



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
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Original: 2019, 2020, 2021
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cc: Jewett
Tyrell
Sandusky
Legal

June 3, 1999

Honorable Paul W. Semmel
House of Representatives
Room 47, East Wing
House Post Office Box 202020
Harrisburg, PA 17120-2020

and

Honorable Thomas A. Michlovic
House of Representatives
Room 121, South Office Building
House Post Office Box 202020
Harrisburg, PA 17120-2020

Dear Representatives Semmel and Michlovic:

This letter responds to your May 20, 1999 letter which asked some questions about PEMA's proposed 911 regulations #30-51, 30-52 and 30-53. Please see the enclosed memo from Carl C. Kuehn, II, PEMA's Deputy Director, which addresses those questions. Also enclosed is the Pennsylvania Supreme Court's January 22, 1999 decision in the case of North Hills News Record and Robyn Tomlin v. Town of McCandless and Allegheny County which declared that 911 audio tapes are not public records under the provisions of the Pennsylvania Right to Know Act.

Thank you for expressing your interest in these proposed regulations. Should you have any additional questions, please let me know.

Sincerely,

Mark L. Goodwin
Chief Counsel

MLG:rls

CC: Carl C. Kuehn, II


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PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Emergency Management Agency

DATE: June 2, 1999

SUBJECT: Response to House Veterans Affairs and Emergency Preparedness Committee's Questions Regarding Proposed Regulations #30-51, 30-52 and 30-53

TO: Mark L. Goodwin
Chief Counsel

FROM: Carl C. Kuehn, II 
Deputy Director

Per your request, I am responding to the Committee's May 20 correspondence to this agency. I will answer the questions in the order in which they were posed.

1. The minimum hourly training requirement for dispatchers has been raised from 40 hours to 106 hours. The current requirement of 40 hours classroom and hands-on instruction is intended to be deleted.
2. If it is the Committee's desire to raise the acceptable passing grade to 90%, this agency will proceed accordingly.
3. We do not anticipate a conflict between union contracts and the newly proposed regulations. We intend to work with every PSAP according to their organizational makeup and contract requirements and do not feel that this poses any threat to existing contracts.
4. Phone tape recordings are not considered public information under the Right-To-Know law. In this regard, please find attached a recent letter citing regulation review concerning this matter.
5. At present, there are 13 PSAPs operating in a true E-911 (enhanced) mode. They are maintaining a 95% accuracy on the database. This figure is attainable and necessary. It is an issue that the wire industry feels strongly about. This agency and the industry both feel that anything less than 95% would degrade the system's integrity and increase the liability to the PSAP. Downloading of the LEC customer database into the county on the PSAP MSAG database is plausible and is working on a daily basis.

I hope the above will address the Committee's concerns. However, should you deem it necessary, I will be more than happy to provide additional information or documentation.

CCK:djz
Attachment

[J-168-1998]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

NORTH HILLS NEWS RECORD AND
ROBYN TOMLIN,

Appellees

v.

TOWN OF McCANDLESS AND
ALLEGHENY COUNTY,

Appellants

: No. 25 W.D. Miscellaneous Docket 1998

: Application for Extraordinary Jurisdiction
: pursuant to 42 Pa.C.S. §726 from the Order
: of the Court of Common Pleas of Allegheny
: County Civil - SA26 - 98 dated February 6,
: 1998 (Pauer, P.J.)

ARGUED: September 16, 1998

OPINION

MR. JUSTICE SAYLOR

DECIDED: JANUARY 22, 1999

This Court invoked its extraordinary jurisdiction to determine whether an audio tape recording of a telephone call made to an emergency response center must be made available to citizens asserting a right to disclosure pursuant to the Pennsylvania Right to Know Act.

On January 1, 1998, Michele Walker Keitel and Charles Dunkle were shot and killed in Ohio Township, Allegheny County. A caller reported the shooting by telephone to the Town of McCandless Central Emergency Telephone Center (the "Center"). The Center was operated by the Town of McCandless ("McCandless") through its police department and provided twenty-four-hour emergency telephone response services to residents of

McCandless, Ohio Township and another neighboring municipality. All calls to the Center's emergency number were recorded on a magnetic audio tape.

Upon receipt of this telephone call, the Center notified Ohio Township's police department, which, in turn, dispatched a patrol car, followed by emergency personnel and equipment. Ultimately, Michele Walker Keitel's estranged husband, William Keitel, was arrested in connection with the killings.

Appellees Robyn Tomlin and North Hills News Record submitted requests to McCandless Township's police chief and solicitor, and later to the Allegheny County District Attorney, seeking access to the audio tape recordings of all calls made to the Center on January 1, 1998, relating to the killings. All such requests were denied.

Appellees then filed a statutory appeal in the Court of Common Pleas of Allegheny County pursuant to Section 4 of the Right to Know Act,¹ 65 P.S. §66.4, in which the Commonwealth sought and was granted leave to intervene. After argument, the trial court determined that the tapes were public records pursuant to the Act and should thus be made available to Appellees. In its opinion, the trial court initially acknowledged that the plain language of the Act would not appear to require disclosure of the tapes. Nevertheless, based upon a line of decisions from the Commonwealth Court, it found that the tapes did indeed qualify as public records. The trial court reasoned that:

[the coverage of the Act] is construed so broadly that it requires only that a record reflect some form of action by an agency that has an effect on someone. Here, the [audio tapes] formed the basis for the municipality's decision to investigate the conduct of certain individuals with regard to their personal rights, privileges, duties and obligations.

(citations omitted). Both the Commonwealth and McCandless lodged notices of appeal in the Commonwealth Court, and the Commonwealth filed an emergency petition in this Court

¹ Act of June 21, 1957, P.L. 390, as amended, 65 P.S. §§66.1-66.4 (the "Act").

seeking the exercise of extraordinary jurisdiction pursuant to Section 726 of the Judicial Code, 42 Pa.C.S. §726, and Pennsylvania Rule of Appellate Procedure 3309.

