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### 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

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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 rulemaking in effect on January 1, 2012.

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. & cert. ef. 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

### 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:



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- (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. er. 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 on January 1, 2012.

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

### 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 on January 1, 2012.

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

### 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 eli-

gible 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 police, corrections, parole and probation officers, telecommunications, emergency medical dispatchers, and 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 the police, corrections, and parole and probation services;

(B) By setting minimum standards for training and certifying police, corrections, parole and probation officers, telecommunicators, and emergency medical dispatchers, for all levels of career development, basic through executive;

(C) By providing, sponsoring, certifying or coordinating training courses for police, corrections, parole and probation, telecommunication, and emergency medical dispatchers.

(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

### 259-008-0005

#### Definitions

(1) "Assistant Department Head" means an officer occupying the first position subordinate to a Department Head who is primarily responsible for supervision of middle managers and supervisors.

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

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

(4) "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 181.640.

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

(6) "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.

(7) "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 requisite qualifications and is so certified pursuant to ORS 181.652.

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

(9) "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.

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

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

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

(13) "First-Level Supervisor" means a law enforcement officer, telecommunicator, or emergency medical dispatcher occupying a position between the operational level and the middle manager position 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.

(14) "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.

(15) "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.

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

(17) "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, 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 liquor enforcement inspectors; or

(e) A humane investigation agency as defined in section 1, chapter 67, Oregon Laws 2012.

(18) "Leave" means a leave granted to a public safety professional by their employing public or private safety agency.

(19) "Middle Manager" means a law enforcement officer, telecommunicator, or emergency medical dispatcher occupying a position between first-level supervisor and department head position and is primarily responsible for management and command duties. A middle manager position does not include a position with limited, or acting middle management duties.

(20) "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.

(21) "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 reformative 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 181.652.

(22) "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, 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 special agent commissioned under section 1, chapter 67, Oregon Laws 2012;

(e) An individual member of the judicial security personnel identified pursuant to ORS 1.177 who is trained pursuant to section 3, chapter 88, Oregon Laws 2012; or

(f) Any full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.665.

(23) "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.

(24) "Public Safety Personnel," "Public Safety Officer," and "Public Safety Professional" include corrections officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, and telecommunicators and liquor enforcement inspectors.

(25) "Recall" 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.

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

(27) "Reimbursement" is the money allocated from the Police Standards and Training Account, established by ORS 181.690, 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.

(28) "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, 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.

(29) "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.

(30) "Staff" means those employees occupying full-time, part-time, or temporary positions with the Department.

(31) "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 requisite qualifications and is so certified pursuant to ORS 181.652.

(32) "Temporary employment" means employment that lasts no more than 90 consecutive calendar days and is not permanent.

(33) "The Act" refers to the Public Safety Standards and Training Act (ORS 181.610 to 181.715).

(34) "Waiver" means to refrain from pressing or enforcing a rule.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 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; 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

### 259-008-0010

#### Minimum Standards for Employment as a Law Enforcement 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 or parole and probation officer for more than 18 months unless the person is a citizen of the United States.

(2) Age. No law enforcement unit in this state may employ any person under the age of 21 years as a police officer, corrections officer or parole and probation officer.

(3) Fingerprints. On or within 90 days prior to the date of employment, each police, corrections, or parole and probation officer must be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and must forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(a) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(b) The Oregon State Police Identification Services Section will notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(c) 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.

(d) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department must be completed and returned to the Department by the applicant pending fingerprint clearance.

(4) Criminal Records. No police, corrections, or parole and probation 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 (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.

(5) Notification of Conviction:

(a) A law enforcement officer or instructor 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 agency 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 (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 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) Reading and Writing Standard. Before beginning basic police training, challenging basic police training, or beginning the police career officer development course, each applicant must provide evidence to DPSST that the applicant has attained a minimum of a 12th grade reading and writing level in the English language.

(A) The hiring agency is responsible for ensuring a Department-approved reading and writing test has been administered. The hiring agency must forward the results of the test to the Department on a Form F-5 (Application for Training) prior to the applicant being admitted to basic police 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 completing the 12th grade reading/writing test prior to attending a course identified in this section.

(8) Physical Examination. All law enforcement officers and applicants must be examined by a licensed physician or surgeon.

(a) The medical examination must be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and must conform to applicable standards of the Americans with Disabilities Act (ADA). Title 42 USC 12101.

(b) Individuals who have had a successfully completed physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(c) Except as provided in (e) below, the Department will not require a new physical examination when a law enforcement officer obtains employment, or re-employment, in the same discipline if the officer:

(A) Has had a successfully completed a physical examination, and

(B) Is currently certified; or

(C) Is an officer currently employed full-time in another jurisdiction who has successfully completed a comparable physical examination in that jurisdiction.

(d) Notwithstanding subsection (c), a medical examination may be required by a hiring agency at its discretion.

(e) Notwithstanding subsection (c), any law enforcement officer who is separated from employment for a reason related to a physical inability to perform an essential task of a law enforcement officer must successfully complete a physical examination prior to obtaining re-employment in a certifiable position.

(f) Police, Corrections, and Parole and Probation applicants must meet the following criteria:

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) in each eye. Due to the demonstrated likelihood of dislodgment or breakage, candidates who are able to wear only glasses with frames must meet an uncorrected standard not worse than 20/100 (Snellen) in each eye. Those candidates who use soft contact lenses (SCLs) must have vision correctable to at least 20/30 in each eye, with no uncorrected standard, provided the employing agency will monitor compliance. Replacement glasses or lenses (as appropriate) must be on the person or readily available at all times during each work shift.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST.

(C) Depth Perception. Depth Perception must be sufficient to demonstrate stereopsis adequate to perform the essential tasks of the job. The recommended test is the Random Stereo Test with 60 seconds of arc.

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

(E) Night Blindness. A history of night blindness should be evaluated to determine applicant's capacity to perform essential tasks at night or in dark or low light settings.

(g) Applicants for the position of police or corrections officer must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average 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.

(h) Applicants for the position of parole and probation officer must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 35 decibels (db) at the 500, 1000, 2000, and 3000 Hertz levels in either ear with no single loss in excess of 45 db.

(i) If amplification device(s) is (are) necessary to meet the criteria in (g) or (h) above, or if applicant cannot meet the above criteria and wishes to pursue application, applicant must:

(A) Obtain a hearing evaluation by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) to determine current hearing aid requirement; and

(B) Achieve a Speech Reception Threshold (SRT) of no greater than 25 db for each ear;

(C) Police, corrections and parole and probation officers must achieve a Speech Discrimination test score of no less than 90% utilizing a standard 50-word presentation at 60 db Hearing Threshold Level (HTL). The Department may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, and throat) designated by the Department to verify that the applicant's hearing meets the Board's minimum hearing standard. The verification examination will be at the expense of the applicant or the applicant's employing agency. The equipment utilized for all of these evaluations must be calibrated annually using current ANSI standards.

(D) Hearing amplification devices used to meet the hearing standard must be the type that protects the applicant from further hearing degradation due to amplification of loud sounds.

(j) Applicants for the position of police, corrections, or parole and probation officer must be able to use vocal chords and have significant speaking ability to perform speaking-related essential tasks. For police and corrections officers abnormalities of the nose, throat or mouth must not interfere with the applicant's breathing or proper fitting of gas mask or similar device.

(k) Applicants for the position of police, corrections, or parole and probation officer who have a history of organic cardio-vascular disease or a finding during the medical examination of organic cardio-vascular disease will necessitate further medical evaluation.

(A) Resting blood pressure must be less than or equal to 140 mmHg systolic and 90 mmHg diastolic on three successive readings.

(B) Applicants must not have a functional and therapeutic cardiac classification greater than the Heart Association's Class A.

(C) Failure to meet guidelines (k), (A) and (B) will require further medical evaluation.



(D) If the applicant has controlled hypertension not exceeding the above standards and is on medication with side effect profiles, which do not interfere with performance of duty, then the condition may not be excludable.

(E) Functional Capacity I patients with cardiac disease may not be excludable, if they have no limitations of physical activity and ordinary physical activity does not cause discomfort and they do not have symptoms of cardiac insufficiency, nor experience angina pain.

(F) Therapeutic Classification A patients with cardiac disease, whose physical activity is restricted, should be evaluated thoroughly.

(G) If further medical examination is required under (k), it will be at the expense of the applicant or hiring authority.

(I) All law enforcement applicants must submit a current-version DPSST Medical Examination Report (DPSST Form F2), or a medical report completed by a licensed physician containing at a minimum the information on Form F2 and a signed statement by the examining physician that the applicant does not have any condition, physical, mental, or emotional, which, in his/her opinion, suggests further examination. This Report will be furnished to the examining physician by the hiring agency. The physician must indicate that the applicant is or is not physically able to perform the duties of a law enforcement officer as prescribed by DPSST.

(m) A copy of the Medical Examination Report must be sent to the Department prior to acceptance into a basic course, or any course where such report is required by the Department.

(n) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(o) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of an officer's duties, including the protection of the public and the safety of co-workers. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(p) A person or department head requesting a waiver of any physical requirement set forth in section (8) of this rule shall submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed. Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void.

(A) If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

(B) If the Board denies a request for a waiver of any physical requirement set forth in section (8) of this rule, the Department will issue Notice and proceed as provided in section (9) of this rule.

(9) Contested Case Hearing Process for Denial of Waiver.

(a) Initiation of Proceedings: Upon determination that the reason for denial of a waiver is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(b) Contested Case Notice: All 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 137-003-00672.

(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 in which 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 181.640, 181.644 & 183.341

Stats. Implemented: ORS 181.640, 181.644 & 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

## 259-008-0011

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

(1) Fingerprints. On or before the date of employment, each telecommunicator and emergency medical dispatcher must be fingerprinted on standard applicant fingerprint cards.

(a) The hiring agency, if a public agency, is responsible for fingerprinting and will forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(b) If the hiring agency is a private agency it is responsible for fingerprinting and will forward two (2) cards to the Department along with the appropriate fee.

(A) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(B) The Oregon State Police Identification Services Section will notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(C) 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.

(D) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department will be completed and returned to the Department by the applicant pending fingerprint clearance.

(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 agency 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) Reading 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 has attained a minimum of a 12th grade reading level in the English language.

(a) The hiring agency is responsible for ensuring a Department-approved reading test has been administered. The hiring agency must forward the results of the test 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 completing the 12th grade reading test prior to attending a course identified in this section.

(7) Physical Examination. All Telecommunicators and Emergency Medical Dispatcher applicants must be examined by a licensed health professional.

(a) The medical examination must be completed not more than 180 days prior to initial offer of employment, and not more than 90 days after the initial offer of employment.

(b) The examination must conform to applicable standards of the Americans with Disabilities Act (ADA), Title 42 USC 12101.

(c) Individuals who have successfully completed a physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(d) The Department will not require a new physical examination when a Telecommunicator or Emergency Medical Dispatcher obtains employment or re-employment in the same discipline if the Telecommunicator or Emergency Medical Dispatcher:

(A) Has had a successfully completed a physical examination, and

(B) Is currently certified; or

(C) Is currently employed full-time in another jurisdiction and has successfully completed a comparable physical examination in that jurisdiction.

(e) Notwithstanding subsection (d), a medical examination may be required by a hiring agency at its discretion.

(f) Telecommunicator and Emergency Medical Dispatcher applicants must meet the following criteria:

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

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST. The results of the field test

and the methods for testing must be maintained by the employing agency.

(i) Any employing agency that conducts a field test to meet the color vision standard must also complete a Department approved affidavit attesting that the applicant can either correctly discriminate colors or is able to successfully perform the required tasks of a Telecommunicator or Emergency Medical Dispatcher, notwithstanding the applicant's inability to correctly discriminate colors.

(ii) Any affidavit required by (i), that the Department receives and accepts, is non-transferable to any subsequent employer and may not be used by any other entity for certification purposes.

(iii) Notwithstanding subsection (d) of this rule, each employer must complete an agency-specific field test and a Department approved affidavit as described in subsection (i) of this section for any Telecommunicator or Emergency Medical Dispatcher who previously met the color vision standard by completing a field test.

(C) Peripheral Vision. Visual Field Performance must be 120 degrees in the horizontal meridian combined.

(g) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others.

(A) The applicant must meet National Emergency Number Association (NENA) hearing standard 54-002 (June 10, 2006).

(B) If the applicant cannot meet the identified hearing standard without correction, the applicant may utilize hearing amplification devices to meet the hearing standard. The Department may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) designated by the Department to verify that the applicant's corrected hearing meets the Board's minimum hearing standard.

(h) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must be able to use vocal cords and exhibit normal speech patterns, sufficient to perform speaking-related essential tasks.

(8) If further medical examination is required, it will be at the expense of the applicant or the hiring authority.

(9) All Telecommunicator and Emergency Medical Dispatcher applicants must submit a current-version Medical Examination Report for Telecommunicators and Emergency Medical Dispatchers (DPSST Form F-2T) or a signed medical report completed by a licensed health professional identified by the Department containing, at a minimum, the information on Form F-2T prior to the acceptance into a basic course or any course where such a report is required by the Department. The Form F-2T will be furnished to the examining health professional by the hiring agency.

(10) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(11) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of a Telecommunicator or Emergency Medical Dispatcher's duties. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(12) A person or department head requesting a waiver of any physical requirement set forth in section (11) of this rule must submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request.

(a) The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed.

(b) Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency.

(c) If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void.

(d) If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

(e) If the Board denies a request for a waiver of any physical requirement set forth in section (7) of this rule, the Department will issue Notice and proceed as provided in section (13) of this rule.

(13) Contested Case Hearing Process for Denial of Waiver.

(a) Initiation of Proceedings: Upon determination that the reason for denial of a waiver is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(b) Contested Case Notice: All 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 in which 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 181.640, 181.644 & 183.341

Stats. Implemented: ORS 181.640, 181.644 & 183.341

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

## 259-008-0015

### Background Investigation

(1) A personal history investigation must be conducted by the employing agency on each public safety professional being considered for employment to determine if applicant is of good moral fitness (professional fitness).

(2) Results of the personal history investigation on all public safety professionals must be retained by the employing agency and must be available for review at any reasonable time by representatives of the Department.

(3) All applicants for public safety professional must be interviewed personally, prior to employment, by the department head or an authorized representative.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

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

## 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 law enforcement units and public or private safety agencies must submit the name and other pertinent information concerning any newly appointed public safety professional to the Department on a Personnel Action Report (DPSST Form F-4) within ten (10) business days after employment.

(a) A Department (DPSST) number will be established for each newly appointed employee identified on a Personnel Action Report (DPSST Form F-4) if:

(A) The individual is employed in a certifiable position as a police officer, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher;

(B) The individual is employed 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 public safety personnel resign, retire, or terminate employment, are promoted, demoted, discharged, deceased, are on a leave of 91 days or more, or transfer within a law enforcement unit, or private or public safety agency, the department head must report this information to the Department on a Personnel Action Report (DPSST Form F-4) within ten (10) business days of the action.

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

(4) All applicants shall furnish to the Department on a Personnel Action Report (DPSST Form F-4) their social security number. The social security number is used to accurately identify the applicant during computerized criminal history (CCH) and Department record checks and to verify information provided by public safety officers under the Act in connection with revocation proceedings.

[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; 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

## 259-008-0025

### Minimum Standards for Training

(1) Basic Course:

(a) Except as provided in OAR 259-008-0035, all law enforcement officers, telecommunicators, and emergency medical dispatchers must satisfactorily complete the prescribed Basic Course, including the field training portion. The Basic Course and field training portion must be completed within twelve months from the date of employment by corrections officers and within 18 months by police officers, parole and probation officers, telecommunicators, and emergency medical dispatchers.

(b) The field training program shall be conducted under the supervision of the employing department. When the field training manual is properly completed, the sign-off pages of the field training manual must be forwarded to the Department. Upon the approval of the Department, the employee shall receive credit toward basic certification.

(c) Effective July 1, 2007, all police officers must satisfactorily complete the Department's physical fitness standard. The Department's physical standard is:



(A) Successful completion of the OR-PAT at 5:30 (five minutes and thirty seconds) when tested upon entry at the Basic Police Course; or

(B) Successful completion of the OR-PAT at 5:30 (five minutes and thirty seconds) when tested prior to graduation from the Basic Police Course.

(d) Law enforcement officers who have previously completed the Basic Course, but have not been employed as a law enforcement officer as defined in ORS 181.610 and OAR 259-008-0005 during the last five (5) years or more, must satisfactorily complete the full required Basic Course to qualify for certification. This requirement may be waived by the Department upon a finding that the applicant has current knowledge and skills to perform as an officer.

(e) Telecommunicators and emergency medical dispatchers who have previously completed the Basic Course, but have not been employed as a telecommunicator or EMD, as described in ORS 181.610 and OAR 259-008-0005 for two and one-half (2-1/2) years or more, must satisfactorily complete the full required Basic Course to qualify for certification. This requirement may be waived by the Department upon finding that a Telecommunicator has current knowledge and skills to perform as a Telecommunicator. There is no waiver available for an emergency medical dispatcher.

(f) Previously employed telecommunicators may challenge the Basic Telecommunications Course based on the following criteria:

(A) The department head of the applicant's employing agency shall submit the "challenge request" within the time limits set forth in the Oregon Revised Statutes and Oregon Administrative Rules.

(B) The applicant must provide proof of successful completion of prior equivalent training.

(C) The applicant must provide documentation of the course content with hour and subject breakdown.

(D) The applicant must obtain a minimum passing score on all written examinations for the course.

(E) The applicant must demonstrate performance at the minimum acceptable level for the course.

(F) Failure of written examination or demonstrated performance shall require attendance of the course challenged.

(G) The applicant will only be given one opportunity to challenge a course.

(g) Previously employed police officers, corrections officers and parole and probation officers who are required to attend the Basic Course may not challenge the Basic Course.

(h) All law enforcement officers who have previously completed the Basic Course, but have not been employed as a law enforcement officer as described in ORS 181.610 and OAR 259-008-0005 over two and one-half (2-1/2) years but less than five (5) years must complete a Career Officer Development Course if returning to the same discipline. This requirement may be waived after a staff determination that the applicant has demonstrated the knowledge and skills required for satisfactory completion of a Career Officer Development Course.

(i) Corrections and police officers who have not completed the Basic Course must begin training within 90 days of their initial date of employment.

(A) A police officer must begin training at an academy operated by the Department.

(B) A corrections officer who is employed by Oregon Department of Corrections (DOC) during the period July 1, 2009 through January 1, 2014 must begin DOC Basic Corrections Course (DOC BCC) training provided by DOC as described in section (6) of this rule.

(C) A corrections officer who is not employed by DOC must begin training at an academy operated by the Department.

(D) A 30-day extension of this time period shall be granted by the Board or its designee upon receipt of a written statement of the reasons for the delay from the officer's employer. Any delays caused by the inability of the Department to provide basic training for any reason, shall not be counted as part of the periods set forth above (refer to ORS 181.665 and 181.652).

(j) Law enforcement officers who have previously completed a basic training course out of state while employed by a law enforcement unit, or public or private safety agency, may, upon proper documentation of such training and with approval of the Department, satisfy the requirements of this section by successfully completing a prescribed

Career Officer Development Course or other appropriate course of instruction.

(k) The basic course for police officers must include:

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

(B) Vehicle pursuit training exercises, subject to the availability of funding; and

(C) A minimum of 24 hours of training in the recognition of mental illnesses utilizing a crisis intervention training model. A minimum of one hour of this training must be on the appropriate use of the medical health database maintained by the Department of State Police within the Law Enforcement Data System.

(2) Career Officer Development Course:

(a) All law enforcement officers who have not been employed as such for between two and one half (2-1/2) years and five (5) years, must satisfactorily complete a Career Officer Development Course approved by the Department.

(b) A law enforcement officer assigned to a Career Officer Development Course must also complete the Board's field training program under the supervision of the employing department and submit to the Department a properly completed Field Training Manual. The Department may waive the Field Training Manual requirement upon demonstration by the employing agency that it is not necessary [refer to OAR 259-008-0025(1)(b)].

(A) A law enforcement officer who fails to achieve a minimum passing test score after completing a Career Officer Development Course will be given one opportunity to remediate through self-study and re-test within 60 days of the initial date of failure.

(B) A law enforcement officer who fails to achieve a minimum passing test score after re-testing will have been determined to have failed academically and will be required to attend the next available Basic Course.

(C) A law enforcement officer who is scheduled to complete a distance learning COD Course must achieve a minimum passing test score within the timeframe set by the Department. Failure to successfully complete a distance COD Course within the timeframe set by the Department will require an officer to attend the next available COD Course.

(c) The Department may also require successful completion of additional specified courses or remedial training.

(3) Supervision Course. All law enforcement officers, telecommunicators, and emergency medical dispatchers promoted, appointed, or transferred to a first-level supervisory position must satisfactorily complete Supervision training that complies with the requirements outlined in DPSST Form F-21. The required training must be completed within 12 months after initial promotion, appointment, or transfer to such position. This section applies whether the individual is promoted or transferred to a supervisory position within a department, or is appointed from an outside department, without having completed the required Supervision training within the preceding five (5) years.

(4) Middle Management Course. All law enforcement officers, telecommunicators, and emergency medical dispatchers promoted, appointed, or transferred to a middle management position must satisfactorily complete Middle Management training that complies with the requirements outlined in DPSST Form F-22. The required training must be completed within 12 months after initial promotion, appointment, or transfer to such position. This section applies whether the individual is promoted or transferred to a middle management position within a department, or is appointed to the position from an outside department without having completed the required Middle Management training within the preceding five (5) years.

(5) Specialized Courses.

(a) Specialized courses are optional and may be presented at the Academy or regionally. The curriculum is generally selected because of relevancy to current trends and needs in police, corrections, parole and probation, telecommunications, and emergency medical dispatch fields, at the local or statewide level.

(b) Specialized courses may be developed and presented by individual departments of the criminal justice system, local training districts, a college, the Department, or other interested persons. Department staff may be available to provide assistance when resources are not available in the local region.

(c) Police officers, including certified reserve officers, must be trained on how to investigate and report cases of missing children and adults.

