Publications: The Department reserves the right to approve or disapprove any credit for articles, papers, books, or other publications the individual has authored, or co-authored, relating to the private investigative industry. A maximum of 10 CE Units may be granted per licensing period, with no carry over.

(5) Self-Study:

(a) Correspondence Courses and Online Courses: Two (2) CE units per college-equivalent credit hour; otherwise, Four (4) CE units per course that is related to investigation, completed and passed. (Limit of 4 units per licensing period.)

(b) Books and Manuals: Two (2) CE units for each non-fiction book or professional/technical manual that is related to investigation. All books published by Lawyers and Judges Publishing have standing approval. Other books will be approved on a case-by-case basis. (Limit of 6 units per licensing period.)

(c) Internet study and research: One (1) CE unit for each hour of Independent study and research directly related to the individual

investigator's practice not to exceed 4 CE Units per study topic. (Limit 4 units per licensing period.)

(6) Television and Radio Appearances: Four (4) CE units for each half hour appearance on a television or radio program which provides education about investigative topics. Merely appearing or participating in a show does not qualify. The program must qualify as an educational program. (Limit of 8 units per licensing period.)

(7) Department/Board/Committee Meetings: One (1) CE unit will be granted for attending a Board or Committee Meeting hour. No CE units will be granted for attending investigator association board or committee meetings. (Limit of 8 units per licensing period.)

(8) Network Meetings: Two (2) CE units will be granted for approved network meetings. Meetings must be noticed and structured, and proof of attendance that includes topics covered must be supplied to attendees by the person organizing the meeting. A minimum of four investigators must be in attendance. (Limit of 8 units per licensing period.)

(9) Mentoring: A licensed private investigator who provides investigation-related training to another licensed private investigator, or to a licensed provisional investigator, may claim one (1) CE Unit per eight hours of training. (Limit 8 units per licensing period.)

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 7-2007, f. & cert. ef. 5-15-07

**259-061-0300****Denial/Suspension/Revocation**

(1) It is the responsibility of the Board, through the Private Security and Investigator Policy Committee, to set the standards, and of the Department to uphold them, to ensure the highest level of professionalism and discipline. The Board will uphold these standards at all times unless the Board determines that neither the safety of the public or respect of the profession is compromised.

(2) Mandatory Grounds for Denying, Suspending or Revoking Private Investigator Licensure. The Department must deny or revoke the license of any applicant or private investigator after written notice and hearing, if requested, upon finding that the applicant or private investigator has been convicted of a person felony as defined by the Criminal Justice Commission in OAR 213-003-0001 in effect on February 3, 2014 or any crime with similar elements in any other jurisdiction;

(3) Emergency Suspension Order: The Department may issue an emergency suspension order pursuant to OAR 137-003-0560 immediately suspending a private investigator's licensure upon finding that a person has been charged with any of the mandatory disqualifying crimes listed in section (2) of this rule. The report may be in any form and from any source.

(a) The Department may combine the hearing on the Emergency Suspension Order with any underlying proceeding affecting the license.

(b) The sole purpose of the emergency suspension hearing will be to determine whether the individual was charged with a mandatory disqualifying crime. Upon showing that an individual was not charged with a mandatory disqualifying crime, the suspension of the individual's license will be rescinded, otherwise the suspension will remain in effect until final disposition of the charges.

(4) Discretionary Grounds for Denying, Suspending or Revoking Private Investigator Licensure. The Department may deny or revoke the licensure of any applicant or private investigator after written notice and hearing, if requested, upon finding that an applicant or private investigator:

(a) Fails to meet the minimum standards for licensure as a private investigator as defined in OAR 259-061-0040;

(b) Has falsified any information submitted on the application for licensure, including failing to disclose any criminal convictions, or any other documents submitted to the Department pertaining to private investigator licensure;

(c) Has violated any of the conditions of a temporary or provisional license as described in ORS 703.401-703.995 and these rules;

(d) Has failed to submit properly completed forms or documentation in a time frame as designated by the Department;

(e) Has failed to pay a civil penalty or fee imposed by the Department when due;