In the Act, the General Assembly codified and clarified the common law right of public access to public records. See Community College of Philadelphia v. Brown, 544 Pa. 31, 33, 674 A.2d 670, 671 (1996)(citing Wiley v. Woods, 393 Pa. 341, 360, 141 A.2d 844, 849 (1958)). Section 2 of the Act provides generally that "[e]very public record of an agency shall, at reasonable times, be open for examination and inspection by any citizen of the Commonwealth of Pennsylvania." 65 P.S. §66.2. Subject to enumerated exceptions, Section 1(2) of the Act provides that "public records" consist of the following two categories: 1) "[a]ny account, voucher or contract dealing with the receipt or disbursement of funds by an agency or its acquisition, use or disposal of services or of supplies, materials, equipment or other property." 65 P.S. §66.1(2); and 2) "any minute, order or decision by an agency fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group of persons." Id.

The first of these categories deals generally with fiscal aspects of governance, providing for public review of accounts, vouchers or contracts "dealing with" receipts of and disbursements by an agency. This Court's recent decision in Sapp Roofing Co. v. Sheet Metal Workers' Int'l Ass'n, Local Union 12, ___ Pa. ___, 713 A.2d 627 (1998), concerned this accounts/vouchers/contracts category of public records. In Sapp Roofing, a plurality of the Court held that a private roofing contractor's payroll records, which had been submitted to the government in connection with the performance of a public project, were public records under the Act. Id. at ___, 713 A.2d at 629.² The Court reasoned that these

² Although Sapp Roofing was a plurality decision, three of the five Justices participating in the decision agreed that the payroll records were public records for purposes of the Act. See id. at ___, 713 A.2d at 630. Justice Nigro concurred in the result, and Justice Cappy, in dissent, expressed his view that the materials should not be deemed public records. Id. at ___, 713 A.2d at 631.

documents qualified as public records "because they are records evidencing a disbursement by the school district." Id.

Implicit in the Court's decision in Sapp Roofing is the conclusion that the accounts/vouchers/contracts category of public records reaches some range of records beyond those which on their face constitute actual accounts, vouchers or contracts. Nevertheless, it is clear from Sapp Roofing that, to constitute a public record, the material at issue must bear a sufficient connection to fiscally related accounts, vouchers or contracts.

The second category of public records, the minutes/orders/decisions category, touches upon the decisional aspects of agency actions. In formulating such category, the legislature selected a somewhat narrower construct than was employed to define the accounts/vouchers/contracts category – the account/voucher/contract category includes qualified records "dealing with" government receipts and expenditures; whereas, the minutes/orders/decisions category addresses qualified records "fixing" rights and duties.

The parties agree that only the minute/order/decision category of public records is implicated in this appeal. It is the burden of a party asserting a right of disclosure of materials pursuant to this category to establish that the requested material: 1) was generated by an agency as defined in the Act; 2) constitutes a minute, order or decision; 3) fixes the personal or property rights of some person or persons; and 4) is not protected by statute, order or decree of court. See generally Tapco, Inc. v. Township of Neville, 695 A.2d 480, 483 (Pa. Cmwlth. 1997) (citing Nittany Printing v. Centre County, 156 Pa. Cmwlth. 404, 409, 627 A.2d 301, 303 (1992)); Frommer v. Commonwealth, Dep't of Labor and Industry, 667 A.2d 35, 36 (Pa. Cmwlth. 1995), appeal denied, 544 Pa. 677, 678 A.2d 367 (1996). There is no dispute that Appellees' request meets the first of these requirements, as the audio tapes at issue were generated by the Center, an instrumentality of local

government and thus an agency within the meaning of the Act. See 65 P.S. §86.1(1) (setting forth the statutory definition of "agency").

The Commonwealth Court has interpreted the second and third requirements to include not only records that contain some actual agency determination fixing rights or duties, but also those materials that form the basis for such a determination, are essential decisional components or otherwise derive from the decision. See, e.g., Arduino v. Borough of Dunmore, ___ A.2d ___, ___, 1998 WL 799137 (Pa. Cmwlth. Nov. 19, 1998); Cypress Media, Inc. v. Hazleton Area School Dist., 708 A.2d 866, 868-869 & n.2 (Pa. Cmwlth. 1998) (stating that "[t]he document must be either the basis for or a condition precedent of the decision"). Moreover, the Commonwealth Court has also construed the term "fixing" to mean, more generally, "affecting." Hunt v. Pennsylvania Dep't of Corrections, 698 A.2d 147, 150 (Pa. Cmwlth. 1997). The Commonwealth Court has also stated generally, and in our view, overbroadly, that, to constitute a public record for purposes of the Act, a record need only reflect some form of action by an agency that has an effect upon someone. See, e.g., Vargo v. Department of Corrections, 715 A.2d 1233, 1236 (Pa. Cmwlth. 1998); Philadelphia Newspapers, Inc. v. Haverford Township, 686 A.2d 58 (Pa. Cmwlth. 1996), appeal dismissed, 550 Pa. 343, 705 A.2d 1301 (1998); Travaglia v. Department of Corrections, 899 A.2d 1317, 1320 (Pa. Cmwlth.), appeal denied, 550 Pa. 713, 705 A.2d 1313 (1997).