(A) The above mandated training is subject to the availability of funds.

(B) Federal training programs must be offered to police officers, including certified reserve officers, when they are made available at no cost to the state.

(6) The DOC Basic Corrections Course.

### *Course Requirements*

(a) Except as provided in OAR 259-008-0035, all corrections officers hired by the Oregon Department of Corrections (DOC) on or after July 1, 2009, but prior to January 1, 2014, must satisfactorily complete the DOC Basic Corrections Course (DOC BCC), including the field training portion. All corrections officers must complete the DOC BCC and field training portion must be completed within twelve months from the date of employment.

(b) Prior to attending a DOC BCC, a corrections officer hired by DOC on or after July 1, 2009, but prior to January 1, 2014, must:

(A) Meet the minimum standards for employment as a law enforcement officer contained in OAR 259-008-0010;

(B) Meet the background investigation requirements for a law enforcement officer contained in OAR 259-008-0015; and

(C) Meet the minimum standards for training contained in this section.

(c) The DOC BCC must conform to the content and standard approved by the Board. The DOC BCC must include, but is not limited to:

(A) Minimum training standards for the basic certification of corrections officer employed by DOC. The minimum training developed by DOC must be adopted by the Board and must meet or exceed the minimum training standards for the basic certification of corrections officers employed by a law enforcement unit other than DOC.

(B) Minimum Course Hours. The minimum course hours are 240. DOC BCC Course hours refer to hours of training related to DPSST Instructional Goals and may include classroom, scenarios, skills sheets or other related training methodology

(i) The DOC BCC must include hours addressing all Instructional Goals within each of the following sections:

(I) Section A — 20 hours in Legal Considerations;

(II) Section B — 37 hours in Security Procedures;

(III) Section C — 43 hours in Inmate Supervision;

(IV) Section D — 16 hours in Inmate Health Care;

(V) Section E — 16 hours in Professional Skills;

(VI) Section F — 27 hours in Personal Fitness;

(VII) Section G — 41 hours in Defensive Tactics; and

(VIII) Section H — 26 hours in Skills — Firearms.

(ii) Administrative time is not included within the hours identified in subsection (i). Administrative time may be up to 6% of the overall course hours, or a maximum of 14 hours.

(iii) A minimum of 80% of the classes in the DOC BCC must include:

(I) Participatory learning activities which include, but are not limited to, scenario training, hands-on training and problem-based learning; and

(II) Sufficient hours to address the Instructional Goals in subsection (i).

(C) Attendance Standards. Attendance rosters must be kept and copies of these rosters must be submitted to the Department at the conclusion of a student's training, or when requested by the Department. To successfully complete the DOC BCC, a student may not miss more than 10% of the DOC BCC.

(D) Notwithstanding (C) above, successful completion of the DOC BCC requires 100% attendance during classes in which the following Instructional Goals are covered:

(i) B1.2 Instruction and practice applying safe and efficient tactics for inmate monitoring, inmate counts and facility perimeter checks;

(ii) B2.2 Instruction and practice conducting appropriate, safe and systematic searches of inmates and correctional facilities;

(iii) B5.2 Instruction and practice restraining individuals in an appropriate, safe and systematic manner;

(iv) B8 Reality based scenarios that enhance a new corrections professional's understanding and application of security procedures in a correctional facility;

(v) C3.2 Instruction and practice using interpersonal skills to effectively communicate with inmates and other persons in a correctional setting;

(vi) C10 Reality-based scenarios that enhance a new corrections professional's understanding and application of inmate supervision strategies within a correctional facility;

(vii) D3.2 Instruction and practice applying appropriate intervention strategies for dealing with inmates with major mental illnesses;

(viii) G1 Decision-making skills related to the use of reasonable force to effectively overcome and control resistive and/or hostile behavior;

(ix) G2 Instruction and practice using reasonable force tactics to effectively overcome and control resistive and/or hostile behavior;

(x) G3 Reality-based scenarios that enhance a new corrections professional's understanding and application of reasonable force decision-making and tactics within a correctional facility.;

(xi) H1 Basic gun-handling skills; and

(xii) H2 Basic understanding of the use, limitations and techniques of a service handgun, and proficiency in safety, proper gun-handling, marksmanship and firearms tactics.

(E) Conduct. An individual attending a DOC BCC is expected to uphold the minimum moral fitness standards for Oregon public safety officers during their training. DOC will document the date, type, and disposition of any student misconduct relating to the minimum standards for correctional officers. These include, but are not limited to, the following Zero Tolerance Offenses:

(i) Any unlawful act;

(ii) Dishonesty, lying or attempting to conceal violations;

(iii) Cheating;

(iv) Harassment; or

(v) Alcohol possession or use at the training venue.

(F) Course Curriculum.

(i) The DOC BCC will be based on the critical and essential job tasks identified in the most current Job Task Analysis for corrections officers provided to DOC by the Department.

(ii) The DOC BCC will incorporate the most current Instructional Goals provided to DOC by the Department.

(iii) The DOC BCC will incorporate curriculum updates provided to DOC by the Department, when those updates address the critical and essential job tasks or Instructional Goals referenced above.

### *Testing Requirements*

(G) Academic Testing. Academic testing will consist of written test questions that are valid, create reasonable academic rigor, and require students to demonstrate knowledge and application of the essential tasks identified within the DOC BCC curriculum. DOC must administer examinations and maintain a file of examinations conducted.

(i) Academic Testing Passing Score. Except as provided below, to successfully complete the DOC BCC, students must achieve a minimum score of 75% on each academic test. If a student does not attain a 75% score, and DOC retains the student as an employee in a certifiable position, DOC must remediate the student. After remediation, a student will be allowed one opportunity to re-test and achieve a minimum score of 75%.

(ii) Students must attain a score of 100% on all academic test questions on Use of Force topics. If a student fails to attain a 100% score on Use of Force topics, and DOC retains the student as an employee in a certifiable position, DOC must remediate the student. Remediation must include the student completing the DPSST Use of Force Remediation form to demonstrate understanding of each topic missed.

(H) Skills Testing. Skills testing will consist of evaluations documented by use of Skills Sheets during which students must demonstrate competence and achieve a "pass" score in each skill tested.

(I) Test Security and Integrity.

(i) DOC must develop and strictly enforce measures to ensure the security of test questions and integrity of all testing processes.

(ii) DOC must randomize the order of test questions and must develop a sufficient bank of test questions to ensure that students who fail to achieve a passing score and are remediated are given a ran-

domized test that includes some questions that are different than those in the test the student originally failed.

*Instructor Requirements*

(J) Instructor Qualifications.

(i) All instructors for the DOC BCC must meet or exceed the Instructor Certification standards for instructors at DPSST Basic courses and must be currently certified by the Department in the categories instructed.

(ii) DOC must verify that an instructor providing instruction within a category has the requisite subject matter knowledge, skills and abilities.

(K) The equivalency of the DOC BCC is subject to approval by the Board and verified by ongoing audits.

(L) DOC BCC documentation must include, but is not limited to:

- (i) Training schedules, to include all training related to DOC BCC hours, such as classroom, skills sheets, online training and scenarios;
- (ii) Classes with associated Instructional Goals and related hours;
- (iii) Participatory learning activities within each class;
- (iv) Testing Measures for each class; and
- (v) Attendance rosters.

(M) DOC BCC Class Training Schedule documentation for each DOC BCC must include, but is not limited to:

- (i) Notification of all anticipated DOC BCC training dates to include DOC BCC remediation training;
  - (ii) Times of DOC BCC training;
  - (iii) Locations of DOC BCC training; and
  - (iv) Instructors scheduled to provide training.
- (N) Ongoing DOC BCC student documentation during each DOC BCC must include, but is not limited to:
- (i) A list of students scheduled to attend training;
  - (ii) Student names, DPSST numbers, dates of employment and employing institutions;
  - (iii) Identification of any class or skill failure requiring remediation to including, but not limited to, the date and location of failure, date and location of remediation, the instructor who had oversight over remediation, and the result of remediation.

*Certification Requirements*

(O) Officer Certification. The applicant must meet the minimum standards for certification as a corrections officer contained in OAR 259-008-0060. DOC must submit the following documents at the time Basic certification is requested:

- (i) F-7 (Application for Certification);
- (ii) F-6 (Course Roster) for DOC BCC including the number of hours and the final cumulative score;
- (iii) F-6 (Course Roster) for DOC Advanced Corrections Course with attached itemized list of classes attended;
- (iv) Proof of current First Aid/CPR;
- (v) F-11 (Criminal Justice Code of Ethics); and
- (vi) FTO Manual Completion Report.

(P) Course Certification. Each DOC BCC class must be certified before officers who complete that BCC may be certified. The following Class Notebook requirements are needed prior to course certification:

- (i) F-6 DPSST Class Roster, listing all students who began the course, passed or failed the course, and those who did not complete the course.
- (ii) Curriculum for all components of the BCC, to include classroom, skills, online, and scenario training. The curriculum components must include lesson outlines, PowerPoint, handouts and other related documents to support each class.
- (iii) Schedule of classes within the course, to include roster for each class, weekly schedule outlining the dates of training, the location of training, the phases of training, the number of hours for each class, the name of the class, the instructors who provided instruction.
- (iv) Documentation of all training failures and remediation, to include class, date and location of training failure, the type of failure, the date, location and instructor who had oversight over the remediation of the failure and the result of the remediation.

(v) Testing measures, to include test questions and answers, individual student tests, student scores by student name, DPSST number and date of examination, and the overall class percentage.

(vi) Individual student records, to include evaluation forms, PQC qualification card, training records, and absence reports.

(vii) All skill sheets for every student completing some or all of the required skill sheets.

(7) Waiver. A person requesting a waiver of any course requirements is required to submit to the Department any supporting documents or pertinent expert testimony and evaluation requested. Any expense associated with providing such documentation, testimony or evaluation shall be borne by the person requesting the waiver or the requesting agency.

[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 1-1979, 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

**259-008-0030**

**Extension of the Time Limit for Course Completion**

The Department may grant an extension of time limit for completion of any course required by OAR 259-008-0025 upon presentation of evidence by a law enforcement unit or public or private safety agency that a law enforcement officer, telecommunicator, or emergency medical dispatcher was unable to complete the required course within the time limit prescribed due to a leave or any reasonable cause as determined by the Department, except where such extensions are limited by ORS 181.652(2), 181.653(2), 181.665(2), and 181.644(2).

Stat. Auth.: ORS 181.644, 181.651, 181.653 & 181.665

Stats. Implemented: ORS 181.644, 181.651, 181.653 & 181.665

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0035, 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 5-2004, f. & cert. ef. 4-23-04; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10

**259-008-0035**

**Waiver for Equivalent Training or Experience — Reciprocity**

(1) The Board or its designee may waive the completion of any course required by OAR 259-008-0025 upon presentation of documentary evidence by a law enforcement unit or public or private safety agency that a law enforcement officer, telecommunicator, or emergency medical dispatcher 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 law enforcement officers shall, if subject to such review, have been approved or certified by the employing agency in the state in which 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 those states which by law regulate and supervise the quality of police, corrections, parole and probation, telecommunications, emergency medical dispatch, and which require a minimum number of hours of classroom training equivalent to standards established by the Board.

Stat. Auth.: ORS 181.660

Stats. Implemented: ORS 181.660

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0045, 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

**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



(9) 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, or emergency medical dispatcher for more than 18 months unless that officer, telecommunicator, or emergency medical dispatcher has been certified under the provisions of ORS 181.610 to 181.705 and the certification has neither lapsed nor been revoked.

(3) No person may be employed as a corrections officer for more than one (1) year unless that officer has been certified under the provisions of ORS 181.610 to 181.705 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) 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 officer's return to his/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 (Medical Form).

[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; 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

#### 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, Advanced, Supervisory, Management, Executive and Instructor Certificates are awarded by the Department to law enforcement officers and telecommunicators meeting prescribed standards of training, education, experience; and the levels established by the employing law enforcement units, or public or private safety agencies. Emergency medical dispatchers may be awarded basic certification only.

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

(3) To be eligible for the award of a certificate, law enforcement officers must be full-time employees as defined by ORS 181.610 and OAR 259-008-0005 or part-time parole and probation officers, as described in ORS 181.610 and OAR 259-008-0066.

(4) To be eligible for the award of a certificate, law enforcement officers must meet the Board's prescribed minimum employment standards as established by OAR 259-008-0010.

(5) To be eligible for the award of a certificate, telecommunicators must meet the Board's prescribed minimum employment standards as established by OAR 259-008-0011.

(6) To be eligible for the award of a certificate, law enforcement officers must subscribe to and swear or affirm to abide by the Criminal Justice Code of Ethics (Form F11). Telecommunicators and emergency medical dispatchers must subscribe to and swear or affirm to abide by the Telecommunicator Code of Ethics. (Form F-11T).

(7) Application for certification must be submitted on Form F7 (Application for Certification), with all applicable sections of the form completed. The form must be signed by the applicant. In order to ensure that the applicant meets the minimum standards of employment, training, education, and experience, and is competent to hold the level of certification for which the applicant has applied, the department head or authorized representative must sign the form recommending that the certificate be issued or withheld. If the department head chooses not to recommend the applicant's request for certification, the reason for this decision must be specified in writing and must accompany the Form F7.

(8) 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.

(9) In addition to the requirements set forth above, each applicant must have completed the designated education and training, combined with the prescribed corrections, parole and probation, police 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 (1) education credit.

(b) Each semester credit unit granted by an accredited college or university operating on a semester schedule will equal one and one half (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.

(10) Training:

(a) Basic courses certified by the Department shall 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 paragraph (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.

(11) Experience/Employment:

(a) Experience gained as a corrections, parole and probation, or police officer employed full time with municipal, county, state, or federal agencies, may be accepted if the experience is in the field in which certification is requested and is approved by the Department. 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. A public safety professional may submit a written request for credit for military time served upon return from his or her military duty. The Department will evaluate each written request to determine whether an individual is eligible for any credit for time served;

(C) From the date a public safety professional's certification is recalled until it is reinstated by the Department; or

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

(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 field in which 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) Police, corrections, parole and probation, telecommunicator, or emergency medical dispatch experience in fields other than that in which certification is requested may receive partial credit when supported by job descriptions or other documentary evidence. In all cases, experience claimed is subject to evaluation and approval by the Department.

(12) The Basic Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Basic Certificate:

(a) Applicants must have completed a period of service of not less than nine (9) months with one or more law enforcement units or public or private safety agencies in a certifiable position in the field in which certification is being requested;

(b) Applicants must have satisfactorily completed the required Basic Course in the field in which certification is requested or have completed equivalent training as determined by the Department; and

(c) Applicants must have valid first aid and cardiopulmonary resuscitation (CPR) cards.

(13) The Intermediate Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Intermediate Certificate:

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

(b) Applicants must have acquired the combinations of education hours and training hours combined with the prescribed years of police, corrections, parole and probation or telecommunications experience, or the college degree designated combined with the prescribed years of experience as identified on the chart effective through October 31, 2012: [Table not included. See ED. NOTE.]

(14) Effective November 1, 2012:

(a) Applicants for an Intermediate Certificate in police, corrections or parole and probation must have acquired the combinations of education hours and training hours combined with the prescribed years of experience, or college degree designated combined with the prescribed years of experience as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(b) Applicants for an Intermediate Certificate in telecommunications must have acquired the following combinations of education hours, training hours, prescribed years of telecommunications experience, and competency as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(c) The years experience must be full-time employment within the discipline for which Intermediate certification is being applied.

(d) The training hours originating from a single training event that are used to meet the training hour requirement for Intermediate certification cannot be applied towards future levels of certification.

(e) The required years of experience are for the purpose of developing and demonstrating competency at the Intermediate level. The signature of the agency head or designee on an F-7 Application for Certification at the Intermediate level represents the agency's attestation that the applicant is performing at a level of competence expected at that certification level.

(15) Applicants for Intermediate certification may apply by satisfying the requirements described in subsection (13) or the requirements described in subsection (14) through October 31, 2014.

(16) The Advanced Certificate. In addition to the requirements set forth in section (1) 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 field in which certification is requested; and

(b) Applicants must have acquired the combinations of education and training hours combined with the prescribed years of corrections, parole and probation, police, telecommunications experience, or the college degree designated combined with the prescribed years of experience as identified on the chart effective through October 31, 2012: [Table not included. See ED. NOTE.]

(17) Effective November 1, 2012:

(a) Applicants for an Advanced Certificate in police, corrections or parole and probation must have acquired the following combinations of education and training hours combined with the prescribed years of experience, or the college degree designated combined with the prescribed years of experience as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(b) Applicants for an Advanced Certificate in telecommunications must have acquired the following combinations of education hours, training hours, prescribed years of telecommunications experience, and competency as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(c) The years of experience must be full-time employment within the discipline for which Advanced certification is being applied.

(d) The training hours originating from a single training event that are used to meet the training hour requirement for Advanced certification cannot be applied towards future levels of certification.

(e) The required years of experience are for the purpose of developing and demonstrating competency at the Advanced level. The signature of the agency head or designee on an F-7 Application for Certification at the Advanced level represents the agency's attestation that the applicant is performing at a level of competence expected at that certification level.

(18) Applicants for Advanced certification may apply by satisfying the requirements described in subsection (16) or the requirements described in subsection (17) through October 31, 2014.

(19) The Supervisory Certificate. In addition to requirements set forth in section (1) 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 field in which certification is requested;

(b) Applicants must have satisfactorily completed no less than 45 education credits as defined in section (10) of this rule;

(c) Applicants must have satisfactorily completed the prescribed Supervision training within five (5) years prior to application for the Supervisory Certificate; and

(d) Applicants must be presently employed in, or have satisfactorily performed the duties associated with, the position of a first-level supervisor as defined in OAR 259-008-0005 and as attested to by the applicant's department head during the time such duties were performed for a period of one (1) year. The required experience must have been acquired within five (5) years prior to the date of application.

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

(20) The Management Certificate. In addition to requirements set forth in section (1) 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 field in which certification is requested;

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in section (10) of this rule;

(c) Applicants must have satisfactorily completed the prescribed Middle Management training within five (5) years prior to application for the Management Certificate; and

(d) Applicants must be presently employed in and must have served satisfactorily 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 (2) years. The required experience must have been acquired within five (5) years prior to the date of application.

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

(21) The Executive Certificate. In addition to requirements set forth in section (1) 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 field in which certification is requested;

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in section (10) of this rule;

(c) Applicants must have satisfactorily completed 100 hours of Department-approved executive level training within five (5) years prior to application for the Executive Certificate; and

(d) Applicants must be presently employed in and must have served satisfactorily in a Middle Management position as Department Head or Assistant Department Head as defined in OAR 259-008-0005 for a period of two (2) years. The required experience must have been acquired within five (5) years prior to the date of the application.

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

(22) 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 (9) 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 twelve (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 (4) 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 twelve (12) hours of training specific to the telecommunicator discipline must be reported annually as required under OAR 259-008-0064.

(C) A minimum of twenty (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 agency 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 and provide notification to the individual and the employing agency.

(A) Within 30 days of receipt of notification, the agency must notify the Department of the training status of any law enforcement officer identified as deficient by submitting a Form F-16 (Maintenance



Training Log) to the Department identifying the maintenance training completed during the previous one (1) year reporting period.

(B) 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) Failure to notify the Department of completion of any required training for individuals with identified training deficiencies will result in a notification of recall letter being sent to the agency head and the officer.

(j) The Department will recall a law enforcement officer's certification for:

(A) Failure to complete or report any required maintenance training above on or before June 30th of each year; or

(B) Failure to submit a Form F-16 within 30 days after a warning notification letter has been sent.

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

(l) Recertification following a recall may be obtained at the approval of the Department by submitting the following:

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

(B) Verification that the missing training was completed.

(m) Failure to complete the required maintenance training may not result in a recall 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 recall any certificate or award as provided in the Act.

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

Stat. Auth.: ORS 181.640, 181.644, 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.: 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

## 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 and provide notification to the individual and his/her employing agency.

(c) Within 30 days of receipt of the notification in (3)(b) above, the agency or individual must notify the Department of the training status of any telecommunicator or emergency medical dispatcher 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.

(d) 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.

(4) Failure to notify the Department of completion of the required training for individuals with identified training deficiencies will result in a notification of recall letter being sent to the agency head and the officer.

(5) The Department will recall a telecommunicator's or emergency medical dispatcher's certification for:

(a) Failure to complete or report any required maintenance training identified in sections (1) or (2) above on or before June 30th of each year; or

(b) Failure to submit a Form F-16 within 30 days after a warning notification letter has been sent.

(6) A telecommunicator or emergency medical dispatcher with a recalled 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 recall may be obtained at the approval of DPSST by submitting the following to DPSST:

(a) A written request from the employing agency 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) Notwithstanding paragraph (6) of this subsection, the failure of a telecommunicator or Emergency Medical Dispatcher to complete required maintenance training will not result in recall 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 agency head.

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

Stat. Auth.: ORS 181.640 & 181.644

Stats. Implemented: ORS 181.640 & 181.644

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

## 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)(a) 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 and provide notification to the officer and his/her employing agency.

(b) Within 30 days of receipt of the notification in (a) above, the agency must notify the Department of the training status or First Aid/CPR certification of all police officers 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.

(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) Failure to notify the Department of completion of the required training for officers with identified training deficiencies will

result in a notification of recall letter being sent to the agency head and the officer.

(6) The Department will recall a police officer's certification for:

(a) Failure to complete any required maintenance training or maintain First Aid/CPR certification during the maintenance period identified in section (2); or

(b) Failure to submit the completed Form F-15M-Police, within 30 days after a warning notification letter has been sent.

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

(8) Recertification following a recall:

(a) Recertification following a recall may be obtained at the approval of the Department by submitting the following:

(A) A written request for re-certification from the employing agency 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 recalled status the police officer will be required to complete a Career Officer Development Course before s/he can be recertified.

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

(9) Agency 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 warning notification or recall of a police officer's certification as described in subsection (4) or (5) of this section.

(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 181.652, 181.653 & 181.667

Stats. Implemented: ORS 181.652, 181.653 & 181.667

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

## 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 181.610 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 agency 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 and provide notification of deficiency to the employing agency.