(f) Has failed to comply with any provisions found in ORS 703.401-703.995 or these rules;

(g) Has failed to abide by any of the requirements of conduct found ORS 703.450; or

(h) Lacks moral fitness. For the purposes of this standard, the Department, through the Policy Committee and Board, has defined lack of moral fitness as:

(A) Lack of Character. Lack of character includes, but is not limited to, being disrespectful, failing to be faithful and diligent to an investigative charge, and failing to use discretion or compassion;

(B) Dishonesty. Lack of honesty includes, but is not limited to, untruthfulness, dishonesty by admission or omission, deception, misrepresentation or falsification;

(C) Failure to strive for justice. Failing to strive for justice includes, but is not limited to, unjust treatment or being partial, unfair or discriminatory;

(D) Lack of Public Trust. Failure to maintain public trust and confidence includes, but is not limited to, acting in an unlawful manner or not adhering to industry standards; or

(E) Lack of Respect for the Laws of this State or Nation. Lack of respect for the laws of this state and nation includes behavior which leads to an arrest or conviction within a ten-year period prior to application or during licensure.

(5) Procedure for Denial or Revocation of Licensure. Scope of Revocation. Whenever the Department revokes the licensure of a private investigator under the provisions of this rule, the revocation will encompass all private investigator licenses the Department has issued to that person.

(6) Denial and Revocation Procedure.

(a) Department Initiated Review: Upon receipt of factual written information from any source the Department may request that the Board deny, revoke or suspend the private investigator's licensure.

(b) Department Staff Review: When the Department receives information from any source that a private investigator may not meet the established standards for Oregon private investigators, the Department will review the request and supporting factual information to determine if a sufficient factual basis exists to support the request for denial, suspension or revocation of a private investigator license under ORS 703.401-703.995 and these rules.

(A) If the Department determines that a private investigator may have engaged in discretionary disqualifying misconduct:

(i) The Department will seek input from the affected private investigator by allowing the individual to provide, in writing, information for review.

(ii) The Department may take action upon discovery of discretionary disqualifying misconduct when consensus is reached that the nature of the discretionary disqualifying misconduct is appropriate for summary staff disposition or administrative closure.

(iii) If Department staff believes that a private investigator may have engaged in discretionary disqualifying misconduct, Department staff will review the conduct, including aggravating and mitigating circumstances. If Department staff is unable to reach a consensus to summarily dispose of or administratively close the case, the case will be presented to the Board, through the Private Investigator Subcommittee and the Policy Committee.

(B) In making a decision to authorize initiation of proceedings under section (4) of this rule based on discretionary disqualifying misconduct, Department staff, the Private Investigator Subcommittee, the Policy Committee and Board will consider mitigating and aggravating circumstances.

(c) Initiation of Proceedings: Upon determination that a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private investigator license under



## Chapter 259 Department of Public Safety Standards and Training

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ORS 703.401–703.995 or these administrative rules, the Department will prepare and serve a contested case notice on the private investigator.

(A) 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.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the private investigator prior to Board review. If the Board disapproves the Policy Committee’s recommendation, the Department will withdraw the contested case notice.

(C) Applicants who choose to withdraw their application forfeit their application fees.

(d) 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 in which to file a written request for hearing with the Department.

(B) A party who has been served with a Contested Case Notice of Intent to Deny Licensure has 60 days from the date of mailing or personal service of the notice in which to file a written

request for a hearing or a written request withdrawing their application from consideration with the Department.

(C) A party who has been served with a Contested Case Notice of Intent to Revoke Licensure has 20 days from the date of the mailing or personal service in which to file a written request for hearing with the Department.

(e) Default Orders:

(A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking licensure pursuant to OAR 137-003-0672.

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.

(f) Final Order:

(A) A final order will be issued pursuant to the applicable provisions of the Attorney General’s Model Rules of Procedure adopted under OAR 259-005-0015 if a private investigator fails to file exceptions and arguments within 20 days of issuance of the proposed order.

(B) Department-proposed amendments to the proposed order in a case that was originally heard by a policy committee must be