These expansive statements notwithstanding, the Commonwealth Court's decisions have recognized the definitional limits of the Act.³ Thus, the Commonwealth Court has

³ See, e.g., Arduino, ___ A.2d at ___ (stating that "the mere allegation that the information may possibly have some impact on the agency's decision is not sufficient to establish that the information is an essential component of the agency's decision"); Bargeron v. Dep't of Labor and Industry, Unemployment Compensation Bd. of Review, ___ A.2d ___, ___, 1998 WL 784178 (Pa. Cmwlth. Nov. 12, 1998) ("[j]ust because a document may have an effect on an agency decision does not make it an 'essential component'"); Sierra Club v. (continued..)

acknowledged a range of documents that bear some connection to an agency determination, but nevertheless lack a sufficient nexus to meet the statutory criteria. See, e.g., Aronson, 693 A.2d 265 (holding that copies of responses to a government-sponsored prevailing wage survey were not public records under the Act); Tapco, 695 A.2d at 464-65 (contract proposals and source audiotapes of public meetings); Aamodt, 602 A.2d at 776 (raw data obtained in connection with a government survey pertaining to the health effects of the 1979 nuclear accident at Three Mile Island). Indeed, the Commonwealth Court has appropriately observed that "[a] decision fixing the rights or duties of a person is just not the same as gathering information, notations and evaluations that may or may not be utilized at some future time to fix rights and duties." Aronson, 693 A.2d at 265. See generally Wiley, 393 Pa. at 347-48, 141 A.2d at 848 (finding that field investigation notes prepared by a staff member of a city planning department for purposes of report to city council members did not fall within the definition of "public records" both on the face of the definition, and because of the express exclusion for reports of investigations).

As this line of decisions makes plain, in order to establish a right of access under the minutes/orders/decisions category of public records under the Act, a citizen must demonstrate a close relationship between requested material and an actual agency minute, order or decision fixing some right or duty. This is a correct interpretation, appropriately confined by the words of Pennsylvania's statute.⁴

(...continued)

Pennsylvania Pub. Util. Comm'n, 702 A.2d 1131, 1135 (Pa. Cmwlth. 1997), appeal granted, ___ Pa. ___, 719 A.2d 748 (May 29, 1998) ("the decision must have been contingent upon the information contained in the document and could not have been made without it").

⁴ The provisions of the Pennsylvania Right to Know Act establish a narrower framework for public disclosure of materials underlying agency decisions than has been established by a number of other state legislatures, see, e.g., Cincinnati Enquirer v. Hamilton County, 662 N.E.2d 334 (Ohio 1996) (finding, under an Ohio public disclosure statute defining public records as "any record that is kept by any public office," that an audio tape recording of a (continued. .)

In the present case, Appellees assert that the telephonic report to the Center formed the basis for the decision of the municipality to dispatch police and emergency personnel and equipment to the scene of the killings. Further, Appellees argue, records related to emergency operations affect emergency response policies and procedures and, therefore, the public as a whole. Appellees also contend that the information on the audio tapes supported the decision by the police to investigate and arrest William Keitel and the district attorney's decision to prosecute. For all these reasons, Appellees argue that the tapes meet the Commonwealth Court's broad construction of public records in that they reflect some form of action by an agency that has an effect on someone.

Contrary to Appellees' arguments, it is clear that the information captured on the audio tapes at issue is not necessary to a complete understanding of the government's decision to dispatch emergency crews on January 1, 1998. Two people were killed -- nothing could be plainer than that the immediate governmental response was justified. Rather, the relationship between specific details from the reporting conversation and agency decisionmaking is speculative and attenuated. Similarly, Appellees failed to establish that the decision to investigate, arrest or prosecute William Keitel was contingent upon the information contained in the audio tapes, or that the information was an essential component of such decisions. More fundamentally, the tapes are not closely related to the

(...continued)

911 call was a public record), as well as by Congress under the federal Freedom of Information Act, 5 U.S.C. §552 ("FOIA"). See generally Forham v. Harris, 445 U.S. 169, 183, 100 S. Ct. 977, 979 (1980)(considering the definition of "agency records" under FOIA by reference to the definition provided under the Records Disposal Act, 44 U.S.C. §3301, to include documentary materials "made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business"). While we acknowledge the policy of broad disclosure under the Act, we are guided, in the first instance, by the words chosen by the General Assembly. Where such words are clear, we are forbidden from diverging from the plain meaning under the mere pretext of pursuing the spirit of the enactment. See 1 Pa.C.S. §1921(b).

fixing of some personal or property right and thus simply are not the type of material contemplated by the General Assembly as constituting a public record pursuant to the Act.

In sum, we hold that the audio tape recordings of the telephone call to the emergency response center are neither minutes, orders or decisions fixing rights or duties, nor bear a sufficient association with such forms of agency determinations to require their disclosure under the provisions of the Act. Accordingly, the decision of the trial court is reversed, and the matter is remanded for entry of judgment in favor of Appellants.

[J -168- 98] - B

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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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DESIGNATIONS

DEPARTMENT OF MILITARY AND
VETERANS AFFAIRS
STATE ARMORY BOARD
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

May 20, 1999

Mark Goodwin, Chief Counsel
Pennsylvania Emergency Management Agency
PO Box 3321
Harrisburg, Pa 17105

Dear Mr. Goodwin:

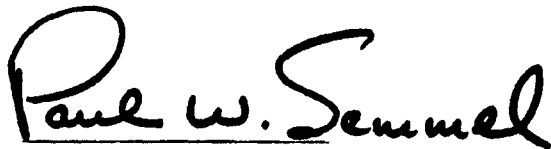
In accordance with the Independent Regulatory Review Commission process, the House Veterans Affairs and Emergency Preparedness Committee has formally reviewed Proposed Regulations #30-51, 30-52 and 30-53. The following points of interest were raised at our committee meeting, and were requested to be forwarded to your office by several committee members.