(a) Within the 30 days identified in the notification of deficiency, the agency must submit 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 for each officer identified as deficient.

(b) Failure to submit the completed Form F-17 to the Department for officers with identified training deficiencies will result in a notification of recall letter being sent to the agency head and officer.

(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) The Department will recall a part-time parole and probation officer's certification for:

(a) Failure to complete or report any required maintenance training identified in section (2) above on or before December 31st of each year; or

(b) Failure to submit a completed Form F-17 within the 30 days identified in the notification in (3) above.

(5) Recertification following a recall may be obtained at the approval of the Department by submitting the following to the Department:

(a) A written request from the employing agency 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.

(6) 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.

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

Stat. Auth.: ORS 181.640 & 181.653

Stats. Implemented: ORS 181.640 & 181.653

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

## 259-008-0067

### Lapsed Certification

(1)(a) The certification of any police officer, corrections officer, parole and probation officer who does serve as a police officer, corrections officer, parole and probation 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. Upon reemployment as a police officer, corrections officer, parole and probation officer, or recommencing service as a reserve officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.712.

(b) Notwithstanding paragraph (a) of this subsection, the certification of a police officer, corrections officer, parole and probation 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, unless the telecommunicator or emergency medical dispatcher is on leave from a public or private safety agency, is lapsed. Upon reemployment as a telecommunicator or emergency medical dispatcher, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.712.

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

## 259-008-0069

### Tribal Law Enforcement

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

(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 submit an Applicant Disclosure of Convictions in Tribal Jurisdiction (Form F-8) when:

(A) Reporting individuals hired into certified positions as prescribed in OAR 259-008-0020 (Personnel Action Report Form F-4); and

(B) Upon application for certification (Application for Certification Form F-7).

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

(d) A certified public safety professional 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 professionals.

(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 professionals employed with the affected tribal government. Upon reemployment as a public safety professional, 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

## 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 insure 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 or respect of the profession is compromised.



Definitions

(2) 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 or instructor for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (9) of this rule.

Grounds for Mandatory Denial or Revocation of Certification

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

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

(A) The public safety professional or instructor has been discharged for cause from employment as a public safety professional or instructor. 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 the Department of a Notice of Intent to Deny or Revoke Certifications (NOI), the public safety professional or instructor provides notice to the Department within the time stated in the NOI that the discharge has not become final, then the Department may stay further action pending a final determination.

(i) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification; (Comment: Conduct underlying the mandatory disqualifying misdemeanors involving these elements in Subsection (D) and the Category I offenses in section (4), is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(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. (Comment: Conduct underlying the Category II offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(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 or instructor would observe in a similar circumstance; (Comment: Conduct underlying the Category IV offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

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

(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. (Comment: Conduct underlying the Category III offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(B) The public safety professional or instructor 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 or instructor 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 or instructor has been convicted in this state or any of the following offenses, or of their statu-

tory counterpart(s) in any other jurisdiction, designated under the law where the conviction occurred as being punishable as a crime:

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);  
165.825 (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);  
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);  
807.520 (False swearing to receive license);  
807.620 (Giving false information to police officer);  
Any offense involving any acts of domestic violence as defined in ORS 135.230.

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

Discretionary Disqualifying Misconduct as Grounds for Denying or Revoking Certification

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

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

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

(B) The public safety professional or instructor 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 or instructor 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 professional failed to attend at least one session with a mental health professional within six months after the public safety professional 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 or instructor 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. 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 or instructor 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 or instructor'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:

- 97.931 (Registration of Salesperson for Endowment Care Cemeteries, Preconstruction Sales and Prearrangement Sales) — Category V;
- 97.933 (Certification of Provider of Prearrangement or Preconstruction) — Category V;
- 97.937 (Deposit of Trust Funds made by Endowment Care Cemeteries) — Category V;
- 97.941 (Prearrangement or Preconstruction Trust Fund Deposits) — Category V;
- 97.990(4) (Maintaining a Nuisance) — Category V;
- 162.405 (Official Misconduct in the Second Degree) — Category III;
- 162.425 (Misuse of Confidential Information) — Category III;
- 162.455 (Interfering with Legislative Operations) — Category V;
- 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;
- 164.043 (Theft in the Third Degree) — Category V;
- 164.132 (Unlawful Distribution of Cable Equipment) — Category V;
- 164.140 (Criminal Possession of Rented or Leased Personal Property) — Category V;
- 164.162 (Mail Theft or Receipt of Stolen Mail) — Category I;
- 164.243 (Criminal Trespass in the Second Degree by a Guest) — Category V;
- 164.245 (Criminal Trespass in the Second Degree) — Category V;
- 164.255 (Criminal Trespass in the First Degree) — Category V;
- 164.265 (Criminal Trespass While in Possession of a Firearm) — Category IV;
- 164.272 (Unlawful Entry into a Motor Vehicle) — Category V;
- 164.278 (Criminal Trespass at Sports Event) — Category V;
- 164.335 (Reckless Burning) — Category IV;
- 164.345 (Criminal Mischief in the Third Degree) — Category V;
- 164.354 (Criminal Mischief in the Second Degree) — Category V;
- 164.373 (Tampering with Cable Television Equipment) — Category V;
- 164.377 (Computer Crime) — Category V;
- 164.775 (Deposit of Trash Within 100 Yards of Water) — Category V;
- 164.785 (Placing Offensive Substances in waters/on highways or property) — Category IV;
- 164.805 (Offensive Littering) — Category V;
- 164.813 (Unlawful Cutting and Transporting of Special Forest Products) — Category V;
- 164.815 (Unlawful Transport of Hay) — Category V;
- 164.825 (Cutting and Transport of Coniferous Trees without Permit/Bill of Sale) — Category V;
- 164.845 (FTA on Summons for ORS 164.813 or 164.825) — Category V;
- 164.863 (Unlawful Transport of Meat Animal Carcasses) — Category V;
- 164.865 (Unlawful Sound Recording) — Category V;
- 164.875 (Unlawful Video Tape Recording) — Category V;
- 164.887 (Interference with Agricultural Operations) — Category II;
- 165.107 (Failing to Maintain a Metal Purchase Record) — Category V;
- 165.109 (Failing to Maintain a Cedar Purchase Record) — Category V;
- 165.540 (Obtaining Contents of Communications) — Category V;
- 165.555 (Unlawful Telephone Solicitation) — Category V;
- 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 V;
- 166.250 (Unlawful Possession of a Firearm) — Category V;
- 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 V;
- 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;
- 166.645 (Hunting in Cemeteries) — Category V;
- 166.649 (Throwing Object off Overpass in the Second Degree) — Category IV;
- 167.122 (Unlawful Gambling in the Second Degree) — Category V;
- 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;
- 167.351 (Trading in Nonambulatory Livestock) — Category V;
- 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;
- 167.390 (Commerce in Fur of Domestic Cats and Dogs) — Category V;
- 167.502 (Sale of Certain Items at Unused Property Market) — Category V;
- 167.506 (Record Keeping Requirements) — Category V;
- 167.808 (Unlawful Possession of Inhalants) — Category IV;
- 167.810 (Creating a Hazard) — Category IV;

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167.822 (Improper Repair Vehicle Inflatable Restraint System) — Category IV;  
411.320 (Disclosure and Use of Public Assistance Records) — Category II;  
468.922 (Unlawful disposal, storage or treatment of hazardous waste in the second degree) — Category V;  
468.929 (Unlawful transport of hazardous waste in the second degree) — Category V;  
468.936 (Unlawful Air Pollution in the Second Degree) — Category V;  
468.943 (Unlawful Water Pollution in the Second Degree) — Category V;  
468.956 (Refusal to Produce Material Subpoenaed by the Commission) — Category V;  
471.410 (Providing Liquor to Person under 21 or to Intoxicated Person) — Category IV;  
Chapter 496 — 498 (When treated as a misdemeanor crime) — Category based on the elements of the specific crime;  
609.341 (Permit Requirement for Keeping of Exotic Animals; Breeding of Animals) — Category V;  
609.405 (Requirement for Destroying Dog or Cat) — Category V;  
609.505 (Unlawfully Obtaining Dog or Cat) — Category V;  
609.520(c) (Animal Dealer Failing to Turn Over Dog or Cat) — Category V;  
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;  
717.200 to 717.320 (Any violation) — Category V;  
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;  
807.570 (Failure to Carry or Present License) — Category V;  
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 V;  
811.140 (Reckless Driving) — Category IV;  
811.172 (Improperly Disposing of Human Waste) — Category V;  
811.182 (Criminal Driving While Suspended or Revoked) — Category V;  
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 V;  
811.740 (False Accident Report) — Category I; and  
813.010 (Driving Under the Influence of Intoxicants) — Category IV.  
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 (Operation a Boat while Under the Influence of Intoxicating Liquor or Controlled Substance) — Category IV;  
830.383 (Person Required to Remedy Especially Hazardous Condition) — Category V;  
830.460(2) (Prohibited Activities — Operating a Vessel that Fails to Comply with Equipment Requirements) — Category V;  
830.460(3) (Prohibited Activities — Operating a Vessel without Liability Protection) — Category V;  
830.475(1) (Failure to Perform the Duties of an Operator at Accident) — Category V;  
830.730 (False Information) — Category I;  
830.909 (Abandoning Boat, Floating Home, or Boathouse) — Category V;  
830.955(1) (Prohibition of Installation of Submersible Polystyrene Device) — Category V;  
830.992 (Purchase of a Boat or Equipment from which Hull or Component Identification Number Removed) — Category V;  
830.994 (Operates a Boat in Violation of a Court Order) — Category;

### Initial Periods of Ineligibility

(d) Upon determination to proceed with the denial or revocation of a public safety professional's or instructor'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).

### Eligibility to Reapply; Ineligibility Periods

(5) 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.

### Guidelines for Denial or Revocation Based on Discretionary Disqualifying Misconduct

(7) In determining whether to take action on a conviction, the Department must use the following guidelines:

(a) In making a decision on a discretionary denial or revocation, the Department 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 officers adopted in 2001.

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

(c) The Department may take action on any conviction constituting discretionary disqualifying misconduct that occurred after January 1, 2001.

(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 or instructor.

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

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

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

### Procedure for Denial or Revocation of a Certificate

(8) Scope of Revocation. Whenever the Department revokes the certification of any public safety professional or instructor 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 or instructor requests that a public safety professional's or instructor's certification be denied or revoked, it must submit in writing to the Department the reason for the requested denial or revocation and all factual information supporting the request.

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

(c) Department Staff Review: When the Department receives information, from any source, that a public safety professional or instructor may not meet the established standards for Oregon public safety professionals or instructors, the Department 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 the Department 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, the Department will request further information from the employer or conduct its own investigation of the matter.

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

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

(E) In misconduct cases in which there has been an arbitrator's opinion related to the public safety professional's or instructor's employment, the Department will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the department 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, the Department 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, the Department 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) of this rule, based on discretionary disqualifying misconduct, the Policy Committees and Board will 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 or instructor'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 or instructor was a minor at the time and tried as an adult;

(iv) Whether the public safety professional or instructor served time in prison/jail and, if so, the length of incarceration;

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

(vi) Whether the public safety professional or instructor has ever been on parole or probation. If so, the date on which the parole/probation period expired or is set to expire; and

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

(C) Whether the public safety professional or instructor has engaged in the same misconduct more than once, and if so, over what period of time;

(D) Whether the actions of the public safety professional or instructor reflect adversely on the profession, or would cause a reasonable person to have substantial doubts about the public safety professional's or instructor'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 or instructor self-reported the misconduct;

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

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

(I) What the public safety professional's or instructor'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 or instructor.

(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 or instructor 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 Order: 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.

(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 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.

Appeals, Reapplication, and Eligibility Determinations

(10) Appeal Procedure. A public safety 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.

(11) Reapplication Process.

(a) Any public safety professional or instructor 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 or instructor 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 or instructor'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 or instructor'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 or instructor is employed or utilized by a public safety agency; 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

#### 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:

(a) The person is 21 years of age or older;

(b) The person 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) The person 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) 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.

(4) 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 (Moral Character);

(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)(k);

(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 shall be borne by the person requesting the waiver.

(i) Submitting an Application for Training (DPSST Form F-5) to the Department providing evidence that a minimum of a 12th grade reading and writing level has been attained, as required in OAR 259-008-0010(7)(c);

(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.

(5) 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.

(6) Any newly appointed public safety professional must submit a Personnel Action Report (DPSST Form F-4) to the Department within ten (10) business days after employment, as provided in OAR 259-008-0020.

(7) 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.

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

(a) A potential candidate for sheriff must submit an Application for Determination of Eligibility to Be Sheriff (DPSST Form F-25) to the Department not sooner than the first of July before the primary election and not later than the 70th day before any election (ORS 249.037);

(b) The Department will 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.

(9) Any candidate seeking election or appointment to the office of sheriff, must submit a criminal history affidavit (DPSST Form F-26), provided by the Department.

(10) If any falsification is made on the application or documents submitted in support of the application, the Department may deny approval, revoke and/or rescind any approval previously given.

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

[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

#### 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 recall of the Police Chief's certification:

(a) A Police Chief with a recalled 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 recalled certificate, the employing agency 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 recalled 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 181.640, 181.665

Stats. Implemented: ORS 181.640, 181.665

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

## 259-008-0080

### Certification of Instructors

(1) The Department shall certify instructors deemed qualified to teach in any of the certified training courses.

(2) Instructors will be certified on the basis of minimum qualifications as established by the Department in the areas of education, training, and experience. It shall be the continuing responsibility of the Department to see that instructors are assigned only topics which they are qualified to teach and the instruction is evaluated on a regular basis to insure that excellence is maintained.

(3) Instructors for corrections, parole and probation, police, telecommunications, or emergency medical dispatch, shall have a minimum of three (3) years experience in their respective professions or possess other qualifying professional experience.

(4) Review and approval of instructors shall be the responsibility of the Department.

(5) Applications for instructor certification, shall be submitted on an Instructor Certification Application (BPSST Form F-9) and shall be accompanied by a detailed resume of individual qualifications.

(6) If certification is denied, the requesting agency shall be notified in writing and advised of the reasons for denial.

(7) Instructor certification is not required for teaching assignments in non-Department certified courses.

(8) Review of instructor certification may be initiated upon the request of a department head, staff, or other reliable source.

(9) Instructor certification shall be valid for the term of the associated course.

[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

## 259-008-0085

### Certification of Courses and Classes

(1) The Department will certify state mandated courses and classes deemed adequate to effectively teach one or more approved public safety subject(s) to public safety professionals.

(2) Certification will be based on the evaluation of course curriculum or subjects for instruction, instructor qualifications, facilities for instruction, and method of instruction. The Department may cause inspections to be made pursuant to ORS 181.640(2).

(3) Facilities and equipment used for certified training must be accessible to all interested and qualified individuals.

(4) The Department recognizes courses at two levels: Content and Topical.

(a) Content level courses require a student demonstration of acquired knowledge, skill, or ability. Agencies, organizations, or individuals requesting course certification at the content level must submit an Application for Certification of Course (DPSST Form F-20), accompanied by clearly-defined performance objectives, test questions or evaluation criteria, and evidence of instructor certification as provided in OAR 259-008-0080. Applications received later than thirty (30) calendar days prior to the start of the course, will not be certified at the content level.

(b) Topical courses are non-mandated courses that are informational in nature. The Department does not certify topical courses.

(5) The Department must certify courses of instruction prior to course completion, or may approve exceptions to this requirement under documented unique circumstances. Records of attendance for training must be maintained by the entity conducting the training.

(6) The Department will notify the requester, in writing, of the denial or approval of course certification.

(7) Course rosters must be completed, indicating the actual number of hours attended by each student. Course rosters must also indicate whether each student passed or failed. Rosters must be returned to the Department within thirty (30) calendar days of course completion; otherwise, the Department may decertify the course.

(8) It is the responsibility of the requesting agency, organization, or individual, to:

(a) Oversee the preparation of curriculum and to insure its compliance with the requirements of the Department;

(b) Obtain a facility and instructor(s) to be used for the course, and insure their compliance with the requirements 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.

(9) Once a course is certified, it remains certified for unlimited delivery during that calendar year, unless there is a significant change in course content, number of hours or instructor(s); or unless it is decertified by the Department as provided in section (7) and (11) of this rule. The Department must be notified of significant changes.

(10) All course certification will expire on December 31 of each year. Agencies, organizations or individuals must request recertification to continue a course into a new calendar year.

(11) The Department may 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.

(12) Any law enforcement unit or public or private public safety agency, or any college, university, or academy may align their training or education programs with the standards set by the Department (OAR 259-008-0025) and apply for course certification in the manner described in section (4) of this rule.

(13) Unless written approval is granted otherwise, any course that has been declared mandatory by the Department shall require a minimum number of training hours in each specific subject that constitutes the course, as determined and modeled by the course being offered at the Oregon Public Safety Academy.

(14) Effective January 1, 2007, the department may not accredit any police training program provided by a public safety agency in



Oregon or any educational program as equivalent to the minimum training provided by the Department and required for basic certification as a police officer.

[ED. NOTE: Forms referenced are 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 259-010-0065, 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

### 259-008-0090

#### Training Records

(1) Upon receipt by the Department of a Personnel Action Report (BPSST 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 a public safety professional attended.

(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

### 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, 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, 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 those Department-certified public safety professionals 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 professional with a minimum of five (5) years of full-time public safety experience in Oregon.

(b) A public safety professional who has sustained a permanent disability that prevents a return to their certifiable position may qualify for a Retirement Card if the public safety professional has served a minimum of five (5) years as a full-time public safety professional in Oregon.

(c) The request for a Retirement Card must be made by the agency with which the public safety professional 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 professional.

(e) If a Retirement Card is lost or damaged, the Department may issue a replacement Card if requested by the applicable public safety professional. 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:

(A) For the purpose of placing names, law enforcement officer includes, as defined in ORS 181.610, police officer, reserve officer, corrections officer, and parole and probation officer. 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:

(A) Officers who suffered an "in-the-line-of-duty" death.

(i) "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.

(ii) 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.

(iii) 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/her duty in a grossly negligent manner at time of death are not included under this definition.

(iv) 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) In accordance with the Oregon Revised Statutes the Commission, in consultation with the Department, designates the following classifications of public safety personnel who may receive the Law Enforcement Medal of Honor.

(a) Eligibility:

(A) For the purpose of nominating names, 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:

(i) Commissioned; and

(ii) Responsible for enforcing criminal laws in the state of Oregon.

(b) Criteria for nominations for the state Law Enforcement Medal of Honor:

(A) Officers who have distinguished themselves by exceptionally honorable and meritorious conduct while in the performance of duty.

(i) "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.

(ii) "While in the performance of duty" requires acting in an official capacity and performing a law enforcement function.

(B) The exceptionally honorable and meritorious conduct must have occurred on or after January 1, 2006.

(c) Process for Nominations:

(A) All nominations must be submitted in writing to the Secretary of the Law Enforcement Medal of Honor Commission;

(B) All nominations must be presented on an official nomination form;

(C) All nominations must be postmarked no later than one year after the date an officer has performed exceptionally honorable and meritorious conduct;

(D) All nominations must be endorsed by the chief law enforcement officer of the department or agency of the nominee;

(E) All nominations must receive a unanimous vote by the Commission.

(F) Notwithstanding subsection (E) of this rule, a Commission member is prohibited from voting on any nomination submitted from their employing agency. The Commission may achieve a unanimous vote by obtaining a majority vote in instances when a Commission vacancy occurs or a Commission member has been excused from voting.

(G) Any and all documentation, which includes, but is not limited to, police reports, media reports, pictures, testimonials or affidavits, must accompany the nomination. 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.

(d) Law Enforcement Medal of Honor Award

(A) All awards will be presented by the Governor, or his/her designee, at an appropriate time determined by the Commission.

(B) A medal of honor may only be awarded for an event occurring on or after January 1, 2006. This includes medals awarded posthumously.

(C) An individual receiving the Law Enforcement Medal of Honor Award will retain the option for a public or private ceremony.

(C) The costs of awards and medals and the costs associated with a ceremony honoring persons receiving an award shall be paid out of the Law Enforcement Medal of Honor Account established in ORS 176.264.

(f) Commission Protocol:

(A) The Commission will meet no less than once every six months to consider candidates for nomination for the Law Enforcement Medal of Honor, unless no nominations have been received by the Commission during a six month period.

(B) The Commission will determine the protocol for all award ceremonies.

(C) The Commission retains sole authority to approve administrative rule changes relating to the law enforcement medal of honor.

Stat. Auth.: ORS 176.260 & 181.640

Stats. Implemented: ORS 176.260 & 181.640

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

## 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 shall promote the safety, efficiency, effectiveness, self-sufficiency and competence of fire service professionals.

(c) The Board and Department shall 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 shall consult with and inform each other fully on matters of fire standards, training and certification.

(e) The Board may adopt or approve all policies, standards and minimum requirements for 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 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

#### 259-009-0005

##### Definitions

(1) "Advanced Wildland Interface Fire Fighter (FFT1)" means a person who is an entry level supervisory position with the knowledge and skills to tactically supervise other fire line firefighters.

(2) "Authority having jurisdiction" means the Department of Public Safety Standards and Training.

(3) "Agency Head" means the chief officer of a fire service agency directly responsible for the administration of that unit.

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

(5) "Cargo Tank Specialty" means a person who provides technical support pertaining to cargo tank cars, provided oversight for product removal and movement of damaged cargo tanks, and acts as liaison between technicians and outside resources.

(6) "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.

(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) "Company Officer" means a fire officer who supervises a company of fire fighters assigned to an emergency response apparatus.

(9) "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.



(10) “Department” means the Department of Public Safety Standards and Training.

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

(12) “Entry Level Fire Fighter” means an individual at the beginning of his/her fire service involvement. During the probationary period an entry level fire fighter is in a training and indoctrination period under constant supervision by a more senior member of a fire service agency.

(13) “Field Training Officer” means an individual who is authorized by a fire service agency of by the Department to sign as verifying completion of tasks required by task books.