- 1) Under current Regulation 120b.104(XXVIII), dispatchers are required to have a minimum of 40 hours classroom and hands-on instruction. Will this minimum requirement be raised under this section, or will this section be deleted in view of the fact that Section 120c(proposed) will establish increased training standards? As well, what will this minimum hourly training requirement be?
- 2) In terms of written exams for 911 center personnel (120c), the committee was informed that a 75% correct score would be an acceptable passing grade. Minority Chairman Tom Michlovic, and others, suggested that this minimum passing grade percentage may be too low.
- 3) In terms of the perceived conflict between union contracts and these proposed regulations, as was suggested by the City of Philadelphia, is there any merit to this accusation? How does your agency plan to address this issue?
- 4) In terms of the Right-to-Know Law as applied to 911 center data/information, will the phone tape records of individual dispatchers (section 120c.107) be considered public information under the Right-to-Know law?
- 5) In terms of the accuracy standards for 911 database systems (120b.112), there was some discussion on the ability of county 911 centers to maintain a 95% accuracy rate. Is this 95% accuracy rate attainable? As well, there was some questioning on whether or not the downloading of the LEC customer database

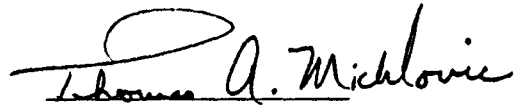
into the county MSAG database was a plausible practice which all county 911 centers could uniformly perform. Are the LECs better equipped to load this data?

The committee would also like to submit two (2) public comment documents which were sent to various legislators on this issue. We would appreciate your office reviewing the merits of these enclosed comments and suggestions.

Sincerely,



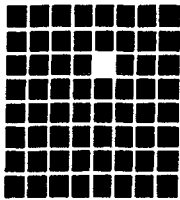
Paul W. Semmel
Majority Chairman
House Veterans Affairs and
Emergency Preparedness Committee



Thomas A. Michlovic
Minority Chairman
House Veterans Affairs and
Emergency Preparedness Committee

PWS/prh

Enclosure



PENNSYLVANIA CHAPTER,
**AMERICAN COLLEGE OF
 EMERGENCY PHYSICIANS**

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May 3, 1999

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 Mark Goodwin, Chief Counsel
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Ref.: Proposed regulations to implement section 3(a)(8) of the act of February 12, 1998, (P.L. 64, No. 17) (Act 17). 9-1-1 Performance Review and Quality Assurance Standards.

Dear Mr. Goodwin:

On behalf of the EMS Committee and the Board of Directors of the Pennsylvania Chapter, American College of Emergency Physicians (PaACEP), I would like to comment on the proposed regulations to establish standards for performance review and quality assurance programs for the operation of county 9-1-1 emergency communications systems. The proposed regulations were published in the April 3, 1998, edition of the *Pennsylvania Bulletin (Vol. 29, No. 14)*.

Pennsylvania's emergency physicians are continuously interested in improving every aspect of the Emergency Medical Services (EMS) system. The call-takers and dispatchers in our telecommunications centers are the public's first contact to the EMS system when they experience a medical emergency. These call-takers and dispatchers are integral to providing optimal pre-hospital medical care, and their actions can directly impact a patient's chance of survival.

I would like to relay the following general comments from Pennsylvania's emergency physicians:

1. Every telecommunications center should provide medical call-taking, triage and dispatch of resources, and pre-arrival patient care instructions in a manner consistent with emergency medical dispatch (EMD) standards.
2. Every call related to a medical problem should be handled by call-takers and dispatchers who are trained and certified in EMD. Standards for these EMD courses must be established (e.g. ASTM, APCO EMD or equivalent, etc...) These training courses must be consistent with the type of EMD protocols used by the particular telecommunications center.

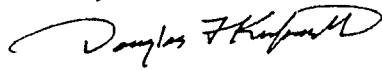
3. All EMD protocols should be approved by the Medical Advisory Committee of the corresponding Regional EMS Council.

4. All telecommunications centers should have a quality assurance program that includes a medical director who is a qualified ALS service medical director or medical command physician per Department of Health regulations.

Pennsylvania's EMS system must continue to move forward to provide the highest quality emergency medical care possible to residents and visitors of the state. Qualified, well-trained emergency medical dispatchers who provide timely and appropriate pre-arrival instructions based upon medically appropriate protocols will improve patient outcome.

Thank you for your consideration of PaACEP's comments. If you have any questions, please don't hesitate to contact me.

Sincerely,



Douglas F. Kupas, MD, FACEP
Chairman, EMS Committee

cc: Charles Wynne
Director, Pennsylvania Emergency Management Agency

Margaret Trimble
Director, Office of Emergency Medical Services
Department of Health



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PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS
EMERGENCY REVIEW COMMISSION

May 28, 1999

Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown 2
333 Market Street
Harrisburg, PA 17101

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Dear Mr. Nyce:

It has been brought to our attention that the Pennsylvania Emergency Management Agency (PEMA) is proposing regulations pertaining to performance review and quality assurance standards. In respect that these regulations pertain to the 911 centers and their personnel, we offer no comments; but if the intent is to expand the regulations to include municipal personnel not directly part of the 911 centers, we have major concerns. It is our opinion that to include non-911 personnel in these regulations is to exceed the intent of the legislation.

The regulations are addressing the issue of call takers and dispatchers in the 911 center and not the individuals who relay the information to municipal employees. By the time the information is relayed to the municipal dispatcher the decision has been made on what emergency is in progress and what emergency personnel should be dispatched. The regulations [120 c. 103 (b)(1)] state that the dispatcher "has successfully completed an emergency dispatcher fire, police, ambulance training course...". The issue at this point is not who or what will be dispatched but that the information is disseminated to the emergency personnel under the municipal dispatcher's purview. The decision had already been made that certain emergency personnel were needed, and now the only thing for the municipal dispatcher to do was to relay the information to those individuals.

Also the issue has to be raised that this is, once again, another mandate from the state. Although the regulations allow for partial funding of local personnel it is not guaranteed. Only if the county would amend their plan to include local personnel would potential funding be available. And this could only happen if PEMA approved the plan.