(14) “Fire Company” means a group of fire fighters, usually 3 or more, who staff and provide the essential emergency duties of a particular emergency response apparatus.

(15) “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.

(16) “Fire Ground Leader” means a Fire Service Professional who is qualified to lead emergency scene operations.”

(17) “Fire Inspector” means an individual whose primary function is the inspection of facilities in accordance with the specific jurisdictional fire codes and standards.

(18) “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.

(19) “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.

(20) “Fire Training Officer” means a fire service member assigned the responsibility for administering, providing, and managing and/or supervising a fire service agency training program.

(21) “First Responder” means an “Operations Level Responder”

(22) “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/WMD safe practices are followed at hazardous materials/weapons of mass destruction (WMD) incidents.

(23) “Hazardous Materials Technician” means a person who responds to hazardous materials/weapons of mass destruction (WMD) incidents using a risk-based response process by which they analyze a problem involving hazardous materials/weapons of mass destruction (WMD), select applicable decontamination procedures, and control a release using specialized protective and control equipment.

(24) “Incident Commander” (IC) means a person who is responsible for all incidents activities, including the development of strategies and tactics and the ordering and release of resources.

(25) “Intermodal Tank Specialty” means a person who provides technical support pertaining to intermodal tanks, provided oversight for product removal and movement of damaged intermodal tanks, and acts as a liaison between technicians and outside resources.

(26) “Marine Tank Vessel Specialty” means a person who provides technical support pertaining to marine tank vessels, provided oversight for product removal and movement of damaged marine tank vessels, and acts as a liaison between technicians and outside resources.

(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 Confined Space Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 7 sections 7.1 and 7.2.

(34) “NFPA Dive Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 11 sections 11.1 and 11.2, and Chapter 13 sections 13.1 and 13.2.

(35) “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.

(36) “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.

(37) “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.

(38) “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.

(39) “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.

(40) “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.

(41) “NFPA Fire Investigator” means an individual who conducts post fire investigations to determine the cause and the point of origin of fire. This individual has met the job performance requirements of NFPA Standard 1033.

(42) “NFPA Fire Officer I” means the 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)

(43) “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)

(44) “NFPA Fire Officer III” means the 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)

(45) “NFPA Fire Officer IV” means the fire officer, at the administrative level, who has met the job performance requirements in NFPA Standard 1021. (Fire Chief)

(46) “NFPA 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; adapt lesson plans to the unique requirements of the students and authority having jurisdiction; organize the learn-

ing environment so that learning is maximized; and meet the record-keeping requirements of authority having jurisdiction.

(47) “NFPA Instructor II” means a fire service instructor who, in addition to meeting Instructor I qualifications, has demonstrated the knowledge and ability to develop individual lesson plans for a specific topic including learning objectives, instructional aids, and evaluation instruments; schedule training sessions based on overall training plan of authority having jurisdiction; and supervise and coordinate the activities of other instructors.

(48) “NFPA Instructor III” means a fire service instructor who, in addition to meeting Instructor II qualifications, has demonstrated the knowledge and ability to develop comprehensive training curricula and programs for use by single or multiple organizations; conduct organization needs analysis; and develop training goals and implementation strategies.

(49) “NFPA Marine Land-Based Fire Fighter” means a member of a fire service agency who meets the job performance requirements of NFPA 1005.

(50) “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.

(51) “NFPA Rope Rescue — Level I” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 6 section 6.1.

(52) “NFPA Rope Rescue — Level II” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 6 section 6.2.

(53) “NFPA Surf Rescue” means a Fire Service Professional who had met the job performance requirements defined in NFPA 1006, Chapter 11 sections 11.1 and 11.2, and Chapter 15 sections 15.1 and 15.2.

(54) “NFPA Surface Water Rescue — Level I” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 11 section 11.1.

(55) “NFPA Surface Water Rescue — Level II” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 11 section 11.2.

(56) “NFPA Swiftwater Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 6 sections 6.1 and 6.2, Chapter 11 sections 11.1 and 11.2, and Chapter 12 sections 12.1 and 12.2.

(57) “NFPA Trench Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 8 sections 8.1 and 8.2.

(58) “NFPA Structural Collapse Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 9 sections 9.1 and 9.2.

(59) “NFPA Vehicle and Machinery Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 10 sections 10.1 and

(60) “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.

(61) “Operations Level Responder” means a person who responds to hazardous materials/weapons of mass destruction (WMD) incidents for the purpose of implementing or supporting actions to protect nearby persons, the environment, or property from the effects of the release.

(62) “Service Delivery” means to be able to adequately demonstrate, through job performance, the knowledge, skills, and ability of a certification level.

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

(64) “Tank Car Specialty” means a person who provides technical support pertaining to tank cars, provided oversight for product removal and movement of damaged tank cars, and acts as a liaison between technicians and outside resources.

(65) “Task Performance” means to be able to demonstrate the ability to perform the tasks, of a certification level, in a controlled environment while being evaluated.

(66) “The Act” refers to the Public Safety Standards and Training Act (ORS 181.610 to 181.705).

(67) “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.

(68) “Track” means a field of study required for certification.

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

(70) “Wildland Interface Crew Boss” means a person who is in supervisory position in charge of 16 to 21 fire fighters and is responsible for their performance, safety, and welfare.

(71) “Wildland Interface Division/Group Supervisor” means a person who is responsible to act in an ICS position responsible for commanding and managing resources on a particular geographic area of a wildland fire. Reports to a Branch Director or Operations Section Chief.

(72) “Wildland Interface Engine Boss” means a person who is in supervisory position who has demonstrated the skills and depth of knowledge necessary to function under general supervision while operating a piece of apparatus such as an engine.

(73) “Wildland Interface Fire Fighter (FFT2)” means a person at the first level of progression who demonstrated the knowledge and skills necessary to function safely as a member of a wildland fire suppression crew whose principal function is fire suppression. This position has direct supervision.

(74) “Wildland Interface Strike Team Leader Crew” means a person who is responsible to act in an ICS position and is responsible for the direct supervision of a crew strike team.

(75) “Wildland Interface Strike Team Leader Engine” means a person who is responsible to act in an ICS position and is responsible for the direct supervision of an engine strike team.

(76) “Wildland Interface Structural Group Supervisor” means a person who is responsible to act in an ICS position responsible for supervising equipment and personnel assigned to a group. Groups are composed of resources assembled to perform a special function not necessarily within a single geographic division. Groups, when activated, are located between branches and resources in the operations section. Reports to a Branch Director or Operations Section Chief.

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

## 259-009-0010

### Personnel Action Forms

(1) All public or private fire service agencies shall furnish to the Department the name, address, and other pertinent information concerning any newly appointed fire service professional on a Personnel Action Form (DPSST Form PAF-1) within thirty (30) business days after employment.

(2) Whenever fire service personnel resign, retire, or terminate employment, are discharged, or deceased, the agency head shall report this information to the Department on a Personnel Action Form (DPSST Form PAF-1) within thirty (30) business days of the action.

(a) The agency 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) The agency 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.

(3) All applicable sections of the Personnel Action Form (DPSST Form PAF-1) must be completed and signed by the agency head or an authorized representative.

(4) All applicants shall furnish to the Department on a Personnel Action Form (DPSST Form PAF-1) their social security number. The social security number is used to accurately identify the applicant and to verify information provided by fire service professionals under the Act in connection with revocation proceedings.

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

**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 shall, if subject to such review, have been approved or certified by the employing agency in the state in which 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 those states which by law regulate and supervise the quality of fire service training and which require a minimum number of hours of classroom training equivalent to 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

**259-009-0025**

**College Education Credits**

(1) College credits used for certification shall have been earned at a recognized college or university listed below or under subsection (2) of this rule. The Department shall only recognize those 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 and/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 shall furnish the Department official transcripts or a certified true copy of official transcripts.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02

**259-009-0030**

**Fire Policy Committee**

(1) 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 fire fighter recommended by a statewide organization of fire fighters.

(2) Policies and Objectives:

(a) 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. 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.

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

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

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

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

(5) 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.

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

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

Stat. Auth.: ORS 181.640 & 181.765

Stats. Implemented: ORS 181.640 & 181.765

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02

**259-009-0035**

**Certificates Are Property of Department**

Certificates and awards are the property of the Department, and the Department shall have the power to revoke or recall any certificate or award as provided in the Act.

Stat. Auth.: ORS 181.640, 181.644, 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

**259-009-0059**

**Minimum Standards for Employment as a Fire Service Professional**

(1) No person may be certified as a Fire Service Professional who has not yet attained 18 years of age.

(2) Only training received after attaining the age of 16 may be applied for certification purposes.

(3) DPSST Fire Service Agency affiliation may be attained after the age of 16 via submission of a PAF-1 (Personnel Action Form).

(4) Fingerprints. Any individual utilized by a fire service agency that is identified in the Oregon LEDS system as a multi-source offender is required to be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and must forward one (1) card, with the appropriate fees to the Department.

(5) Notification of Conviction:

(a) A fire service professional or instructor who is convicted of a crime, as identified in OAR 259-009-0070, while employed by a fire service agency must notify the agency head within five (5) business days of the conviction.



(b) When an agency receives notification of a conviction from a fire service professional, instructor, or another source, the 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.

Stat. Auth.: ORS 181.610 & 181.640

Stats. Implemented: ORS 181.610 & 181.640

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

## 259-009-0062

### Fire Service Personnel Certification

(1) A fire service professional affiliated with an Oregon fire service agency may be certified by satisfactorily completing the requirements specified in section (2) of this rule: through participation in a fire service agency training program accredited by the Department; or through a course certified by the Department; or by evaluation of experience as specified in OAR 259-009-0063. 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 personnel are hereby adopted by reference:

(a) The provisions of the NFPA Standard 1001, 2008 Edition, entitled "Fire Fighter Professional Qualifications";

(A) "Authority having jurisdiction" means the Department of Public Safety Standards and Training.

(B) Delete section 1.3.1.

NOTE: This references NFPA 1500.

(C) Delete section 2.2.

NOTE: This references NFPA 1500 and 1582.

(D) Entry Level Fire Fighter means an individual trained to the requirements of Section 2-1 Student Prerequisites, NFPA Standard 1403, 1997 Edition, entitled "Live Fire Training Evolutions" and the applicable safety requirements adopted by OR-OSHA. An individual trained to this level and verified so by the agency head is qualified to perform live-fire training exercises and to perform on the emergency scene under constant supervision. An Entry Level Fire Fighter should be encouraged to complete Fire Fighter I training within one year.

(E) Before an applicant can qualify for certification, the applicant must complete either a Task Performance Evaluation or a Department approved Task Book for Fire Fighter I and Fire Fighter II, signed off by the Agency Head or Training Officer.

(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 hereinafter stated:

(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 either a Task Performance Evaluation or a Department approved Task Book for: Driver, Pumper Operator, Aerial Operator, Tiller Operator, Wildland Fire Apparatus Operator, Aircraft Rescue and Fire-Fighting Apparatus Operator or Mobile Water Supply Apparatus Operator and signed off by the Agency Head or Training Officer before an applicant can qualify for certification.

(c) The provisions of the NFPA Standards 1003, 2005 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 and NFPA 1002 Aircraft Rescue and Fire Fighting Apparatus Operator (ARFF), as specified by the Department, and the job performance requirements defined in sections 6.1 through 6.4 must be met.

(B) All applicants for certification must complete either a Task Performance Evaluation or a Department-approved Task Book for: Airport Fire Fighter and signed off 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) "Authority having jurisdiction" means the Department of Public Safety Standards and Training.

(B) Delete section 2.2.

NOTE: This references NFPA 1500.

(C) Delete sections of 2.4.

NOTE: This references NFPA 1000, NFPA 1081, NFPA 1405, NFPA 1670 and NFPA 1710.

(D) 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.

(E) All applicants for certification must complete a Department approved Task Book for: Marine Fire Fighting for Land Based Fire Fighters and signed off by the Agency Head or Training Officer before an applicant can qualify for certification.

(e) The provisions of the NFPA Standards 1003, 2005 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 and NFPA 1002 Aircraft Rescue and Fire Fighting Apparatus Operator (ARFF), as specified by the Department, and the job performance requirements defined in sections 6.1 through 6.4 must be met.

(B) All applicants for certification must complete either a Task Performance Evaluation or a Department-approved Task Book for: Airport Fire Fighter and signed off by the Agency Head or Training Officer before an applicant can qualify for certification.

(f) 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) "Authority having jurisdiction" means the Department of Public Safety Standards and Training.

(B) Delete section 2.2.

NOTE: This references NFPA 1500.

(C) Delete sections of 2.4.

NOTE: This references NFPA 1000, NFPA 1081, NFPA 1405, NFPA 1670 and NFPA 1710.

(D) 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.

(E) All applicants for certification must complete a Department approved Task Book for: Marine Fire Fighting for Land Based Fire Fighters and signed off by the Agency Head or Training Officer before an applicant can qualify for certification.

(F) 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.

(g) 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 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 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 (5) years inspection experience. The Department may approve other Field Training Officers with equivalent training, education and experience as determined by designated Department staff.

(h) 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 a Field Training Officers with equivalent training, education and experience.

(i) The provisions of the NFPA Standard No. 1035, Edition of 2000, entitled "Professional Qualifications for Public Fire and Life Safety Educator" are adopted subject to the following definitions and modifications:

(A) Chapter 6 (Six) "Juvenile Firesetter Intervention Specialist I" and Chapter 7 (Seven) "Juvenile Firesetter Intervention Specialist II," Oregon-amended, shall be adopted with the following changes:

(i) Change the following definitions:

(I) 1-4.4 Change the definition of "Assessment" to read: "A structured process by which relevant information is gathered for the purpose of determining specific child or family intervention needs conducted by a mental health professional."

(II) 1-4.11 Change the title of "Fire Screener" to "Fire Screening" and the definition to read "The process by which we conduct an interview with a firesetter and his or her family using state approved forms and guidelines. Based on recommended practice, the process may determine the need for referral for counseling and/or implementation of educational intervention strategies to mitigate effects of fire-setting behavior."

(III) 1-4.14 Include "insurance" in list of agencies.

(IV) 1-4.15 Change the definition to read: "...that may include screening, education and referral for assessment for counseling, medical services."

(V) 1-4.16 Change "person" to "youth" and change age from 21 to 18.

(VI) 1-4.17 Add "using state-approved prepared forms and guidelines."

(VII) 1-4.22 Add "...or by authority having jurisdiction."

(VIII) 1-4.24 Add "...or as defined by the authority having jurisdiction."

(ii) Under 6-1 General Requirements, delete the statement, "In addition, the person shall meet the requirements for Public Fire and Life Safety Educator I prior to being certified as a Juvenile Firesetter Intervention Specialist I."

(B) A task book shall be completed prior to certification as a Public Fire and Life Safety Educator I, II or III.

(C) A task book shall be completed prior to certification as a Public Information Officer.

(D) A task book shall be completed prior to certification as a Juvenile Firesetter Intervention Specialist I and II.

(j) The provisions of the NFPA Standard No. 1041, Edition of 2007, entitled "Standard for Fire Service Instructor Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) "Fundamentals of Instruction" shall mean a 16-hour instructor training course for those instructors used for in-house training. This course includes a task book. This course does not lead to certification.

(B) Successfully complete an approved task book for Fire Service Instructor I and II. This requirement is effective for any application for certification after January 4, 2002.

(k) The provisions of the NFPA Standard 1021, 2009 Edition, entitled "Standards for Fire Officer Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) 4.1 General. For certification as 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 this Standard.

(i) Amend section 4.1.2 General Prerequisite Skills to include college courses or Department approved equivalent courses in the following areas of study: Communications, Math, Physics, Chemistry, or Fire Behavior and Combustion. Refer to the suggested course guide for detailed course, curriculum and training information.

(ii) All applicants for certification must complete either a Task Performance Evaluation or a Department approved Task Book for; NFPA Fire Officer I and signed off 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) Amend section 5.1.2 General Prerequisite Skills to include college courses or Department approved equivalent courses in the following areas of study: Psychology or Sociology.

(ii) Amend section 5.3 Community and Government Relations to include State and Local Government or Department approved equivalent courses.

(iii) All applicants for certification must complete either a Task Performance Evaluation or a Department approved Task Book for NFPA Fire Officer II, and signed 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, NFPA, NFPA 1041 Fire Instructor II, as defined by the Department, and meet the job performance requirements defined in Sections 6.1 through 6.7 of the Standard.

(i) All applicants for certification must complete a Department approved Task Book for NFPA Fire Officer III, and signed off 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 Department approved Task Book for NFPA Fire Officer IV, and signed off by the Agency Head or Training Officer, before an applicant can qualify for certification.

(l) Hazardous Materials Responder (DPSST-P-12 1/96).

(m) 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.

(n) Advanced Wildland Interface Fire Fighter (FFT1).

(A) This standard includes NWCG Wildland Fire Fighter Type 1.

(B) An individual applying for Wildland Interface Fire Fighter (FFT1) must be certified as Wildland Interface Fire Fighter (FFT2) prior to applying for Wildland Interface Fire Fighter (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; and
- (iii) Completion of the NWCG Firefighter Type 1 (FFT1)/Incident Commander Type 5 (ICT5) Task Book.

(o) Wildland Interface Fire Fighter (FFT2).

(A) This standard includes NWCG Wildland Fire Fighter Type 2.

(B) An individual applying for Wildland Interface Fire Fighter (FFT2) must document training in all of the following areas at the time of application:

- (i) S-130 Fire Fighter Training;
- (ii) S-190 Wildland Fire Behavior;
- (iii) L-180 Human Factors on the Fireline; and
- (iv) I-100 Introduction to ICS.

(p) Wildland Interface Engine Boss.

(A) This is an NWCG standard.

(B) An individual applying for Wildland Interface Engine Boss must be certified as Wildland Interface Fire Fighter prior to applying for Wildland Interface 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 S-231 Crew Boss (Single Resource);
- (iii) S-290 Intermediate Wildland Fire Behavior; and
- (iv) Completion of the Task Book for NWCG Single Resource

Boss Engine.

(q) Wildland Interface Crew Boss.

(A) This is an NWCG standard.

(B) An individual applying for Wildland Interface Crew Boss must be certified as Wildland Interface Fire Fighter prior to applying for Wildland Interface Crew 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 Crew Boss (Single Resource);
- (iii) S-290 Intermediate Wildland Fire Behavior; and
- (iv) Completion of the Task Book for NWCG Single Resource

Boss Crew.

(r) Wildland Interface Strike Team Leader Engine.

(A) This is an NWCG standard.

(B) An individual applying for Wildland Interface Strike Team Leader Engine must be certified as Wildland Interface Engine Boss prior to applying for Wildland Interface 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 WUI;
- (ii) S-330 Task Force/Strike Team Leader;
- (iii) I-300 Intermediate ICS; and
- (iv) Completion of the Task Book for NWCG Strike Team Leader Engine.

(s) Wildland Interface Strike Team Leader Crew.

(A) This is an NWCG standard.

(B) An individual applying for Wildland Interface Strike Team Leader Crew must be certified as Wildland Interface Crew Boss prior

to applying for Wildland Interface Strike Team Leader Crew and must document training in all of the following areas at the time of application:

- (i) S-215 Fire Operations in the WUI;
- (ii) S-330 Task Force/Strike Team Leader;
- (iii) I-300 Intermediate ICS; and
- (iv) Completion of the Task Book for NWCG Strike Team Leader Crew.

(t) Wildland Interface Structural Group Supervisor.

(A) This is an Oregon standard.

(B) An individual applying for Wildland Interface Structural Group Supervisor must be certified as Wildland Interface Strike Team Leader Engine prior to applying for certification as Wildland Structural Interface Group Supervisor 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; and
- (iii) Completion of the Task Book for NWCG Group Supervisor.

(u) Wildland Interface Division/Group Supervisor.

(A) This is an NWCG standard.

(B) An individual applying for Wildland Interface Division/Group Supervisor must be certified as Wildland Interface Strike Team Leader Engine and a Wildland Interface Strike Team Leader Crew prior to applying for certification as Wildland Interface Division/Group Supervisor 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; and
- (iii) 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 shall 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 2008 Edition of NFPA 1006 entitled, "Standards for Technical Rescuer Professional Qualifications" are adopted subject to the following modifications:

(A) The "Authority Having Jurisdiction" means the local or regional fire service agency.

(B) Historical Recognition:

(i) Applicants who currently hold active Department of Public Safety Standards and Training NFPA Surface Water Rescue Technician and NFPA Rope Rescue levels of certification may apply for NFPA Swiftwater Rescue level of certification.

(ii) The NFPA Technical Rescuer application for certification under (i) above must be submitted to the Department of Public Safety Standards and Training on or before December 30, 2011.

(C) 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.

(D) 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 sign off on the task book.

(iii) The requirements in Chapters 4 and 5 need only 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;
- (xi) Search Technician.

(C) An applicant applying for any USAR certification(s) must complete the appropriate application(s) 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 hereinafter stated:

(A) Hazardous Materials Technician: All applicants for certification must first certify as an Operations Level Responder and complete a Department approved Task Book, signed off by the Agency Head or Training Officer, before an applicant can qualify for certification.

(B) Hazardous Materials Safety Officer: All applicants for certification must first certify as a Hazardous Materials Technician and complete a Department approved Task Book, signed off 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 "Incident Commander." The Incident Commander correlates directly with NFPA 472. All applicants for certification must first certify as an Operations Level Responder.

(D) Operations Level Responder: The level of certification formerly known as "First Responder" is now known as "Operations Level Responder." The 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 Operations Level Responder.

(aa) Specialty Levels of Certification. All applicants for specialty levels of certification must first certify as a Hazardous Materials Technician.

- (A) The following four (4) specialty certifications are adopted:
  - (i) Cargo Tank Specialty;
  - (ii) Intermodal Tank Specialty;
  - (iii) Marine Tank Vessel Specialty;
  - (iv) 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, shall be required prior to certification. Such examinations shall be conducted in the following manner:

(a) Task performance competency shall 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 shall be used in accomplishing the task performance to be tested.