The regulations also give PEMA the authority to enter a 911 center any time they deem necessary to ensure that compliance with the regulations is being met. Again the question has to be asked the rationale of granting PEMA jurisdictional oversight over non-911 dispatch centers any time that suits their whims. What is the justification for this requirement? What is the ramification if PEMA is denied access on the site whenever they chose?

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PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

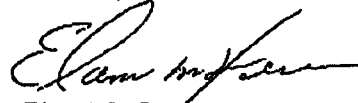
Robert E. Nyce
May 28, 1999
Page 2

Finally, we would like to bring to your attention that PEMA had not consulted our organization concerning the implementation of these regulations. From our understanding only emergency personnel related to 911 centers were consulted. Since we were not part of the discussions we were not aware of the proposal, nor were we aware of the potential ramifications in the proposal. For this reason we did not convey any of our concerns to PEMA prior to this time.

We oppose the potential effects these regulations would have on our membership and question the benefits they are attempting to accomplish. We would ask that you reject the regulations as written and recommend that they be rewritten to address the issue of the 911 centers and not local dispatchers.

If you have any questions, please contact us.

Sincerely,



Flam M. Herr
Director of Legislation

LMH:ls

cc: Mark Goodwin, Esq.



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REVIEW COMMISSION

Pennsylvania State Association of Township Supervisors

3001 Gettysburg Road, Camp Hill, PA 17011-7296

Phone (717) 763-0930

Fax (717) 763-9732

FAX COVER SHEET

Date: 5-28-99

No. of Pages 2 & Cover

To: John Jewett

Organization/Company: IRRC

Fax No.: 783-2664

From: Elam Hear

Message: Hard copy will follow Tuesday!
Thanks!



CITY OF PHILADELPHIA

FIRE DEPARTMENT

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HAROLD B. HAIRSTON
Commissioner

RALPH A. HALPER
Regional Director
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May 10, 1999

Mark Goodwin
Chief Counsel
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Dear Mr. Goodwin:

Following this cover please find **Comments Regarding Proposed PEMA 911 Changes**, as submitted by **Michael Moore, Chief Dispatcher, Fire Communication Center, Philadelphia Fire Department**. We are forwarding these comments to you from the Philadelphia Regional EMS Office for your consideration.

Thank you for this opportunity to review and comment on this important component of Emergency Medical Services in Pennsylvania.

Sincerely,

Ralph A. Halper
Regional Director
Emergency Medical Services

RAH/jrs

cc: John H. Jewett, Regulatory Analyst, Independent Regulatory Review Commission

MEMORANDUM

CITY OF PHILADELPHIA
FIRE DEPARTMENT

Date 05/06/99

TO : FPOC Ralph Halper, Regional EMS Director
FROM : Michael Moore, Chief Dispatcher FCC *MM*
SUBJECT: Comments Regarding Proposed PEMA 911 Changes

Sir; I have reviewed the changes in the three chapters of 911 legislation which PEMA has proposed to implement Act 17 of 1998. Two of the chapters, regarding Training and Quality Assurance, will affect the Philadelphia Fire Department's Communications Center, and I would like to direct comment to these chapters specifically.

In regard to the chapter dedicated to training, I feel that the positions identified within a Communications Center, and subsequent needed training mirror the Philadelphia Fire Department's conception of these roles. To insure this training PEMA has mandated that an Agency approved course be given for the positions of Call Taker and Dispatcher. However, PEMA would prescribe testing procedures for certification and recertification. I feel it would be more consistent to have the Communication Centers develop their own testing procedures for certification and recertification of personnel. These testing procedures, along with associated courses, would be subject to PEMA approval. While providing standardized curriculum, this would permit the individual county to tailor their training and testing to meet the needs and resources of individual communities and organizations. I feel this method would also avoid any conflicts in local Civil Service procedures, and municipal workers labor contracts. The point becomes more apparent at the supervisory level, as both course and testing procedures are authored by PEMA.

The section of this chapter addressing instructor status seems vague and inconclusive. PEMA approval to teach any certification course is required. To attain this approval an instructor must have attained some unspecified level of academic and teaching experience. Or, instructor candidate must have successfully completed some unnamed training course.

In this chapter PEMA also established guidelines for certification documentation, reserves its' right to enter a Center and audit these records, as well as inspect all equipment and operational materials within the Center. While notice to audit certification records is required (10 Days), no such notice is mentioned for inspection of premises. It is felt this courtesy should be extended to be able to adequately prepare and detail an extensive, thorough description of the Center.

RECEIVED
MAY 10 AM 10:00
FIRE DEPARTMENT

MEMORANDUM**CITY OF PHILADELPHIA
FIRE DEPARTMENT**

With regard to the chapter on Quality Assurance I believe the same issues are basically involved. This chapter provides quality assurance definitions, establishes standards and procedures, and lists the type of quality assurance reviews to be performed. Both the types and procedures to be performed are rigidly prescribed by PEMA. Certainly the teaching and learning benefits of a QA program, for the dispatcher and organization on whole are realized and acknowledged by the Philadelphia Fire Department. However, due to the diversity of communities and communications centers existing within the state it is felt that the conception and implementation of a Quality Assurance program should fall to each center. Once again this would allow counties to tailor their QA programs to meet the needs and resources specific to them. However, to retain standardization and provide oversight, PEMA could offer more general guidelines, and the programs subject to PEMA approval.