(c) Specific minimum testing procedures, as provided by the Department, shall 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 personnel from a fire service agency whose training program is not accredited.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

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. 6-11-10, 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. 3-28-11, cert. ef. 5-1-11; DPSST 7-2012, f. & cert. ef. 3-28-12; DPSST 21-2012, f. & cert. ef. 10-1-12

## 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 shall describe in writing all experience and training pertinent to the standard being challenged. The material presented shall be reviewed by a panel of three fire service professionals, appointed by the Department or designated staff. The fire service professionals shall determine what credit, if any shall be granted to the individual.

(3) Applicants may take a competency examination, if available. Applicants who fail examinations for any specific requirement may not be re-examined for a period of sixty days. Applicants who fail examinations for specific requirements may, after a sixty day interim period, apply to the Department to be re-examined by written or oral examination. Oral examinations shall 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 shall be granted credit for the job performance requirements. The contract shall be in writing and signed by the Director or designated representative and the individual seeking credit. The contract shall include a course of study, an evaluation process and a completion date.

(5) The Department or its designated representative shall notify the applicant of the results of the evaluation within sixty (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

## 259-009-0065

### Maintenance

(1) The Training Officer must verify that individuals have successfully performed essential functions for each certification through service delivery (see OAR 259-009-0005(29)), task performance (see OAR 259-009-0005(31)), or sufficient education or training hours to verify each member's certification pursuant to OAR 259-009-0065(2). Any certificate not verified by the agency will be recalled. 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;
  - (d) Training.
- (3) Operation Track:

(a) NFPA Fire Fighter I, NFPA Fire Fighter II, NFPA Driver, Hazmat First Responder, Hazmat Technician, NFPA Airport Fire Fighter, NFPA Pumper Operator, NFPA Aerial Operator, NFPA Tiller Operator, NFPA Aircraft Rescue and Firefighting 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 sixty (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 (4) 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, Wildland 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 twelve (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 (3) 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 (3) month extension has expired, will result in the recall of the Fire Service Professional's certification.

(c) Subject to Department approval, re-certification following a recall may be obtained by submitting the following:

(A) The employing agency head must request certification, and submit documentation explaining why the maintenance requirements were not completed or verified; and

(B) Submit verification that the maintenance requirements have been completed.

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

## 259-009-0067

### Lapsed Certification

(1) All levels of certification of any fire service professional shall be considered lapsed if the individual has not been utilized as such for more than twelve (12) consecutive months.

(2) A fire service professional whose certification has lapsed may 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 his/her 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

## 259-009-0070

### Denial/Revocation

(1) It is the responsibility of the Board to set the standards, and of the Department to uphold them, to insure 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 or respect of the profession is compromised.

### Definitions

(2) 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 (9) of this rule.

(b) "Discretionary Conviction" means a conviction identified in OAR 259-009-0070(6).

(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 subsection (9) of this rule.

### Grounds for Mandatory Denial or Revocation of Certification

(3) Mandatory Grounds for Denying or Revoking Certification of a Fire Service Professional or Instructor:

(a) 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 Aggravated Murder;

163.115 Attempted Murder;

163.115 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 (See exception under OAR 259-009-0070(4));

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.

(b) 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 the Department of a Notice of Intent to Deny or Revoke Certifications (NOI), the fire service professional or instructor provides notice to the Department within the time stated in the NOI that the discharge has not become final, then the Department may stay further action pending a final determination.

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

(B) 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.

(C) 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 fire service professional or instructor would observe in a similar circumstance;

(D) Incompetence: means a demonstrated lack of ability to perform the essential tasks of a fire service professional or instructor that remedial measures have been unable to correct.

(E) 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.

*Discretionary Disqualifying Misconduct as Grounds for Denying or Revoking Certification*

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Fire Service Professional or Instructor:

(a) The Department 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) The fire service professional or instructor has been convicted of an offense listed in subsection (4)(c), punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction.

(b) For purposes of this rule, the Department, through the Fire Policy Committee and Board, has defined core values that are integral to the fire service profession. These values are:

(A) Category I: Honesty. Honesty includes straightforwardness of conduct; integrity, adherence to the facts; freedom from subterfuge or duplicity; truthfulness and sincerity.

(B) Category II: Professionalism. Professionalism includes the conduct, aims, or qualities that characterize or mark a profession or a professional person; extreme competence in an occupation or pursuit.

(C) Category III: Justice. Justice includes just treatment, the quality or characteristics of being just, impartial, or fair.

(c) Pursuant to ORS 181.662(3)(b), the Department has determined that, in the absence of a determination to the contrary by the Fire Policy Committee and Board, a Fire Service Professional or Instructor who has been convicted of the following crimes has violated the core values of the fire service profession and may not be fit to receive or hold certification:

162.015 (Bribe Giving) — Category III;  
 162.025 (Bribe Receiving) — Category III;  
 162.065 (Perjury) — Category I;  
 162.117 (Public Investment Fraud) — Category I;  
 162.155 (Escape in the Second Degree) — Category II;  
 162.165 (Escape in the First Degree) — Category II;  
 162.185 (Supplying Contraband) — Category II;  
 162.205 (Failure to Appear in the First Degree) — Category II;  
 162.265 (Bribing a Witness) — Category III;  
 162.275 (Bribe Receiving by a Witness) — Category III;  
 162.285 (Tampering with a Witness) — Category III;  
 162.305 (Tampering with Public Records) — Category III;  
 162.325 (Hindering Prosecution) — Category III;  
 162.355 (Simulating Legal Process) — Category III;  
 162.365 (Criminal Impersonation) — Category I;  
 162.367 (Criminal Impersonation of a Peace Officer) — Category I;  
 162.415 (Official Misconduct in the First Degree) — Category II;  
 163.145 (Criminally Negligent Homicide) — Category III;  
 163.160 (Assault in the Fourth Degree) — Category III;  
 163.165 (Assault in the Third Degree) — Category III;  
 163.205 (Criminal Mistreatment in the First Degree) — Category III;  
 163.207 (Female Genital Mutilation) — Category III;  
 163.208 (Assaulting a Public Safety Officer) — Category III;  
 163.213 (Unlawful Use of an Electrical Stun Gun, Tear Gas or Mace in the First Degree) — Category II;  
 163.245 (Custodial Interference in the Second Degree) — Category III;  
 163.257 (Custodial Interference in the First Degree) — Category III;  
 163.275 (Coercion) — Category III;  
 163.355 (Rape in the Third Degree) — Category III;  
 163.425 (Sexual Abuse in the Second Degree) — Category III;  
 163.465 (Public Indecency) — Category III;  
 163.515 (Bigamy) — Category III;  
 163.525 (Incest) — Category III;  
 163.535 (Abandonment of a Child) — Category III;  
 163.537 (Buying or Selling a Person Under 18 years of age) — Category III;  
 163.547 (Child Neglect in the First Degree) — Category III;  
 163.555 (Criminal Non-Support) — Category III;  
 163.684 (Encouraging Child Sexual Abuse in the First Degree) — Category III;  
 163.686 (Encouraging Child Sexual Abuse in the Second Degree) — Category III;  
 163.688 (Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree) — Category III;  
 163.689 (Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree) — Category III;  
 163.732 (Stalking) — Category III;  
 163.750 (Violating Court's Stalking Protective Order) — Category III;  
 164.045 (Theft in the Second Degree) — Category I;  
 164.055 (Theft in the First Degree) — Category I;  
 164.057 (Aggravated Theft in the First Degree) — Category I;  
 164.075 (Theft by Extortion) — Category I;  
 164.125 (Theft of Services: by Deception) — Category I;  
 164.135 (Unauthorized Use of a Vehicle) — Category I;  
 164.140 (Criminal Possession of Rented or Leased Personal Property: felony only) — Category I;  
 164.170 (Laundering a Monetary Instrument) — Category I;

164.172 (Engaging in a Financial Transaction in Property Derived from Unlawful Activity) — Category I;  
 164.215 (Burglary in the Second Degree) — Category III;  
 164.225 (Burglary in the First Degree) — Category III;  
 164.235 (Possession of a Burglary Tool or Theft Device) — Category III;  
 164.315 (Arson in the Second Degree) — Category II;  
 164.325 (Arson in the First Degree — If not a conviction under ORS 137.700) — Category II;  
 164.365 (Criminal Mischief in the First Degree) — Category III;  
 164.377 (Computer Crime) — Category III;  
 164.395 (Robbery in the Third Degree) — Category III;  
 164.868 (Unlawful Labeling of a Sound Recording) — Category III;  
 164.869 (Unlawful Recording of a Live Performance) — Category III;  
 164.872 (Unlawful Labeling of a Videotape Recording) — Category III;  
 164.885 (Endangering Aircraft) — Category II;  
 164.889 (Interference with Agricultural Research) — Category III;  
 165.013 (Forgery in the First Degree) — Category I;  
 165.022 (Criminal Possession of a Forged Instrument in the First Degree) — Category I;  
 165.032 (Criminal Possession of a Forgery Device) — Category I;  
 165.055 (Fraudulent Use of a Credit Card: Felony Only) — Category I;  
 165.065 (Negotiating a Bad Check) — Category I;  
 165.070 (Possessing Fraudulent Communications Device) — Category I;  
 165.074 (Unlawful Factoring of Payment Card Transaction) — Category I;  
 165.085 (Sports Bribery) — Category III;  
 165.090 (Sports Bribe Receiving) — Category III;  
 165.579 (Cellular Counterfeiting in the Second Degree) — Category III;  
 165.581 (Cellular Counterfeiting in the First Degree) — Category III;  
 165.692 (Making False Claim for Health Care Payment) — Category I;  
 165.800 (Identity Theft) — Category I;  
 165.810 (Unlawful Possession of a Personal Identification Device) — Category I;  
 165.813 (Unlawful Possession of Fictitious Identification) — Category I;  
 166.005 (Treason) — Category II;  
 166.015 (Riot) — Category II;  
 166.085 (Abuse of Corpse in the Second Degree) — Category II;  
 166.087 (Abuse of Corpse in the First Degree) — Category II;  
 166.155 (Intimidation in the Second Degree) — Category III;  
 166.165 (Intimidation in the First Degree) — Category III;  
 166.220 (Unlawful Use of Weapon) — Category I;  
 166.270 (Possession of Weapons by Certain Felons: Felony only) — Category II;  
 166.275 (Possession of Weapons by Inmates of Institutions) — Category II;  
 166.370 (Possession of Firearm or Dangerous Weapon in Public Building or Court Facility; Exceptions; Discharging Firearm at School) — Category II;  
 166.382 (Possession of Destructive Device Prohibited) — Category II;  
 166.384 (Unlawful Manufacture of Destructive Device) — Category II;  
 166.429 (Firearms Used in Felony) — Category II;  
 166.438 (Transfer of Firearms at Gun Shows: Felony Only) — Category II;  
 166.450 (Obliteration or Change of Identification Number on Firearms) — Category II;  
 166.642 (Felon in Possession of Body Armor) — Category II;  
 166.643 (Unlawful Possession of Body Armor) — Category II;  
 166.649 (Throwing an Object Off an Overpass in the Second Degree) — Category III;  
 166.651 (Throwing an Object Off an Overpass in the First Degree) — Category III;  
 166.660 (Unlawful Paramilitary Activity) — Category III;  
 166.720 (Racketeering Activity Unlawful) — Category II;  
 167.012 (Promoting Prostitution) — Category III;  
 167.062 (Sadomasochistic Abuse or Sexual Conduct in Live Show: Felony Only) — Category III;  
 167.164 (Possession of Gray Machine) — Category I;  
 167.212 (Tampering with Drug Records) — Category I;  
 167.262 (Adult Using Minor in Commission of Controlled Substance Offense: Felony Only) — Category III;  
 167.322 (Aggravated Animal Abuse in the First Degree) — Category III;  
 167.339 (Assaulting Law Enforcement Animal) — Category III;  
 475.840 (Prohibited Acts Generally: Manufacture or Deliver a Controlled Substance) — Category II;  
 475.846 (Unlawful Manufacture of Heroin) — Category II;  
 475.848 (Unlawful Manufacture of Heroin Within 1,000 Feet of School) — Category III;  
 475.850 (Unlawful Delivery of Heroin) — Category II;  
 475.852 (Unlawful Delivery of Heroin Within 1,000 Feet of School) — Category III;  
 475.854 (Unlawful Possession of Heroin) — Category II;  
 475.856 (Unlawful Manufacture of Marijuana) — Category II;  
 475.858 (Unlawful Manufacture of Marijuana Within 1,000 Feet of School) — Category III;  
 475.860 (Unlawful Delivery of Marijuana: Felony only) — Category II;  
 475.862 (Unlawful Delivery of Marijuana Within 1,000 Feet of School) — Category III;  
 475.864 (Unlawful Possession of Marijuana: Felony only) — Category II;  
 475.866 (Unlawful Manufacture of 3,4-Methylenedioxymethamphetamine (Ecstasy)) — Category II;  
 475.868 (Unlawful Manufacture of 3,4-Methylenedioxymethamphetamine (Ecstasy) Within 1,000 Feet of School) — Category III;  
 475.870 (Unlawful Delivery of 3,4-Methylenedioxymethamphetamine (Ecstasy)) — Category II;  
 475.872 (Unlawful Delivery of 3,4-Methylenedioxymethamphetamine (Ecstasy) Within 1,000 Feet of School) — Category II;  
 475.874 (Unlawful Possession of 3,4-Methylenedioxymethamphetamine (Ecstasy)) — Category II;



475.876 (Unlawful Manufacture of Cocaine) — Category II;  
 475.878 (Unlawful Manufacture of Cocaine Within 1,000 Feet of School) — Category III;  
 475.880 (Unlawful Delivery of Cocaine) — Category II;  
 475.882 (Unlawful Delivery of Cocaine Within 1,000 Feet of School) — Category III;  
 475.884 (Unlawful Possession of Cocaine) — Category II;  
 475.886 (Unlawful Manufacture of Methamphetamine) — Category II;  
 475.888 (Unlawful Manufacture of Methamphetamine Within 1,000 Feet of School) — Category III;  
 475.890 (Unlawful Delivery of Methamphetamine) — Category II;  
 475.892 (Unlawful Delivery of Methamphetamine Within 1,000 Feet of School) — Category III;  
 475.894 (Unlawful Possession of Methamphetamine) — Category II;  
 475.904 (Unlawful Manufacture or Delivery of Controlled Substance Within 1,000 Feet of School) — Category III;  
 475.908 (Causing Another Person to Ingest a Controlled Substance) — Category III;  
 475.910 (Application of Controlled Substance to the Body of Another Person) — Category III;  
 475.914 (Prohibited Acts for Registrants: Deliver or Dispense Controlled Substance) — Category II;  
 475.962 (Distribution of Equipment, Solvent, Reagent or Precursor Substance with Intent to Facilitate Manufacture of Controlled Substances) — Category II;  
 475.967 (Possession of Precursor Substance With Intent to Manufacture Controlled Substance) — Category II;  
 475.977 (Possessing or Disposing of Methamphetamine Manufacturing Waste) — Category II;  
 811.182 (Criminal Driving While Suspended or Revoked) — Category II;  
 811.540 (Fleeing or Attempting to Elude Police Officer: Felony Only) — Category II;  
 811.705 (Failure to Perform Duties of a Driver to Person Injured) — Category II;  
 813.010 (DUI: Felony Only) — Category II.

Any crime that requires the fire service professional or instructor to register as a sex offender, "Attempt," "Solicitation," or "Conspiracy" to commit a crime listed in ORS 137.700 or in any other jurisdiction that, if committed in this state would constitute an attempt, solicitation, or conspiracy to commit a crime listed in 137.700 (and identified in OAR 259-009-0070(3)). Conviction of felony or Class A misdemeanor "Attempt," "Solicitation" or "Conspiracy" to commit a crime identified in this rule as a discretionary disqualifier.

(d) If a fire service professional or instructor held certification on or before January 15, 2008 and applies for a new certification, the Department will proceed as follows:

(A) No action will be taken on a discretionary conviction that occurred prior to January 15, 2003.

(B) The Department will not initiate revocation proceedings based on a discretionary disqualifying conviction that occurred between January 15, 2003 and January 15, 2008.

(C) The Department may initiate denial of a new certification based on a discretionary disqualifying conviction that occurred between January 15, 2003 and January 15, 2008.

(e) If a fire service professional or instructor held certification on January 15, 2008 and applies for or obtains certification after that date, the Department may initiate denial or revocation of all certifications held based on a discretionary disqualifying conviction that occurred prior to January 15, 2008.

(f) If a fire service professional or instructor is convicted of a discretionary disqualifying crime on or after January 15, 2008, the Department may initiate a denial or revocation of all certification(s) upon learning of the conviction.

#### *Initial Minimum Periods of Ineligibility*

(5) Upon determination to proceed with the denial or revocation of a fire service professional's or instructor's certification based on discretionary disqualifying misconduct identified in section (4), the Fire Policy Committee and Board will determine an initial minimum period of ineligibility to apply for certification. The initial minimum period of ineligibility will range from 30 days to 7 (seven) years.

(a) In determining the initial minimum period of ineligibility for discretionary disqualifying misconduct listed in section (4) of this rule, the Fire Policy Committee and the Board will take into consideration any aggravating or mitigating factors subject to the provisions of section (7) of this rule.

(b) A person is not eligible to reapply for training or certification if the person had training or certification denied or revoked for mandatory grounds identified in section (3) of this rule.

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

(d) Any subsequent eligibility to apply for certification will be determined by the Board, after a review by the Fire Policy Committee, subject to the provisions of section (9) of this rule.

#### *Procedure for Denial or Revocation of a Certificate*

(6) Scope of Revocation. Except as provided in (4) above, when the Department denies or revokes the certification of any fire service professional or instructor under the provisions of OAR 259-009-0070, the revocation will encompass all fire service certificates the Department has issued to that person.

#### *(7) Denial and Revocation Procedure.*

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

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

(c) Department Staff Review: When the Department receives information, from any source, that a fire service professional or instructor may not meet the established standards for Oregon fire service professionals or instructors, the Department 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 the Department 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, the Department will request further information from the employer or conduct its own investigation of the matter.

(C) If the Department determines that a fire service professional or instructor may have engaged in discretionary disqualifying misconduct listed in subsection (4), the case may be presented to the Board, through the Fire Policy Committee.

(D) 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 review.

(E) In misconduct cases in which there has been an arbitrator's opinion related to the fire service professional's or instructor's employment, the Department will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the department 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, the Department 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, the Department 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) of this rule, based on discretionary disqualifying misconduct, the Fire Policy Committee and Board will consider mitigating and aggravating circumstances including, but not limited to the following:

(A) When the misconduct occurred in relation to the fire service professional's or instructor's service as a fire service professional or instructor (i.e., before, during, after);

(B) Whether the fire service professional or instructor served time in prison/jail; and if so, the length of incarceration;

(C) Whether restitution was ordered, and if so, whether the fire service professional or instructor met all obligations;

(D) Whether the fire service professional or instructor has ever been on parole or probation. If so, the date on which the parole or probation period expired or is set to expire;

(E) Whether the fire service professional or instructor has more than one conviction and if so, over what period of time;

(F) Whether the misconduct involved domestic violence;

(G) Whether the fire service professional or instructor self-reported the misconduct;

(H) Whether the conduct involved dishonesty, fraud, deceit, or misrepresentation;

(I) Whether the conduct was prejudicial to the administration of justice;

(J) Whether the conduct adversely reflects on the fitness of the fire service professional or instructor to perform as a fire service professional or instructor;

(K) 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

(L) What the fire service professional's or instructor's physical or emotional condition was at the time of the conduct.

(e) Initiation of Proceedings: Upon determination by the policy committee 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 fire service professional or instructor.

(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 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.

(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 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.

(h) Default Order: 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.

(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 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.

(k) 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.

*Appeals, Reapplication, and Eligibility Determinations*

(8) 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.

(9) Reapplication Process.

(a) Any fire service professional or instructor whose certification has been denied or revoked under section (4) of this rule for discretionary disqualifying misconduct may reapply for certification within the applicable timeframes described in (4) and (5) of this rule.

(b) Any fire service professional or instructor 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 the maximum initial period of ineligibility identified in (5) 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 the Fire Policy Committee has recommended that a fire service professional's or instructor's eligibility to apply for fire service 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 fire service professional's or instructor's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Fire Policy Committee and the Board may consider mitigating and aggravating circumstances identified in Section (7)(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through the Fire 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 fire service professional or instructor is employed or utilized by a fire service agency; and

(D) All requirements for certification have been met.

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

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.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 3-2008, f. & cert. ef. 1-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 1-2011, f. 2-24-11, cert. ef. 4-1-11; DPSST 11-2011, f. & cert. ef. 7-1-11; DPSST 19-2012, f. & cert. ef. 8-31-12

## 259-009-0080

### Certification of Instructors

(1) The Department shall certify instructors deemed qualified to teach in any of the certified training courses.

(2) Instructors will be certified on the basis of minimum qualifications as established by the Department in areas of education, training, and experience. It shall be the continuing responsibility of the Department to see that instructors are qualified to teach.

(3) Instructors for subjects shall:

(a) Be certified or trained in the subject area they are teaching;

(b) Be certified as an NFPA Instructor 1; and

(c) Complete an instructor development course, or an equivalent course.

(4) Review and approval of instructors shall be the responsibility of the Department.

(5) Applications for instructor certification shall be submitted on an Instructor Certification Application (DPSST Form F-9F) and shall be accompanied by a detailed resume of individual qualifications.

(6) If certification is denied, the applicant shall be notified in writing and advised of the reasons for denial.

(7) Instructor certification is not required for teaching assignments in non-Department certified courses.

(8) Review of instructor certification may be initiated upon the request of an agency head, staff, or other reliable source.

(9) Instructor certification must be renewed every five (5) years or when there is a change to the standard.

(10) Instructors will be responsible for ensuring that student rosters shall be completed, indicating the actual number of hours attended by each student. Rosters shall also indicate whether each student passed or failed. Rosters shall be returned to the Department within thirty (30) calendar days of course completion; otherwise, the Department may decertify the course.

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

**259-009-0085**

**Certification of Courses and Classes**

(1) The Department shall certify courses, and classes deemed adequate to effectively teach one or more approved fire subject(s) to fire service personnel.