CHARLES D. LEMMOND, JR.
SENATE POST OFFICE
THE STATE CAPITOL
HARRISBURG, PA 17120-3020
717-787-7428
1-800-722-2251

20TH SENATORIAL DISTRICT OFFICE
22 DALLAS SHOPPING CENTER
MEMORIAL HIGHWAY
DALLAS, PA 18612-1231
717-675-3931



Senate of Pennsylvania

May 24, 1999

Original: 2019, 2020, 2021
Mizner
cc:

COMMITTEES
STATE GOVERNMENT, CHAIRMAN
MILITARY AND VETERANS AFFAIRS,
VICE CHAIRMAN
FINANCE
JUDICIARY
RULES AND EXECUTIVE NOMINATIONS

McGinley
Jewett
Tyrrell
Sandusky
Legal
Notebook

Mr. Robert Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Rulemaking
Pennsylvania Emergency Management Agency
Regulations #30-51, #30-52, and #30-53

Dear Mr. Nyce:

Members of the Senate State Government Committee have been afforded the opportunity to review and comment upon Proposed Regulations from the Pennsylvania Emergency Management Agency, Public Safety Emergency Telephone Program which would amend 4 Pa. Code, Chapters 120b, 120c, and 120d.

Please be advised that, as of this date, I have received one letter from Mr. L. Guy Napolillo, 9-1-1 Coordinator from Fayette County Emergency Management, in response to these proposed regulations. I enclose a copy of the letter submitted by Mr. Napolillo and would ask that his comments be given all due consideration.

If you have any questions regarding these proposed regulations and the Committee review, please do not hesitate to contact Cynthia Thurston of my staff at 787-7428.

Sincerely,

A handwritten signature in black ink that reads "Charlie Lemmond".

CHARLES D. LEMMOND JR.
SENATOR

CDL:cdt

cc: Attorney Mark L. Goodwin,
Pennsylvania Emergency Management Agency



FAYETTE COUNTY EMERGENCY MANAGEMENT



Fayette County Public Service Building
24 East Main Street

(724) 430-1277

Uniontown, Pennsylvania 15401

Original: 2019, 2020, 2021

Mizner

cc:

Jewett
Tyrrell
Sandusky
Legal

April 28, 1999

Sen. Charles D. Lemmond Jr.
Chairman, State Government Committee
Room 203020
State Capitol
Harrisburg PA 17120

Sen. Lemmond:

After reviewing the proposed draft regulations pertaining to Training and Certification Standards for 9-1-1 Emergency Communications Personnel I feel that there may be a need for some minor changes in the language of the proposed regulations. Primarily the paragraphs in 120c.102 Call Taker Certification, 120c.103 Emergency Dispatcher Certification and 120c.104 9-1-1 Center Supervisor Certification. Under Certification in all sections noted, it states that the "Agency" (PEMA) will **prescribe** both the written examination as well as the practical test to be administered to the call-takers, dispatchers and supervisors.

After much consideration and discussion with PSAP managers in western Pennsylvania as well as PEMA representatives, I believe that the changing of the word **prescribe** to **approve** in the regulations would enable this legislation to be implemented in a more efficient manner. While some basic training issues remain consistent throughout all PSAPs in Pennsylvania, many PSAPs incorporate localized equipment, geographical, and procedural issues into their respective training programs. Simply put, PEMA could develop key elements for training and certification and review the PSAP training outlines and tests to assure these elements were covered.

I am also concerned about the certification process for the instructors discussed in the proposed legislation. Many PSAP instructors are already certified through a number of Federal, national and/or state recognized agencies and this component may be simply redundant. Proof of existing instructor certification could be provided to PEMA.

I would appreciate your consideration of these key issues to the proposed legislation and await your response.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Guy Napolillo".

L. Guy Napolillo
9-1-1 Coordinator

RECEIVED
MAY 6 11 19 1999
COMMUNICATIONS SECTION



FAYETTE COUNTY EMERGENCY MANAGEMENT

Fayette County Public Service Building
24 East Main Street
Uniontown, Pennsylvania 15401



(724) 430-1277

April 28, 1999

Mr. Mark Goodwin, Chief Counsel
Pennsylvania Emergency Management Agency
PO Box 3321
Harrisburg Pa. 17105

Mr. Goodwin:

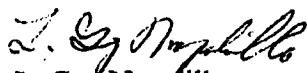
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I would appreciate your consideration of these key issues to the proposed legislation and await your response.

Sincerely,


L. Guy Napolillo
9-1-1 Coordinator

HAROLD L. JOCKHOFF }
ALEXA R. COOK } County
LEE R. WILSON } Commissioners

EYDIE S. MILLER
Chief Clerk



Huntingdon County, Pennsylvania
OFFICE OF
COUNTY COMMISSIONERS
HUNTINGDON, PENNSYLVANIA 16652-1486

2021
SCOT GILL K9
Solicitor

MEETING DAY
TUESDAY—9:30 A.M.

PHONE 814-643-3091
FAX: 814-643-8152

September 15, 1998

Forthcoming:

Nyce

Sandusky

Gelnett

Original sent to all Commissioners
Jewett

Mr. John R. McGinley, Chairman
Independent Review Committee
333 Market Street 14th Floor
Harrisburg, PA 17101

Dear Mr. McGinley:

The Huntingdon County 9-1-1 Center has received information that the Pennsylvania Emergency Management Agency is considering adopting regulations regarding staffing levels for 9-1-1 Centers. We would ask that you carefully consider the impact of additional staffing requirements on small centers. After over seven years of studies and planning in an effort to provide 9-1-1 services to this County without creating a hardship on its citizens, the Huntingdon County 9-1-1 Center recently went on line.

Any requirement for staffing levels that is not directly related to call volume could prove to be detrimental to the continued operation of this and other small centers. Our records and operating experience show that there is no need for multiple dispatchers on duty at our Center. To force the hiring of unnecessary personnel creates unneeded costs and places an additional burden on an already economically stressed area.