(2) Certification shall be based on the evaluation of course curriculum or subjects for instruction.

(3) Facilities and equipment used for certified training shall be accessible to all interested and qualified individuals.

(4) The Department shall certify courses at the Content level. Courses certified at the content level require a student demonstration of acquired knowledge, skill, or ability. Agencies, organizations, or individuals requesting course certification at the content level shall submit an Application for Certification of 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 shall notify the requesting agency, organization or individual, in writing, of the denial or the granted level of course certification. If certification is granted, that notification shall be accompanied by Student Rosters.

(6) It is the responsibility of the requesting agency, organization, or individual, to:

(a) Oversee the preparation of curriculum and to insure its compliance with the requirements of the Department;

(b) Obtain a facility and instructor(s) to be used for the course, and insure 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(s); or unless it is decertified by the Department as provided in section (9) of this rule. The Department shall be notified of significant changes.

(8) All course certification shall expire on December 31st of the fifth year after the initial certification. Agencies, organizations or individuals shall request recertification to continue a course for each additional five (5) years.

(9) The Department may 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

**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 program shall be under the direction of a designated training officer.

(b) Qualified instructors shall be provided to teach the various subjects.

(c) The organizational structure of the program shall be submitted to the Department along with course outlines of subject content, instructor qualifications, and the appropriate application form for accreditation. A plan shall be included which explains how the required training hours will be provided.

(d) The training officer shall schedule and make available annually to fire service personnel the following minimum hours of acceptable education and/or training:

DISCIPLINE — HOURS PER YEAR

Fire Suppression Personnel — 60 Hours

All Other Disciplines — 12 Hours

Instructor I, II, III — 4 Hours

(e) At the conclusion or as a part of the accredited training, the training officer shall require appropriate written examination and/or

task performance examination in accordance with standards and procedures adopted by the Department.

(f) Fire Service Personnel training records shall be maintained by the employing fire service agency for at least five years, after the fire service professional has left the agency, on the progress and amount of instruction completed by all fire service personnel in the fire service agency.

(g) The fire service agency shall 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. Apparatus may be accepted by judgment of the Department when it is of a special fire suppression need, and/or will adequately meet the training needs of the proposed program.

(h) A written accreditation agreement shall 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 shall be signed by the Department's designee; the Agency head of the fire service agency; City Manager or Chairman of the Rural Fire Protection District Board; and the training officer. The accreditation agreement must be reviewed every three (3) years.

(A) The review will consist of a written questionnaire which must be verified by the Fire Chief.

(B) An on-sight review may occur if there is a change in the accreditation agreement.

(C) The Agency head shall agree as a part of the accreditation agreement to allow, at any time, access by Department examiners to the fire service agency's personnel training records to verify training received by fire service agency personnel, and to monitor testing processes.

(2) The Agency head, on behalf of the fire service agency, shall have the right to appeal to the Department any proposed termination of the agreement.

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 8-2004, f. & cert. ef. 4-23-04

**259-009-0090**

**Training Records**

(1) Upon receipt by the Department of a Personnel Action Form (DPSST Form PAF-1), properly identifying a fire service professional, the Department shall 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 shall also be required of individuals interested in reviewing their own file.

(3) If an agency or employee requests a copy of their training record the request must be made in writing.

(4) Review and/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 shall 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

**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 shall 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

### 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) Supervisory and Middle Management Training:

(A) First priority for acceptance into the mandated supervisory and middle management 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. These persons must be designated as supervisors or middle managers by the assigning officials;

(B) Second priority will be granted to designated supervisors or middle managers from other public or private safety agencies;

(C) Third priority will be granted to persons from agencies which come under the mandatory provisions of ORS 181.610, 181.640, 181.644, 181.652, 181.653, and 181.665 and are not designated as supervisors or middle managers;

(D) Fourth priority will be granted to persons from other public or private safety agencies who are not designated as supervisors or middle managers;

(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) Executive Level Training:

(A) First priority for acceptance into executive level courses will be granted to command officers identified under the mandatory pro-

visions 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.

###### (d) 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

##### 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. & cf. 12-15-83; PS 1-1985, f. & cf. 4-24-85; PS 1-1990, f. & cf. 2-7-90; PS 2-1995, f. & cf. 9-27-95; PS 10-1997(Temp), f. & cf. 11-5-97; BPSST 1-1998, f. & cf. 5-6-98; BPSST 2-1998(Temp), f. & cf. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cf. 6-30-98; DPSST 4-2004, f. & cf. 4-23-04; DPSST 8-2006(Temp), f. & cf. 6-9-06 thru 12-1-06; DPSST 17-2006, f. & cf. 11-20-06; DPSST 5-2007(Temp), f. & cf. 2-15-07 thru 8-3-07; DPSST 8-2007, f. & cf. 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) Instructors;

(c) Any individual who occupies a position requiring a license or certification or is under investigation by the Department; or

(d) 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

##### 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 or instructor;
- (3) A private security professional;
- (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

### 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) When Check is Required (New Checks and Re-checks). An individual is required to have a check in the following circumstances:

(a) When a public safety professional applies for, or is employed by, a law enforcement agency, the public safety professional or applicant must submit to a criminal records check as required by OAR 259-008-0010.

(b) When a person applies for a license to conduct polygraphs, the polygrapher, or applicant, must submit to a criminal records check as required by the provisions of OAR 259-0020-0010 or 259-0020-0015.

(c) When a person is elected or appointed to the Office of Sheriff, the applicant must submit to a criminal records check as required by the provisions of OAR 259-008-0075.

(d) When a person applies for a private security certificate or license, the applicant must submit to a criminal records check as required by the provisions of OAR 259-060-0025.

(e) When a person applies for a private investigator license, the applicant must submit to a criminal records check as required by the provisions of OAR 259-061-0070.

(f) When a person is an instructor for the Department who is not certified as a public safety professional.

(g) 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

### 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 259-013-0250), 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 fingerprint card(s) 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

### 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 259-061-0040.

- (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 the rules adopted pursuant thereto. (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) Subject Individual Access.

(i) The subject individual must be allowed to inspect the LEDS report if the subject individual requests to see it. The LEDS report, and photocopies of the LEDS report, must not be given to the subject individual, with the following exception:



(ii) If a fingerprint-based criminal records check was conducted on the subject individual, then the individual shall not only be permitted to inspect the individual's own state and national criminal offender records in the custody of the Department, but if requested by the individual, be provided with a copy of those same records.

(b) Retention. LEDS reports must be retained and destroyed in accordance with records retention schedules published by Oregon State Archives.

(2) National (FBI) Information.

(a) Confidentiality and Dissemination.

(A) National criminal information provided by the FBI is confidential and may not be disseminated by the Department, with the following exception:

(B) If a fingerprint-based criminal records check was conducted on the subject individual, then the subject individual shall not only be permitted to inspect the individual's own state and national criminal offender records in the custody of the Department, but if requested by the subject individual, be provided with a copy of those same records.

(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) The Federal Bureau of Investigation (FBI) must return or destroy the fingerprint cards used to conduct the criminal records check and may not keep any record of the fingerprints. If the FBI policy authorizing return or destruction of the fingerprint cards is changed, the Department of State Police shall cease to send the cards to the FBI but shall continue to process the information through other available resources.

(b) If the FBI returns the fingerprint cards to the Department of State Police, the department must destroy the fingerprint cards and shall retain no facsimiles or other material from which a fingerprint can be reproduced.

(c) The Department of State Police may retain or destroy fingerprint cards after a criminal records check is completed and the results of the criminal records check is provided to the Department in accordance with rules adopted and procedures established by the Department of State Police.

(d) If only a state criminal records check is conducted, the Department of State Police may retain or destroy the fingerprint cards after the criminal records check is completed and the results of the criminal records check are provided to the Department in accordance with rules adopted and procedures established by the Department of State Police.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08

### 259-013-0280

#### Immunity from Liability

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 may not obtain or maintain a license or certificate issued by the department, or be employed. The Department or its employee acting within the course and scope of employment who in good faith complies with 181.534 is not liable for employment-related decisions based on the fitness determination. No Department, or an employee of the state, the Department, a business or an 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 181.534.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08

### 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, 259-020-0031, 259-060-0300 or 259-061-0040.

(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 not exceed the actual cost of acquiring and furnishing criminal offender information.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08

## DIVISION 15

### REIMBURSEMENT

### 259-015-0000

#### Eligibility for Reimbursement

(1) Participation in the Department's reimbursement program is limited to corrections or police officers as defined in the Public Safety Standards and Training Act (ORS 181.610). Temporary or special appointees may not participate. Reimbursement programs shall not apply to any state agencies or nongovernmental organizations.

(2) To be eligible for reimbursement, a law enforcement unit must adhere to the minimum standards for employment and training as defined in these rules.

(a) Personnel and training records maintained by the law enforcement unit must document compliance with these minimum standards.

(b) The law enforcement unit must complete and forward to the Department all necessary forms and reports requested by the Department.

(c) Corrections or police officers participating in a training course which qualifies for reimbursement shall not be required to report for duty with their employing department during the scheduled duration of the course unless an emergency exists or in normal response to a subpoena.

(3) A department employing a police or corrections officer who has successfully completed a course certified or presented by the Department, and for whom reimbursement has been legally claimed or paid, may not again claim reimbursement for repetition of the same course regardless of transfer or re-employment by another department, unless upon written application, the Department has granted prior and specific approval.

(4) If, in the judgment of the Department, a law enforcement unit has failed to adhere to the minimum standards for employment and training, the Department shall notify the law enforcement unit of said judgment and of its probable ineligibility for reimbursement and shall also request compliance. In the event that the law enforcement unit fails to comply, the Department may afford the concerned law enforcement unit's official representatives the opportunity to appear before it and present whatever arguments the law enforcement unit may deem appropriate in support of the claim. If the Department finds that the standards have not been adhered to, it will not only reject all claims for reimbursement, but will charge for training or other services normally offered free to law enforcement units. A law enforcement unit may be reinstated in the program and again become eligible for reimbursement and other benefits when, in the opinion of the Department, it has demonstrated that it will adhere to the prescribed standards. The period during which the law enforcement unit shall remain ineligible for reimbursement or other benefits shall be at the discretion of the Department.

Stat. Auth.: ORS 181.655

Stats. Implemented: ORS 181.655

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0095, 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

### 259-015-0005

#### Priorities and Course Requirements for Reimbursement

(1) Reimbursements for successful completion of courses shall be paid in the following priorities, depending upon funds available:

(a) Basic courses;

- (b) Supervisory courses;
- (c) Middle Management courses;
- (d) Career Officer Development;
- (e) Executive courses;
- (f) Specialized courses.

(2) Courses qualifying for reimbursement must be certified in accordance with Department rules. Applications for course certification must be submitted at least 30 days prior to the beginning of the course.

(3) Schedules of allowable reimbursement will be included in announcements of course certification, individual course announcements, and otherwise published by the Department as needed or required.

(4) Upon request, the Department will furnish estimates and forecasts of reimbursement schedules if needed by law enforcement units for planning and budget preparations.

Stat. Auth.: ORS 181.655

Stats. Implemented: ORS 181.655

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; Renumbered from 259-010-0100, 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

#### 259-015-0010

##### Claims for Reimbursement

(1) A law enforcement unit shall complete and submit each claim for reimbursement on a Claim for Reimbursement (**BPSST Form F-18**) no later than 21 days after completion of a course.

(2) Individual claims must be submitted for each eligible law enforcement officer for whom the law enforcement unit seeks reimbursement.

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

Stat. Auth.: ORS 181.655

Stats. Implemented: ORS 181.655

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0105, PS 1-1983, f. & ef. 12-15-83; PS 2-1995, f. & cert. ef. 9-27-95; 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 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) 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.

(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 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.

(g) 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 may be required by the Department.

(h) 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 (2) 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/her request/justification for the extension, polygraph log, and ten of the last 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 or review of a polygraph examination.

(3) A trainee must not conduct more than five (5) completed examinations, of any type, in any one calendar day. A completed examination is an examination as defined in OAR 259-020-0005(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 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

## 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) 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;

(e) 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 ORS 181.610, whose fingerprints are on file in accordance with OAR 259-008-0010, are exempt from this fingerprinting requirement.

(f)(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.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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

## 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) The Department may deny, suspend or revoke the license of any polygraph examiner or trainee, if it finds that the person:

(a) Failed to inform an individual being examined as to the nature of the examination or failed to advise the individual or authorized representative of the results of the examination;

(b) Failed to inform an individual being examined that participation in the examination is voluntary;

(c) Made a material misstatement in the application for an original or renewal license under provisions of the Act;

(d) Willfully disregarded or violated any provision of the Act or any rule adopted pursuant to it, including, but not limited, to the willful making of a false report of a polygraph examination or failing to appear for re-examination as directed by the Director and on the recommendation of the Polygraph Licensing Advisory Committee;

(e) Made any willful misrepresentation or employed any false or misleading advertising to obtain business or the services of a trainee;

(f) Has demonstrated any inability or incompetency to carry out the duties of a polygraph examiner. The following are indicators of inability or incompetence to carry out the duties of a polygraph examiner:

(A) Illegal conduct involving moral turpitude;

(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(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 any part of an examination, including, but not limited to, the results of the examination; or

(F) Failing to maintain any or all written records, along with polygraph charts or polygrams, of all polygraph examinations which they conduct. For purposes of validation, credibility, or accreditation these records and charts are to be maintained in a manner consistent with State Archivist rules pertaining to reports of investigations conducted by Oregon State Police.

(g) Has permitted a license granted under the Act or any rule adopted pursuant to it to be used by another person;

(h) Has willfully aided or abetted any violation of provisions of the Act or any rule adopted pursuant to it; or

(i) Has failed, within a reasonable amount of time, to provide any information requested by the Director after the receipt by the Department of a complaint alleging a violation of the Act or any rule adopted pursuant to it.

(2) The Department shall suspend the trainee's license of any person who fails to pass the oral or written portion of the examination required by OAR 259-020-0015(1)(h) after three attempts in accordance with OAR 259-020-0015(3)(b). The applicant may not reapply for internship until after retaking and successfully completing a polygraph examiner's course approved by the Department.

(3) Upon receipt of written notification of the suspension or revocation by the Department of a license, a polygraph examiner or trainee shall immediately surrender the license to the Director. The Department may restore a suspended license to the prior holder or may issue a license previously denied under subsection (1) of this rule upon written application and receipt by the Department of evidence that the con-

ditions which caused the denial or suspension have been corrected to the satisfaction of the Department. All actions taken by the Department pursuant to this section will be in conformance with the Oregon Administrative Procedures Act.

(4) The Department shall conduct all proceedings under the Act in accordance with ORS Chapter 183. Judicial review of an action by the Department shall be provided in ORS 183.480 to 183.500.

(5) Waivers of the standards will not be allowed unless the trainee or examiner can present evidence that the circumstances are so extraordinary that the rule should not apply to them and that, if approved, the waiver will not adversely affect the safety of the public. All requests for waivers will be submitted to the Polygraph Licensing Advisory Committee for approval.

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

## **259-020-0031**

### **Procedure for Complaints, Denial, Suspension or Revocation**

(1) The Department may deny, revoke, or suspend any polygraph examiner or trainee license after written notice and a hearing, if requested, based upon a violation of any provision of The Act.

(2) Citizen request: When a citizen submits a complaint on any polygraph examiner or trainee license to the Department, including the basis for the complaint and all factual information supporting the complaint, it will be the responsibility of the Polygraph Licensing Advisory Committee to review and investigate the complaints and make a recommendation to the Director on all allegations against the licensed polygraph examiner or trainee.

(a) The Director will review the complaint, the Committee recommendation, and the supporting factual information to determine if the complaint and recommendation meet statutory and administrative rule requirements.

(b) If the issues of the complaint do not meet the statutory and administrative rule requirements, the Department will so notify the citizen.

(c) 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 requesting citizen or Polygraph Licensing Advisory Committee.

(d) 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.

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

(4) 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. The Department will have a copy of the Notice served on the person whose license is being affected.

(5) Response Time:

(a) If the Department is seeking denial, a party who has been served with the "Contested Case Notice of Intent to Deny Licensure" will have 60 calendar days from the date of the mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(b) If the Department is seeking revocation, a party who has been served with the "Contested Case Notice of Intent to Revoke Licensure" will have 20 days from the date of the mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(c) If the Department is seeking suspension, a party who has been served with the "Contested Case Notice of Intent to Suspend Licensure" will have 10 calendar days from the date of the mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(6) 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.

(7) Stipulated Order Revoking Licensure: The Department may enter a stipulated order revoking the licensure of a polygraph examiner or trainee upon the person's voluntary agreement to terminate an administrative proceeding to revoke licensure, or to relinquish licensure, under the terms and conditions outlined in the stipulated order.

Stat. Auth.: ORS 703.230  
Stats. Implemented: ORS 703.230  
Hist.: 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 9-2001, f. & cert. ef. 9-19-01; BPSST 14-2002, f. & cert. ef. 7-1-02; DPSST 5-2011(Temp), f. & cert. ef. 6-13-11 thru 12-1-11; DPSST 12-2011, f. & cert. ef. 8-1-11

## **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 cardio-vascular 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 shall be to assist and advise the Department concerning the administration of the Act. The advisory committee's duties may include, but not be limited to, providing advice and assistance to the Department in matters of 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 shall 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 shall be initially appointed each for a two-year term with additional reappointments to two-year terms.

(3) The advisory committee shall select one of its members to serve as chairperson, and one to serve as vice-chairperson.

(4) The advisory committee shall hold regular meetings a minimum of three times per year; approximately once every four months. The advisory committee shall 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 shall consist of at least four persons qualified as general examiners; one a member of the Oregon Department of State Police, one a member of a county sheriff's department, one a member of a city police agency, and one 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

## **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

#### FEES 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.

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

### 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 40

#### COMPLIANCE

### 259-040-0000

#### Compliance

(1) The Department may conduct inspections of records and procedures of public and private safety agencies that are under the purview of the Public Safety Standards and Training Act in order to verify adherence to any applicable rule.

(2) The Department may initiate administrative and/or court action to enforce compliance with the provisions of ORS 181.610 to 181.705 and the rules promulgated thereunder.

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 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 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" means 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 in possession of a firearm at any time while performing duties as a private security professional.

(6) "Assessment Module" 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 181.875 and the rules set forth in this Division.

(9) "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.

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

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

(12) "Direct Supervision" means actively monitoring work by the ongoing and uninterrupted presence of a certified private security professional, or a licensed executive or supervisory manager.

(13) "Employer" means an individual or entity who employs persons to provide private security services.

(14) "Executive Manager" means a person:

(a) Who is authorized to act on behalf of the 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 ORS 181.870- to 181.991.

(15) "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.

(16) "Fundamental" means a duty that is a basic task or function and may be low frequency, but is an essential component of a job.

(17) "Instructor" means any person who has been certified by the Department as meeting the requirements to provide instruction to private security providers or applicants.

(18) "License" means recognition by the Department that an employer, contractor, executive manager or supervisory manager meets the requirements adopted by the Board as necessary to provide private security services.

(19) "Policy Committee" means the Private Security and Investigator Policy Committee.

(20) "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.

(21) "Private" as used in ORS 181.870-181.887 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.

(22) "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 the 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.

(23) "Private Security Provider" means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor.

(24) "Private Security Services" means the performance of at least one of the following activities:

(a) Observing and reporting of any unlawful activity;

(b) Preventing or detecting theft or misappropriation of 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;

(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.

(25) "Private Security Services Providers Act" or "The Act" means the Private Security Providers Act (ORS Chapter 181.870 through 181.991.)

(26) "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.

(27) "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.

(28) "Surrender" means the voluntary relinquishment of private security certification or licensure to the Department.

(29) "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.

(30) "Temporary Work Permit" means a temporary certification or licensure issued by the employer 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 applicants.

(31) "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.

(32) "Violation" means an act or omission that is prohibited under the Act or these rules.

Stat. Auth.: ORS 181.870 & 181.878

Stats. Implemented: ORS 181.870 & 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 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. 10-26-12, cert. ef. 11-1-12

## 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 Providers Act and these rules.

(2) Persons described in ORS 181.871 are exempt from regulation as private security providers.

(3) Private security providers are prohibited from:

(a) Providing private security services as a private security professional without having a certificate or license issued under the Act and these rules in the person's possession;

(b) Carrying a concealed weapon while providing security services unless currently certified as an armed private security professional and licensed under ORS 166.291; or

(c) Providing training to private security professionals or applicants unless currently certified as an instructor.

(4) For the 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.

(5) Change of Information.

(a) An applicant or private security provider must notify the Department within 14 calendar days of any change of address using the Form PS-23 (Private Security Services Provider Change of Information.)

(b) Executive managers may use the Form PS-23 to advise the Department of terminations of employment.

(6) Notification of Arrest. Pursuant to ORS 181.885, any private security provider or applicant who is charged with a crime must noti-

fy their 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 the arrest.

(7) 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 181.873, 181.871 & 181.878

Stats. Implemented: ORS 181.873, 181.871 & 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 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

## 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 provide documentary evidence of one of the following:

(A) A high school diploma;

(B) Successful completion of the General Education Development (GED) test; or

(C) Other documentation verifying a high school education or GED, which may be accepted at the discretion of the Department.

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

(c) Individuals who were certified or licensed on or before November 1, 2012 are exempt from the education requirements identified in subsection (2)(a).

(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. 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 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. 10-26-12, cert. ef. 11-1-12

## **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) A completed fingerprint packet. A fingerprint packet must include a pre-printed FBI fingerprint card and a Form PS-4 (Affidavit of Person Rolling Fingerprints) completed by the person rolling or scanning the fingerprints. The card and form must be enclosed in a tamper-proof bag and sealed by the person who rolled the fingerprints before the packet is returned to the applicant. The Department will supply pre-printed FBI fingerprint cards and tamper-proof bags.

(i) The Department will only accept fingerprint cards correctly rolled and completed by private security or public safety personnel trained to roll fingerprints, or a person who is employed and trained by a private business that provides fingerprinting services.

(ii) If a fingerprint card is rejected twice by the Federal Bureau of Investigation, the applicant will 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, an original, 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 (Continuing Education Form); and

(E) 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, an original, completed Form PS-20. Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(D) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(E) 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.

(F) Individuals currently certified as an unarmed private security provider applying to add armed private security certification must carry a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing private security services 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) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(D) Individuals currently certified as an unarmed private security provider applying to upgrade to armed private security certification must carry a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing private security services until a new certificate is received.

(3) Timelines.

(a) A completed application packet must be mailed to the Department and postmarked 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) If a renewal applicant is currently employed and submits a renewal application packet less than 30 days prior to the expiration of certification or licensure, the submission of a Form PS-20 is required to continue providing private security services while the application packet is being processed.

(d) 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.

(e) 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 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

### 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). The Form PS-20 is a three-page document which requires an original signature on all three pages.

(A) The appropriate portion of the Form PS-20 must be mailed to the Department and must be postmarked on or before the first day the applicant performs private security services.

(B) The appropriate copy of the Form PS-20 must be retained by the employer and employee and kept on his person at all times while providing security services in the state of Oregon or while on duty.

(C) The employee's copy must be presented 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. Subsequent Temporary Work Permits may be issued by contacting the Department and receiving approval.

(d) Upon request, an employing, licensed manager may replace a Temporary Work Permit that has been lost or destroyed.

(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 181.873(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). The Form PS-9 is a triplicate form.

(A) The appropriate portion of the Form PS-9 must be mailed to the Department and must be postmarked on or before the first day the applicant performs private security services.

(B) The appropriate copy of the Form PS-9 must be retained by the employer and employee and kept on his person at all times while providing security services in the state of Oregon or while on duty.

(C) The employee's copy must be presented 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

### 259-060-0060

#### Minimum Standards for Training

(1) All private security training 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 training must be administered by a certified private security firearms instructor.

(4) The Department will deliver orientation training to managers and instructors.

(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 training as specified in these rules. The Form PS-6 must be signed by the certified instructor who administered the training and enclosed in a tamper-proof bag, sealed by the instructor.

(9) To satisfy the training requirements for private security certification or licensure, training must be completed and submitted to the Department on a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) 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) Assessment Module. The assessment module is a hands-on, practical exercise given to private security professionals that will reinforce the knowledge and techniques presented during classroom instruction. The module consists of evaluation and includes, but is not limited to, scenarios requiring application of task-related skills learned in the basic classroom instruction.

(c) Basic Firearms Training. Basic Firearms training 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, an assessment module and a written examination. Training must be delivered by the Department or designee. Instructor applicants must use a Board-approved manual to review the training in a self-study environment; and

(e) Manager Course. The manager course trains on Department policies and procedures. The course includes classroom instruction, an assessment module and a written examination. Private security man-

ager applicants must use a Board-approved manual to review the training in a self-study environment.

(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 Refresher Training includes four hours of biennial refresher training 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 259-060-135(8).

(13) All private security providers who have previously been certified or licensed by the Department as a private security provider whose certification or licensure has been expired for over four years from must reapply and complete all required training again in accordance with OAR 259-060-0025(2)(a).

[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. 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

## 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.

(c) Upon a successful challenge of the classroom instruction, each applicant will receive a private security professional manual, containing the basic classroom instruction curriculum, to serve as a resource for the challenging applicant.

(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. 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

## 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. To satisfy the renewal training requirements, training must be completed no more than 180 days before the expiration of the current certification.

(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 eight hours of unarmed basic classroom instruction and exam and a four-hour unarmed assessment.

(c) Biennial unarmed renewal training consists of a four-hour unarmed renewal course and exam. To satisfy the renewal training requirements, training must be completed no more than 180 days before the expiration of the current certification.

(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) Eight hours of unarmed basic classroom instruction, exam and four-hour unarmed assessment; and

(B) Basic firearms training 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) Armed annual refresher training consists of a minimum of four hours including the armed refresher course and exam and firearms marksmanship requalification. To satisfy the training requirements, armed annual refresher training must be completed no more than 180 days before the certification anniversary or expiration of the current certification.

(e) In addition to the annual refresher training, armed private security professionals must complete an unarmed renewal training biennially. Renewal training must be completed no more than 180 days before the expiration of the current certification.

(6) Department-accredited training 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 181.873 - 181.878 & 181.883 - 181.885  
 Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 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 3-2005(Temp), f. & cert. ef. 4-25-05, 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. 10-26-12, cert. ef. 11-1-12

#### 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) Eight-hour basic classroom instruction and exam; and

(b) Manager course, exam and assessment module.

(6) Biennial renewal training consists of the manager course, exam and assessment module.

(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 company 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.

(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 181.873 - 181.878 & 181.883 - 181.885  
 Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 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 6-2006, f. & cert. ef. 5-15-06; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

#### 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 training manuals.

(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) Only private security firearms instructors are authorized to instruct and administer basic and renewal firearms training.

(e) 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.
- (6) Unarmed private security instructor.
  - (a) Basic training consists of the successful completion of:
    - (A) Unarmed basic classroom instruction and exam;
    - (B) Unarmed assessment; 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 hour of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills.
- (7) Firearms Private Security Instructor.
  - (a) Basic training consists of the successful completion of:
    - (A) Basic unarmed classroom instruction and exam;
    - (B) Basic unarmed assessment;
    - (C) Basic firearms training;
    - (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 or training course as determined by the Department.
  - (b) Firearms private security instructors must successfully complete annual firearms instructor marksmanship qualifications. Instructors must qualify on a target authorized by the Department, within three attempts in one day.
  - (c) Biennial renewal consists of successful completion of the firearms private security instructor course, written exam, and marksmanship qualifications.
  - (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, sealed in a tamper-proof bag. 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. 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. 10-26-12, cert. ef. 11-1-12

## 259-060-0145

### Crowd Management, Event or Guest Services

- (1) A person performing crowd management, event or guest services who is armed, permitted to initiate confrontational activities, hired with the primary responsibility of taking enforcement action as described in ORS 181.870(8)(f), or performing any other private security service must be certified or licensed as described in the Act and these rules.
- (2) Crowd Management, Event Services, or Guest Service managers, contractors or companies who employ individuals to provide private security services must:
  - (a) Employ or contract with a licensed executive manager;
  - (b) Require individuals performing or expected to perform private security services obtain certification;
  - (c) Require all individuals who supervise certified private security professionals or crowd management, event or guest services staff to be licensed in accordance to OAR 259-060-0130;
  - (d) Provide one certified private security professional on-site for every 10 or fewer crowd management or event staff;
  - (e) Provide documentation confirming private security certifications, licenses and appropriate staffing ratio found in (1)(d) upon request; and
  - (f) Provide crowd management staff technological communication or visibility of a certified private security professional when action is needed as required in ORS 181.871.
- (3) Pursuant to ORS 181.871, non-certified and non-licensed staff performing crowd management can only be used during a time when a crowd has assembled for the purpose of attending or taking part in an organized event, including pre-event assembly, event operation hours and post-event departure activities.

(4) Civil penalties may be assessed for violation of these rules in accordance with OAR 259-060-0450.

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

## 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.

Mandatory Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure

(2) The Department must deny or revoke a certification or license of any applicant or private security provider after written notice and hearing, 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 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 in this or any other jurisdiction;

(B) A person misdemeanor as defined by the Criminal Justice Commission in OAR 213-003-0001 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)

165.750 (Improper Use of Emergency Reporting System)

166.115 (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)

167.062 (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)

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.

Discretionary Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure

(4) The Department may deny or revoke the certification or licensure of any applicant or private security provider after written notice and hearing, 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. Procedure for Denial or Revocation of 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:



(A) 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.

(B) If the Department determines that a private security provider may have engaged in discretionary disqualifying misconduct, the case may be presented to the Board, through the Policy Committee. The Department will seek input from the affected private security provider by allowing the individual to provide, in writing, information for the Policy Committee and Board's review.

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule based on discretionary disqualifying misconduct, 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 Order: 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.

(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.

Appeals, Ineligibility Period, and Reconsideration

(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-XX 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. 10-26-12, cert. ef. 11-1-12

## 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, business or entity 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) The falsification of any documents submitted to the Department;

(c) 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;

(d) Failure to report criminal charges as required in ORS 181.885;

(e) Providing training without a valid certification;

(f) Failure of a private security instructor to instruct the full Department-approved curriculum;

(g) 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;

(h) Employing private security providers who have not completed the training and application process required under the Act and these rules;

(i) Failure to employ a licensed executive manager;

(j) Failure to provide technological communication or visibility of a certified security professional to crowd management staff;

(k) Failure to provide documentation of one certified security professional to ten crowd management staff;

(l) Expecting crowd management staff to perform security services duties other than the duties incidental to crowd management; or

(m) 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, business or entity. 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, business or entity is not in compliance with these rules. The order requires the individual, business or entity to cease and desist providing private security services in the state of Oregon and will remain in effect until the individual, business or entity 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, business or entity 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, business or entity 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, business or entity.

(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 business or entity owners 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. 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 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. & cert. ef. 10-26-12, cert. ef. 11-1-12

## **259-060-0500**

### **License Fees**

(1) Payments to the Department 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 \$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. & cert. ef. 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. 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 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 6-02010(T), f. & cert. ef. 6-14-10, 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. 6-14-11, cert. ef. 7-1-11 thru 12-11-11; DPSST 12-2011, f. & cert. ef. 8-1-11; DPSST 25-2012, f. & cert. ef. 10-26-12, cert. ef. 11-1-12

## **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-4 — Affidavit of Person Rolling Fingerprints.
  - (4) PS-6 — (Affidavit of Instructor and Private Security Provider Testing Results).
  - (5) PS-7 — Private Security Instructor Evaluation.
  - (6) PS-8 — Private Security Instructor Proof of Skills Improvement.
  - (7) PS-9 — Private Security Waiver for Reciprocity.
  - (8) PS-20 — Private Security Services Provider Temporary Work Permit.
  - (9) PS-21 — Renewal of Private Security Services Licensure or Certification.
  - (10) PS-23 — Private Security Services Provider Change of Information.
  - (11) PS-27 — Private Security Code of Ethics.
- [ED. NOTE: Forms referenced are available from the agency.]  
 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. 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 15-2006, f. & cert. ef. 10-13-06

## 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 Policy Committee.
- (6) “Continuing Education Guidelines” or “CE Guidelines” refers to the provisions of Oregon Administrative Rule 259-061-0260.
- (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 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 259-061-0260 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 703.415, 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

#### 259-061-0010

##### Fees

For the purpose of administering the licensing program under ORS Chapter 703.401 through 703.995, appropriate fees shall be submitted to the Department, by applicants for licensure for each of the following categories:

- (1) Application:
    - (a) Private Investigator;
    - (b) Provisional Investigator.
  - (2) Licensing:
    - (a) Private Investigator;
    - (b) Provisional Investigator;
    - (c) Inactive License;
    - (d) Temporary License;
    - (e) Interim License.
  - (3) Renewal of Licenses:
    - (a) Private Investigator;
    - (b) Provisional Investigator;
  - (4) Issuance of Identification cards.
  - (5) Replacement of Card/License.
  - (6) Late Renewal of License.
- 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

#### 259-061-0015

##### Payment of Fees

Fees are due at the time of application. Payments to the department are non-refundable, and must be paid by business check, money order, cashier’s check or credit card. A current fee schedule for the private investigator licensing program may be obtained from the department.

**NOTE:** Make all checks payable to DPSST.  
 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 6-2008, f. & cert. ef. 4-15-08

#### 259-061-0018

##### Prohibited Acts

- (1) A person may not act as an investigator or represent that the person is an investigator unless that person is licensed under ORS 703.430 and these rules.
- (2) Exemptions: Persons described in ORS 703.411 are exempt from regulation as private investigators.
- (3) 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) This rule applies as of August 9, 2011.

Stat. Auth.: ORS 703.430, 703.480

Stats. Implemented: ORS 703.430, 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

### Applications

#### 259-061-0020

##### Initial and Renewal Applications

(1) Applications must be submitted on Department approved forms pursuant to ORS 703.425. All applicants must disclose on the initial application information required by ORS 703.425, including:

- (a) Social Security Number;
- (b) Home Address and Telephone Number;
- (c) Business Address and Telephone Number;
- (d) Place of Birth;
- (e) Any license, certification or registration. Including:
  - (A) The title or type of such license, certification or registration;
  - (B) The location of the agency issuing such license, certification,

or registration;

(C) The license, certification or registration number issued;

(D) The dates such license, certification or registration was held;

and

(E) All information regarding any revoked license, certification or registration.

(2) All applicants must disclose on the initial and renewal application any information requested, including:

(a) A statement listing all offenses of which the applicant has been convicted;

(b) A statement that the applicant is not required to register or be registered as a sex offender under ORS 181.595, 181.596 or 181.597.

(c) A statement affirming the truth of all information contained in the application;

(d) A statement listing all complaints, lawsuits, arbitration, mediation, or disciplinary actions regarding investigative activities; and

(e) A statement listing all claims filed against the investigator's surety bond, credit, or insurance.

(3) 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.

(4) Renewal applications, renewal fees, and support documentation should be received, at a minimum, two weeks prior to, but not more than ninety days prior to, a licensee's expiration date to allow for processing time.

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

#### 259-061-0030

##### Application Requirements for Licensees with Expired Licenses

Applicants for licensure who were previously licensed in Oregon must provide either:

(1) Proof of completion of continuing education requirements during or since the last active status period; or

(2) A written explanation detailing why continuing education requirements were not met during his/her most recent active status period, and a written plan detailing how they will be made up, including a time line. The Department at its discretion may accept the plan in place of completed CE. Not meeting continuing education requirements could be grounds for denial of a license.

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

#### 259-061-0040

##### Minimum Standards for Licensure

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

(2) Moral Fitness (Professional Fitness). All private investigators must be of good moral fitness.

(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation.

(b) The following are indicators of a lack of good moral fitness:

(A) Illegal conduct involving moral turpitude;

(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, interview, statement or other documentation for securing licensure, eligibility for licensure, or in the course of conducting business under one's license.

(D) Conduct that is prejudicial to the administration of justice;

(E) Conduct that adversely reflects on his or her fitness to perform as a private investigator. Examples include, but are not limited to: Intoxication while on duty, untruthfulness, failure to fulfill contractual commitments to clients, failure to provide supporting proof of investigative activities and/or services conducted for their clients, fraudulent billing practices, or a history of personal habits off the job which makes the private investigator both inefficient and otherwise unfit to render effective service because of a loss of confidence in the private investigator's ability to perform competently.

(c) If reliable evidence is received by the Board or Department that a private investigator lacks good moral fitness, a rebuttable presumption will be raised that the private investigator does not possess the requisite moral fitness to be a private investigator. The burden will be upon the private investigator to prove good moral fitness.

(3) The Department will conduct a review of any application on which disclosures have been made to determine if a license should be issued pursuant to ORS 703.415(3), 703.450, 703.465.

(4) Criminal History. An applicant for licensure must not:

(a) Have been convicted of a person felony, as defined in the rules of the Oregon Criminal Justice Commission: ORS 162.165 Escape I; ORS 162.185 Supplying Contraband as defined in Crime Categories 6 and 7 (OAR 213-018-0070(1) and (2)); ORS 163.095 Aggravated Murder; ORS 163.115 Murder; ORS 163.115 Felony Murder; ORS 163.118 Manslaughter I; ORS 163.125 Manslaughter II; ORS 163.145 Negligent Homicide; ORS 163.160(3) Felony Domestic Assault; ORS 163.165 Assault III; ORS 163.175 Assault II; ORS 163.185 Assault I; ORS 163.205 Criminal Mistreatment I; ORS 163.207 Female Genital Mutilation; ORS 163.208 Assaulting a Public Safety Officer; ORS 163.213 Use of Stun Gun, Tear Gas, Mace I; ORS 163.225 Kidnapping II; ORS 163.235 Kidnapping I; ORS 153.275 Coercion as defined in Crime Category 7 (OAR 213-018-0035(1)); ORS 163.355 Rape III; ORS 163.365 Rape II; ORS 163.375 Rape I; ORS 163.385 Sodomy III; ORS 163.395 Sodomy II; ORS 163.405 Sodomy I; ORS 163.408 Sexual Penetration II; ORS 163.411 Sexual Penetration I; ORS 163.425 Sexual Abuse I; ORS 163.465 Felony Public Indecency; ORS 163.479 Unlawful Contact with a Child; ORS 163.452 Custodial Sexual Misconduct in the First Degree; ORS 163.525 Incest; ORS 163.535 Abandon Child; ORS 163.537 Buying/Selling Custody of a Minor; ORS 163.547 Child Neglect I; ORS 163.670 Using Child in Display of Sexual Conduct; ORS 163.684 Encouraging Child Sex Abuse I; ORS 163.686 Encouraging Child Sex Abuse II; ORS 163.688, Possession of Material Depicting Sexually Explicit Conduct of Child I; ORS 163.689, Possession of Material Depicting Sexually Explicit Conduct of Child II; ORS 163.732 Stalking; ORS 163.750 Violation of Court Stalking Order; ORS 164.075 Theft by Extortion as defined in Crime Category 7 (OAR 213-018-0075(1)); ORS 164.225 Burglary I as defined in Crime Categories 8 and 9 (OAR 213-018-0025(1) and (2)); ORS 164.325 Arson I; ORS 164.395 Robbery III; ORS 164.405 Robbery II; ORS 164.415 Robbery I; ORS 164.877(3) Tree Spiking (Injury); ORS 166.087 Abuse of Corpse I; ORS 166.165 Intimidation I; ORS 166.220 Unlawful Use of a Weapon; ORS 166.275 Inmate in Possession of Weapon; ORS 1266.385(3), Felony Possession of a Hoax Destructive Device; ORS 166.643 Unlawful Possession of Soft Body Armor as defined in Crime Category 6 (OAR 213-018-0090(1)); ORS 167.012 Promoting Prostitution; ORS 167.017 Compelling Prostitution; ORS 468.951 Environmental Endangerment; ORS 475.984 Causing Another to Ingest a

Controlled Substance as defined in Crime Categories 8 and 9 (OAR 213-019-0007 and 0008); ORS 475.986 Unlawful Administration of a Controlled Substance as defined in Crime Categories 5, 8 and 9 (OAR 213-019-0007, 213-019-0008 and 213-019-00011); ORS 609.990(3)(b) Maintaining Dangerous Dog; ORS 811.705 Hit and Run Vehicle (Injury); ORS 813.010, Felony Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); ORS 830.475(2) Hit and Run Boat; attempts or solicitations to commit any Class A or Class B person felonies, or an equivalent crime with similar elements in another jurisdiction.

(b) Within the 10-year period prior to applying for, or during, licensure, must not:

(A) Have been incarcerated, placed on probation or paroled as the result of conviction of any felony, other than those described in subsection (a) of this section in this, or any other, jurisdiction.

(B) Have been convicted of violating ORS 163.435 (Contributing to the Sexual Delinquency of a Minor), 163.672 (1993 Edition) (Possession of Depiction of Sexual Conduct of a Child), 163.673 (1993 Edition) (Dealing in the Depiction of Sexual Conduct of a Child), 167.007 (Prostitution), 167.062 (Sodomasochistic Abuse or Sexual Conduct in a Live Show), 167.065 (Furnishing Obscene Material), 167.070 (Sending Obscene Material to Minors), 167.075 (Exhibiting An Obscene Performance to a Minor), 167.080 (Displaying Obscene Material to Minors), 167.087 (Disseminating Obscene Material) or an equivalent crime with similar elements in another jurisdiction.

(C) Have been convicted of a person misdemeanor, as defined in the rules of the Oregon Criminal Justice Commission: ORS 162.315 Resisting Arrest; ORS 163.160 Assault IV; ORS 163.187 Strangulation; ORS 163.190 Menacing; ORS 163.195 Recklessly Endanger Another; ORS 163.200 Criminal Mistreatment II; ORS 163.212 Use of Stun Gun, Tear Gas, Mace II; ORS 163.415 Sexual Abuse III; ORS 163.454 Custodial Sexual Misconduct in the Second Degree; ORS 163.465, Public Indecency; ORS 163.467 Private Indecency; ORS 163.476 Unlawfully Being in a Location Where Children Regularly Congregate; ORS 163.545 Child Neglect II; ORS 163.575 Endanger Welfare of a Minor; ORS 163.687 Encouraging Child Sex Abuse III; ORS 163.700 Invasion of Personal Privacy; ORS 163.709 Unlawfully Directing a Laser Pointer; ORS 163.732(1) Stalking; ORS 163.750(1) Violating Court's Stalking Order; ORS 165.572 Interfering with Making a Police Report; ORS 166.065(4) Harassment/Offensive Sexual Contact; ORS 166.155 Intimidation II; ORS 166.385(2) Misdemeanor Possession of a Hoax Destructive Device; ORS 475.986(1)(d) Unlawful Administration of a Controlled Substance; ORS 609.990(3)(a) Maintaining Dangerous Dog; ORS 813.010, Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); attempts or solicitations to commit any Class C person felonies, or an equivalent crime with similar elements in another jurisdiction.

(D) Have been convicted of the following misdemeanors: ORS 162.075 (False Swearing), 162.085 (Unsworn Falsification), 162.145 (Escape III), 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 False Law Enforcement Identification Card), 162.385 (Giving False Information to Police Officer), 164.045 (Theft II), 164.125(5)(b) (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), 166.115 (Interfering With Public Transportation), 166.250 (Unlawful Possession of Firearms), 166.350 (Unlawful Possession of Armor Piercing Ammunition), 166.425 (Unlawful Purchase of Firearm), 167.262 (Adult Using Minor in Commission of Controlled Substance Offense), 471.410 (Providing Liquor to Person under 21 or Intoxicated Person), or an equivalent crime with similar elements in another jurisdiction.

(c) Have been convicted, within the 10-year period prior to applying for, or during, certification or licensure, of a "misdemeanor crime of domestic violence," in this or any jurisdiction. A "misdemeanor crime of domestic violence" means a misdemeanor under the law of any jurisdiction involving the use or attempted use of physical force, or threatened use of a deadly weapon, committed by a current or for-

mer spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is co-habiting with or has co-habited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or a guardian of the victim.