The people of Huntingdon are proud of the fact that this County entered this program thoughtfully and prudently. We have worked diligently to provide 9-1-1 service without increasing taxes through the untiring efforts of many people. We feel that we are providing an excellent service to this County and that staffing levels should be determined at the local level based on need.

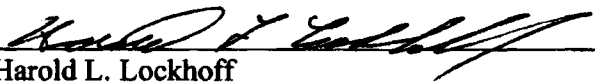
For over 15 years, prior to the implementation of 9-1-1 in Huntingdon County, all emergency service dispatching was performed at the Huntingdon County Dispatch Center. In this entire time, the Center never experienced a situation that couldn't be handled with the existing staffing levels.

Huntingdon County
September 15, 1998
Page 2.

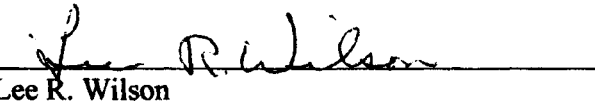
The personnel associated with this Center have cumulatively over 50 years of experience in emergency service dispatching and are very capable of determining staffing needs. We request that if staffing levels are to be regulated, that a tiered system be used that recognizes the different needs of smaller counties where the call volume indicates that a single dispatcher is sufficient.

Again, we ask that you give these comments your utmost consideration before mandating such a program.

Very truly yours,
HUNTINGDON COUNTY COMMISSIONERS


Harold L. Lockhoff


Alexa R. Cook


Lee R. Wilson

Terry R. Marolt
Commissioner

Richard F. Vidmer
Chairman

Tom Balya
Commissioner

Westmoreland County Pennsylvania



Department of
Public Safety
(724) 830-3771
James P. Corcoran
DIRECTOR
(724) 830-3770
Fax (724) 830-3666

9-1-1
Dispatch Center
Telephone
(724) 830-3774
J. Robert Ceroni
DEPUTY DIRECTOR
(724) 830-3773

April 30, 1999

Mr. Mark Goodwin, Chief Counsel
Pennsylvania Emergency Management Agency
P.O. Box 3321
Harrisburg, PA 17105

ORIGINAL: 2020
MIZNER
COPIES: Jewett
Tyrrell
Sandusky
Legal
FORM LETTER 2

RECEIVED
MAY 5 1999
99 MAY - 5 PM 1:05
RECORDED

Mr. Goodwin:

After reviewing the proposed draft regulations pertaining to Training and Certification Standards for 9-1-1 Emergency Communications Personnel I feel that there may be a need for some minor changes in the language of the proposed regulations. Primarily the paragraphs in 120c. 102 Call Taker Certification, 120c. 103 Emergency Dispatcher Certification and 120c. 104 9-1-1 Center Supervisor Certification. Under Certification in all sections noted, it stated that the "Agency" (PEMA) will **prescribe** both the written examinations as well as the practical test to be administered to the call-takers, dispatchers, and supervisors.

After much consideration and discussion with PSAP managers in western Pennsylvania as well as PEMA representatives, I believe that the changing of the word **prescribe** to **approve** in the regulations would enable this legislation to be implemented in a more efficient manner. While some basic training issues remain consistent throughout all PSAP's in Pennsylvania, many PSAP's incorporate localized equipment, geographical, and procedural issues into their respective training programs. Simply put, PEMA could develop key elements for training and certification and review the PSAP training outlines and tests to assure these elements were covered.

I am also concerned about the certification process for the instructors discussed in the proposed legislation. Many PSAP instructors are already certified through a number of Federal, national and/or state recognized agencies and this component may be simply redundant. Proof of existing instructor certification could be provided to PEMA.

I would appreciate your consideration of these key issues to the proposed legislation and await your response.

Sincerely,

William Fleming
Training Supervisor/TAC



THE COUNTY OF CHESTER



COMMISSIONERS:
Colin A. Hanna, Chairman
Karen L. Martynick
Andrew E. Dinniman

DEPARTMENT OF EMERGENCY SERVICES
601 Westtown Road, Suite 012
P.O. Box 2747
West Chester, PA 19380-0990
(610) 344-5000
FAX: (610) 344-5050

16 April 1999

Mark Goodwin
Chief Counsel
Pennsylvania Emergency Management Agency
P.O. Box 3321
Harrisburg, PA 17105

ORIGINAL: 2020 & 2021
MIZNER
COPIES: Jewett
Tyrrell
Sandusky
Legal

NOV 10 1999
50 MAY -6 PM 1:05
DEPARTMENT

RE: 4 PA. Code CH. 120d. Annex A. Title 4. Administration. Part V. Emergency Management Agency Chapter 120c. *Training and Certification Standards for 911 Emergency Communications Personnel.*

Dear Mr. Goodwin:

I have reviewed the referenced proposed documentation. As I understand the proposal, re-certification for call takers, dispatchers and supervisors, will be mandated by administering a test every third year. This proposed method appears to be contrary to other current re-certification methods.

The Association for Public Safety Communications Officials (APCO) has recently changed Emergency Medical Dispatch (EMD) re-certification to be satisfied through the completion of approved continuing education. Additionally, the Pennsylvania Department of Health has recently changed Paramedic and EMT re-certification to the completion of approved continuing education.

I recommend that re-certification for call takers, dispatchers and supervisors be satisfied through the completion of continuing education. Utilizing the Emergency Medical Services (EMS) regional continuing education program to administer and track re-certification would be of great assistance. Using existing equipment and personnel to complete this task would reduce the overall cost of the process.