(d) Have been convicted of a misdemeanor or felony involving the unlawful use, possession, delivery or manufacturing of a controlled substance, or a misdemeanor or felony of similar elements, in this or any jurisdiction: 475.525 (Sale of Drug Paraphernalia), 475.991 (Unlawful Delivery of Imitation Controlled Substance), 475.992 (Prohibited Acts, Manufacturing and Delivering), 475.995 (Distribution to Minors), 475.999 (Manufacturing or Delivering of a Controlled Substance within 1,000 feet of School), or an equivalent crime with similar elements in another jurisdiction.

(e) Have been required to register or be registered as a sex offender under ORS 181.595, 181.596 or 181.597.

(f) Have been convicted, within the seven-year period prior to applying for, or during, certification or licensure, of the following misdemeanors, or a misdemeanor of similar elements, in this or any jurisdiction: 164.043 (Theft III), 164.125(5)(a) (Theft of Services), 162.375 (Initiating a False Report), 166.240 (Carrying of Concealed Weapons), or an equivalent crime with similar elements in another jurisdiction.

(5) Failure to disclose a criminal conviction, on an application for licensure, of any Misdemeanor or Felony crime is grounds for denial, suspension or revocation of a license, and may include criminal or civil penalties.

(a) Department Staff Review: The Department or its designated staff shall review the disclosure and shall request further information or conduct its own investigation of the matter. If there is grounds for a suspension, revocation or denial based on the statutory and administrative rule requirements, the department shall notify the applicant or license holder in writing.

(b) Initiation of Proceedings: The Department's designated staff shall determine if the reason for suspension, revocation or denial and supporting factual data meet the statutory and administrative rule requirements and so advise the applicant or license holder.

(c) Contested Case Notice: The Department or its designated staff shall prepare a "Contested Case Notice" in accordance with OAR 137-003-0001 of the Attorney General's Model Rules of Procedure. The Department or its designated staff must serve a copy of the "Notice" on the person whose application or licensure is being affected.

(d) Emergency Suspension Order: Notwithstanding subsection (e), the Department may immediately suspend a person upon a report that a person has been arrested for, or charged with, any crime listed in OAR 259-061-0040(4). The report may be received in any form and from any source.

(e) An Emergency Suspension Order must be in writing. The order may be issued without prior notice to the individual and without a prior opportunity for a contested case hearing. An Emergency Suspension Order must:

(A) Generally describe the acts of the person and any circumstances that would be grounds for an Emergency Suspension Order under this rule; and

(B) Identify the person at the Department whom the individual may contact and who is authorized to make recommendations regarding issuance of the order.

(f) When the Department issues an Emergency Suspension Order, it shall be served on the individual either personally or by registered or certified mail and must contain the following information:

(A) The effective date of the Emergency Suspension Order;

(B) A statement of findings detailing the specific acts or omissions of the person that violate applicable laws or rules and which serve as the grounds for revocation or suspension;

(C) A reference to the sections of the statutes and rules involved;

(D) A statement indicating the individual has the right to request a hearing to contest the Emergency Suspension Order;

(E) A statement indicating the individual will have waived their right to a hearing regarding the Emergency Suspension Order if the request for a hearing is not received by the Department within 20 calendar days of the date of notice of the Emergency Suspension Order; and

(F) A statement indicating a hearing will be held as soon as is prudent and practicable if a timely request for a hearing is received.

(g) If the individual submits a timely request for a hearing, the Department will hold a hearing on the Emergency Suspension Order as soon as is prudent and practicable.

(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 hearing will be to determine whether the individual was charged with or arrested for a crime listed in OAR 259-061-0040(4). Upon a showing that an individual was not charged with or arrested for a crime in OAR 259-061-0040(4), the suspension of the individual's certificate or license will be immediately lifted; otherwise, the suspension will remain in effect until final disposition of the charges or arrest.

(h) Response Time:

(A) Revocation or Denial: If the Department is seeking revocation or denial of a license or certificate, a party who has been served with the "Contested Case Notice" must submit a written request for a hearing to the Department within 60 calendar days from the date of mailing or personal service of the notice.

(B) Suspension: If the Department is seeking suspension of a license or certificate, a party who has been served with an Emergency Suspension Order must submit a written request for a hearing to the Department within 20 calendar days from the date of mailing or personal service of the notice. The Department may extend the time allowed for submission of the written request for a hearing for up to 30 calendar days upon request.

(i) Default Order: If a timely request for a hearing is not received by the Department, the Contested Case Notice or Emergency Suspension Order will become a final order revoking, suspending or denying certification pursuant to OAR 137-003-0075(5).

(j) When the Department revokes a certification or denies an applicant's license, an individual is ineligible to reapply for future certification or licensure for a period of three (3) years from the date of final Department action or order. Any applicant reapplying for licensure must reapply in accordance with the provisions of ORS 703.401-703.490.

(k) Hearing Request: When a request for a hearing is received in a timely manner, the Department will refer the matter to the Hearings Officer Panel in accordance with OAR 137-003-0075(5).

(6) A denial or revocation of a license pursuant to ORS 703.450(4) will cause the denial, suspension, or revocation of all licenses administered by the Department.

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

#### 259-061-0050

##### Bonds and Letters of Credit

(1) Applications for licensure must be accompanied by proof of a minimum \$5000:

(a) Corporate surety bond completed on a Department approved form; or

(b) An irrevocable letter of credit issued by a commercial bank as defined in ORS 706.005.

(2) Bonds and Letters of Credit must have the applicant's name listed as principal;

(3) A bond will not be valid until filed with the Department and the investigator is licensed with the Department in accordance with ORS Chapter 703;

(4) A bond will not be valid for purposes of licensure in accordance with ORS Chapter 703 unless filed with the Department within sixty (60) days of the signature date on the bond;

(5) An irrevocable letter of credit submitted pursuant to ORS Chapter 703, must be approved by the Department prior to issuance of a license.

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

#### 259-061-0055

##### Errors and Omissions Insurance

(1) Any licensed investigator who does not have a current surety bond or irrevocable letter of credit on file with the Department:

(a) Is required to notify the Department if his or her errors and omissions insurance policy is cancelled or lapses for any reason;

(b) Notification must be given to the Department within seven days of such cancellation or lapse;

(2) If a licensed investigator plans to cancel an errors and omissions insurance policy and does not have a current surety bond or irrevocable letter of credit on file with the Department, he or she must give 30 days notice for any such intended cancellation.

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

#### 259-061-0060

##### Photographs for Identification

(1) Applications for an investigator's initial or renewal license must be accompanied by two (2) identical color photographs taken of the applicant within the previous six months of filing the application;

(2) The size requirements of the photographs must be in compliance as outlined on the application form. The applicant's head in the photo must not be larger than 1" wide and 1.25" high;

(3) The applicant's face must be clearly visible and free from shadows or other viewing obstacles;

(4) If a replacement identification card is needed, 2 new, identical photographs will be required. Photographs that do not meet the above requirements may be returned to the applicant and delay the application process. Photocopies will not be accepted.

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

#### 259-061-0070

##### Fingerprint ID Cards

(1) Applications for licensure must be accompanied by two complete sets of fingerprints.

(2) Fingerprints must be submitted on an FBI standard applicant fingerprint card, Form FD258.

(3) Fingerprints must be clear as outlined in the instructions on the back of the fingerprint card;

(4) Affidavit and bag.

(5) Cards rejected by the state police or FBI may be returned or resubmitted. An additional fee will be charged for the third submittal occurring after the second rejection.

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

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

#### 259-061-0080

##### References

(1) Applications for licensure must be accompanied by three (3) professional letters of reference, none of which may be from a person who is related to the applicant by blood or marriage.

(2) Professional letters of reference may be utilized to help show that the applicant fulfills the experience requirement pursuant to ORS 703.425(2)(d).

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

#### 259-061-0090

##### Review of Application Materials

The Department will review all application materials for completeness and may:

(1) Upon written notice from the Department to the applicant, administratively terminate the application for any of the following reasons:

(a) The Department has reason to believe that a person with the applicant's name and birth date has committed an act that constitutes grounds for denial of a license under ORS 703.465. The termination of an application due to a criminal conviction disqualification is subject to the contested case hearing procedures set forth in ORS 703.470

(b) The application or any required documentation 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.

(c) Applicant has violated any administrative rule or condition imposed by ORS or OAR concerning the licensure and conduct of a Private Investigator or applicant as such.

(d) The fingerprint cards of applicant have been rejected and returned by the Oregon State Police or Federal Bureau of Investigations.

(2) Applicants who provide false information to the Department, or who omit information pertaining to OAR 259-061-0040 on an application or required departmental form, shall be disqualified from reapplying for a period of three (3) years.

(3) The Department or its designated staff may administratively terminate the application process if the Department is unable to complete the certification process due to non-response or non-compliance of the applicant after exhausting the following efforts:

(a) A letter shall be mailed by the Department to the applicant, and the last known mailing address of the applicant, identifying the deficiencies in the application process.

(b) The applicant shall have 21 calendar days from the date of mailing to notify the Department that the deficiencies are corrected. The Department may, in its discretion, elect to extend the time for compliance upon good cause shown by the applicant or its manager.

(c) If the Department is unable to determine a current address for the applicant, 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 shall list the applicant's status as "administratively terminated." The Department shall notify the applicant at his or her last known address, that the Department has administratively terminated the application process.

(4) Once the application process has been administratively terminated, the applicant can reapply at any time by submitting a new completed application and appropriate fees.

**Note:** Applicants who have been denied, revoked or suspended for any reason may not reapply for licensure for a period of 3 years from the date of final action.

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 8-2008(Temp), f. & cert. ef. 5-15-08 thru 10-16-08; DPSST 12-2008, f. & cert. ef. 7-15-08

## Exam

### 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) An employer, an attorney, or a private investigator licensed under ORS 703.430 may request an Interim Investigator's License for an applicant whose application for licensure as a Private or Provisional investigator is being processed by the Department. The Interim License allows the applicant to perform investigatory services within this state for a period of time not to exceed 120 days under the following conditions:

(a) The applicant has never been convicted of, pled guilty or no contest to or forfeited security for a crime;

(b) The applicant has submitted all required application materials, paid required fees, and passed the required exam;

(c) The employer has completed and signed the applicable portions of the Interim License request, affirming the above requirements have been met; and

(d) The Interim License request must bear a postmark on or before the first day the applicant performs investigative services.

(2) If an applicant has not completed each step of the application process, the applicant shall not perform investigatory services.

(3) The intent of this provision is to allow an employer or attorney or private investigator to legally deploy a private or provisional investigator, while the application for licensure is being processed.

(4) The Interim License will be valid no longer than 120 days or, in any event, shall end upon written notice from the Department to the applicant that the License has been administratively terminated under OAR 259-061-0090.

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

### 259-061-0130

#### 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

## Qualifications

### 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

#### Inactive Status

### 259-061-0160

#### Applying for Inactive Status

(1) A licensed investigator may apply, using a Department-approved form, for inactive status.

(2) A licensee may be granted inactive status upon:

(a) Payment of the inactive license fee; and

(b) Submission of the inactive status request form to the Department.

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

### 259-061-0170

#### Applying for Reinstatement to Active Status

(1) A licensee in inactive status may apply to the Department to be reinstated to active status by paying the appropriate license renewal fee and completing the appropriate renewal application form;

(2) A licensee applying for reinstatement to active status must comply with appropriate continuing education requirements as outlined in OAR 259-061-0240.

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

### 259-061-0180

#### 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

#### Code of Professional Ethics

### 259-061-0190

#### Code of Ethical Conduct

All licensed investigators must, at all times, observe the rules and requirements of conduct as follows:

(1) Obey all laws in the pursuit of their investigations;

(2) Abide by all provisions of ORS chapter 703 and OAR chapter 259 as they relate to licensed investigators;

(3) Never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence their professional decisions;

(4) Never compromise and shall relentlessly perform their duties in accordance with the law, courteously and appropriately, without fear or favor, malice or ill-will;

(5) Never employ unnecessary or unlawful force or violence;

(6) Maintain each client's confidentiality within the limits of the law;

(7) Be accountable and responsible for their actions;

(8) Accept sole responsibility for their individual standard of professional performance and take every reasonable opportunity to enhance and improve their level of knowledge, competence, and professional integrity;

(9) Actively seek and report the truth in the performance of their professional duties;

(10) Be above reproach in the financial aspects of their relationships with clients;

(11) Keep promises, fulfill commitments and abide by the spirit of agreements made with their clients as well as the letter of agreements with their clients;

(12) Recognize that the credential of a licensed investigator is a symbol of public faith and will accept it as a public trust, to be held only so long as they are true to the ethics of the investigative profession.

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

#### Enforcement and Compliance Procedures

### 259-061-0200

#### Compliance

(1) The Department or its designated staff may cause inspections of records and procedures of private investigators or of applicants for licensure, relating to the minimum licensing standards and requirements that are mandated by ORS 703.010–703.995, as well as those records and procedures which are under the purview of OAR chapter 259 in order to verify adherence to and compliance with any applicable rule or statute.

(2) The Department or its designated staff may cause any administrative proceeding or court action to be initiated to enforce compliance with the provisions of ORS 703.010–703.995, and the administrative rules promulgated thereunder.

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

### 259-061-0210

#### Filing a Complaint

(1) All complaints must be submitted on a Department approved complaint form, unless the Department grants an exception.

(2) A complainant other than the Department should file the complaint with the Department within one year of knowledge of the incident's occurrence.

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

**259-061-0220**

**Form of Complaints**

(1) When a complaint is first made, the staff will provide the complainant with the Department's complaint form. Unless there is an approved exception, this form must be completed by the complainant and submitted to the Department staff before a complaint is investigated.

(2) 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.

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

**259-061-0230**

**Compliance**

(1) A preliminary administrative review of the complaint will be made by Department staff to assure there is sufficient information to proceed. Staff will conduct a fact finding preliminary investigation (e.g. data searches and other inquiries).

(2) If sufficient information is determined to support the allegation(s) of the complaint, staff will:

(a) Open and conduct an investigation. Gather relevant information and, in doing so, may submit questions to the respondent and require written answers and copies of related documents. The respondent shall comply within twenty (20) days after the request is mailed, unless the Department authorizes an extension.

(b) Notify Respondent of intended action as authorized by ORS 703.465 and 703.995.

(c) Seek Resolution by Stipulation. Department staff is authorized to seek resolution by stipulation, subject to acceptance and approval by the Director, if:

(A) The matter is resolved before entry of any final order;

(B) The agreement has been entered into freely and voluntarily by respondent;

(C) The respondent corrects or proceeds to correct all deficiencies itemized by Department under the terms of the agreement; and

(D) Any penalty amount agreed to is paid and received with the stipulation.

(E) A stipulation shall not be accepted if the violation is for failure to obtain a required license, and such is not obtained as part of the resolution.

(3) If the Department finds that an allegation is false, all information about the alleged violation and the investigation will be considered confidential and not subject to disclosure pursuant to ORS 192.410 to 192.505.

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

**Continuing Education**

**259-061-0240**

**Continuing Education Requirements for Investigator License Renewal**

(1) No Private Investigator license or renewal will be issued by the Department unless the licensee has satisfactorily completed and reported thirty-two (32) continuing education program hours in compliance with the Department's Continuing Education Guidelines. Two (2) of the hours must be in ethics.

(2) No Provisional Investigator license or renewal will be issued by the Department unless the licensee has satisfactorily completed and reported forty (40) continuing education program hours in compliance with the Department's Continuing Education Guidelines. Two (2) of the hours must be in ethics.

(3) A licensed investigator may carry over up to fifteen (15) hours of unused continuing education credit hours to his/her next 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

**259-061-0250**

**Inactive License Continuing Education Requirements**

(1) The Department will review a licensee's application for re-activation and determine, on a case-by-case basis, the number of continuing education credit hours required of the licensee prior to approving the active status;

(2) The licensee should be prepared to provide the Department with documentation of the number of hours of continuing education completed during the licensee's most recent active status 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

**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

## DIVISION 70

### PUBLIC SAFETY MEMORIAL FUND

#### 259-070-0001

##### Policies and Objectives

(1) The policies of the Board are to benefit family members or designees who qualify for monetary awards due to the qualifying death or permanent total disability of public safety personnel.

(2) The Board shall award a lump sum amount of \$25,000 to eligible applicants;

(3) The Board may award the following benefits to eligible applicants:

(a) Health and dental benefits;

(b) Mortgage payments;

(c) Higher education scholarships.

Stat. Auth.: ORS 243.950

Stats. Implemented: ORS 243.950

Hist.: BPSST 2-2000(Temp), f. 4-21-00, cert. ef. 4-27-00 thru 10-16-00; BPSST 5-2000, f. & cert. ef. 9-29-00; DPSST 12-2005, f. & cert. ef. 11-15-05; DPSST 20-2008, f. & cert. ef. 10-15-08

#### 259-070-0005

##### Definitions

(1) "Board" means the Public Safety Memorial Fund Board.

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

(3) "Designee" means a person designated under ORS 243.974.

(4) "Fund" means the Public Safety Memorial Fund.

Stat. Auth.: ORS 243.950

Stats. Implemented: ORS 243.950

Hist.: BPSST 2-2000(Temp), f. 4-21-00, cert. ef. 4-27-00 thru 10-16-00; BPSST 4-2000(Temp), f. & cert. ef. 9-29-00 thru 3-3-01; BPSST 5-2000, f. & cert. ef. 9-29-00; BPSST 1-2001, f. & cert. ef. 1-16-01; BPSST 3-2002, f. & cert. ef. 2-11-02; DPSST 12-2005, f. & cert. ef. 11-15-05; DPSST 20-2008, f. & cert. ef. 10-15-08

#### 259-070-0010

##### Eligibility

(1) Eligibility of award applies to public safety officers who suffered a qualifying death or disability on or after October 23, 1999. Subject to availability of funds, the Board may award benefits to:

(a) Eligible family members of public safety officers who suffered a qualifying death or disability on or after October 23, 1999;

(b) A designee of a public safety officer who suffered a qualifying death or disability on or after January 1, 2008.

(c) Family members of public safety officers who suffered a qualifying death or disability after January 1, 1997, but prior to October 23, 1999 as described in Section 12, Chapter 981, Oregon Laws 1999.

(2) Prior to acceptance of an initial application, any individual applying for benefits based on a qualifying disability must provide satisfactory evidence that they meet the definition of "permanent total disability" found in ORS 656.206 and OAR 436-030-0055. Satisfactory evidence is established by submitting:

(a) Proof of Determination of Permanent Total Disability in compliance with the Worker's Compensation Division of the Department of Consumer and Business Services; or

(b) Competent written vocational testimony by a person fully certified by the State of Oregon to render vocational services that the applicant meets the definition of "permanent total disability" found in ORS 656.206 and OAR 430-030-0055.

Stat. Auth.: ORS 245.950

Stats. Implemented: ORS 245.950

Hist.: BPSST 2-2000(Temp), f. 4-21-00, cert. ef. 4-27-00 thru 10-16-00; BPSST 5-2000, f. & cert. ef. 9-29-00; BPSST 3-2002, f. & cert. ef. 2-11-02; DPSST 12-2005, f. & cert. ef. 11-15-05; DPSST 1-2007, f. & cert. ef. 1-12-07; DPSST 20-2008, f. & cert. ef. 10-15-08; DPSST 18-2011, f. & cert. ef. 12-28-11

#### 259-070-0020

##### Discretionary Benefits

(1) The Board will consider financial need, available funds in the Public Safety Memorial Fund and the anticipated demands on the fund in determining payment amounts of discretionary benefits.

(2) Health and Dental Insurance Reimbursement. The Board may award health and dental reimbursement for coverage comparable to that provided by the public safety officer to eligible family members or designees if alternate coverage is not provided.

(a) For the purposes of this rule, "alternate coverage" means the availability of health and dental coverage at the time of application.

(A) An application for health and dental insurance reimbursement made by an eligible family member who has declined or lost alternate coverage will be reviewed by the Board to determine eligibility for reimbursement.

(B) The Board will take into consideration any mitigating circumstances surrounding the application.

(b) Spouses or designees are eligible for five years after the date of the final order confirming eligibility or until re-marriage, whichever occurs first.

(c) An eligible child between the ages of 18 and 23 years is eligible for reimbursement only if enrolled as a full-time undergraduate student during the entire period of the requested reimbursement.

(3) Mortgage Payments. An application requesting mortgage payments must be made within the first 12 months following the initial determination of eligibility.

(4) Scholarship Considerations. In determining the amount of scholarship benefits under ORS 243.956(8) and (10), "State Institution of Higher Education" means an institution listed in ORS 352.002.

Stat. Auth.: ORS 243.950

Stats. Implemented: ORS 243.962 & 243.968

Hist.: BPSST 2-2000(Temp), f. 4-21-00, cert. ef. 4-27-00 thru 10-16-00; BPSST 5-2000, f. & cert. ef. 9-29-00; BPSST 3-2002, f. & cert. ef. 2-11-02; DPSST 12-2005, f. & cert. ef. 11-15-05; DPSST 14-2012, f. 6-27-12, cert. ef. 7-1-12; DPSST 20-2012, f. & cert. ef. 9-24-12

#### 259-070-0050

##### Transition Process for Current Beneficiaries

(1) A family member or public safety officer who had a qualifying death or permanent total disability and who applied for scholarship benefits prior to January 1, 2006, shall continue to be eligible to apply for scholarship benefits under the terms that were operative until January 1, 2004, awarding benefits for undergraduate degrees only.

(2) A family member or public safety officer who had a qualifying death or permanent total disability and who was receiving health and dental benefits prior to January 1, 2004, shall continue to receive health and dental benefits for up to five years or until the spouse remarries, whichever occurs first; and until the child(ren) attain 18 years of age (or 23 years of age if the child(ren) is attending school).

Stat. Auth.: ORS 243.956

Stats. Implemented: ORS 243.956

Hist.: BPSST 2-2000(Temp), f. 4-21-00, cert. ef. 4-27-00 thru 10-16-00; BPSST 5-2000, f. & cert. ef. 9-29-00; DPSST 12-2005, f. & cert. ef. 11-15-05