Very respectfully,

Edward J. Atkins
Director

Cc: Charles F. Wynne

ORIGINAL: 2003/BUSH

ORIGINAL: 2019, 2020 & 2021/MIZNER

COPIES: Jewett, Tyrrell, Sandusky, Legal
Harris, Smith

RECEIVED
99 APR -7 PM 3:58
MEDICAL EMERGENCY
REVIEW COMMISSION

REGIONAL EMERGENCY MEDICAL SERVICES COUNCILS
Revised - August 1998

REGIONAL EMS COUNCIL	COUNTIES/CODE	REGION CODE
Robert D. Cooney, EHS Program Manager Bradford Susquehanna EMS Council The Mansfield University Center 200 South Wilbur Avenue Sayre, PA 18840-1698 (717) 882-4604 FAX (717) 882-4413	Bradford (8) Susquehanna(58)	01
Joseph W. Schmider, Director Bucks County Emergency Health Services 50 North Main Street Doylestown, PA 18901 (215) 348-6100 FAX (215) 348-2019	Bucks (09)	10
Stephen S. Webb, EHS Program Manager Chester County EMS Council Department of Emergency Services Chester County Government Services Center 601 Westtown Road -- Suite 12 West Chester, PA 19382-4558 (610) 344-5000 FAX (610) 344-5050	Chester (15)	11
Maureen Hennessey Herman Regional Director Delaware County EHS Council, Inc. 201 W. Front Street Government Center Building, Room 117 Media, PA 19063 (610) 891-5310 FAX (610) 566-3947	Delaware (23)	12
Everitt F. Binns, Ph.D., Executive Director Eastern PA EMS Council, Inc. 1405 North Cedar Crest Blvd. - Suite 208 Allentown, PA 18104 (610) 820-9212 FAX (610) 820-5620	Berks (6) Monroe (45) Carbon (13) Northampton (48) Lehigh (39) Schuylkill (54)	02
Cynthia S. Ehlers, President EHS Federation, Inc. 722 Limekiln Road New Cumberland, PA 17070 (717) 774-7911 FAX (717) 774-6163	Adams (1) Lancaster (36) Cumberland (21) Lebanon (38) Dauphin (22) Perry (50) Franklin (28) York (67)	03

REGIONAL EMS COUNCIL	COUNTIES/CODE		REGION CODE
Richard R. Harden, Ph.D., Executive Director Emergency Medical Service Institute 221 Penn Avenue, Suite 2500 Pittsburgh PA 15221 (412) 242-7322 FAX (412) 242-7434	Allegheny (2) Armstrong (3) Beaver (4) Butler (10) Fayette (26)	Greene (30) Indiana (32) Lawrence (37) Washington (63) Westmoreland (65)	04
Jerome E. Ozog, Executive Director EMMCO East, Inc. 1411 Million Dollar Highway Kersey, PA 15846 (814) 834-9212 FAX (814) 781-3881	Cameron (12) Clearfield (17) Elk (24)	Jefferson (33) McKean (42) Potter (53)	19
Richard Gibbons, Executive Director EMMCO West, Inc. Suite 101 16271 Conneaut Lake Road Meadville, PA 16335-3814 (814) 337-5380 FAX (814) 337-0871	Clarion (16) Crawford (20) Erie (25) Forest (27)	Mercer (43) Venango (61) Warren (62)	18
John E. Campos, Executive Vice President EMS of Northeastern Pa, Inc. 1153 Oak Street Pittston, PA 18640 (717) 655-6818 FAX (717) 655-6824	Lackawanna (35) Luzerne (40) Pike (52) Wayne (64) Wyoming (66)		05
Gary S. Hutchinson, Executive Director LTS EMS Council 2130 County Farm Road Montoursville, PA 17754-9621 (800) 433-9063 FAX (717) 433-4435 (717) 327-2447	Lycoming (41) Sullivan (57) Tioga (59)		07
David Paul Brown, Director Montgomery County Emergency Medical Services Office of Emergency Medical Services 50 Eagleville Road Eagleville, PA 19403 (610) 631-6520 FAX (610) 631-9864	Montgomery (46)		13

REGIONAL EMS COUNCIL	COUNTIES/CODE	REGION CODE
----------------------	---------------	-------------

Ralph A. Halper, Director
Philadelphia EMS Council
Philadelphia Fire Department
240 Spring Garden Street
Philadelphia, PA 19123-2991
(215) 686-1313 FAX (215) 686-1321

City of Philadelphia (51) **14**

Stephen M. Koon, Director
Seven Mountains EMS Council, Inc.
523 Dell Street
Bellefonte, PA 16823
(814) 355-1474 FAX (814) 355-5149

Centre (14)
Clinton (18)
Juniata (34)
Mifflin (44) **08**

Sandra L. Jablonski, Executive Director
Southern Alleghenies EMS Council, Inc.
Olde Farm Office Centre - Carriage House
Duncansville, PA 16635
(814) 696-3200 FAX (814) 696-0101

Bedford (5) Fulton (29)
Blair (7) Huntingdon (31)
Cambria (110) Somerset (56) **09**

Ralph J. Cope, Director
Susquehanna EHS Council, Inc.
249 Market Street
Sunbury, PA 17801-3401
(717) 988-3443 FAX (717) 988-3446

Columbia (19)
Montour (47)
Northumberland (49)
Snyder (55)
Union (60) **15**

Emergency Medical Services Office
State EMS Office -- 8:00 a.m. - 5:00 p.m.

Margaret E. Trimble, Director
Pennsylvania Department of Health
P.O. Box 90 -- Harrisburg, PA 17108
(717) 787-8740
FAX (717) 772-0910

PENNSYLVANIA EHS COUNCIL

State Advisory Council - 8:00 a.m. - 5:00 p.m.

Richard D. Flinn, Jr., Executive Director
Pennsylvania EHS Council
Maple Building, Suite 210 -- 5012 Lenker Street
Mechanicsburg, PA 17055
(717) 730-9000
FAX (717) 730-9200



NORTHAMPTON COUNTY
EMERGENCY COMMUNICATIONS AND ENHANCED 911

ADMINISTRATIVE OFFICES
29 MECHANIC STREET
WIND GAP, PENNSYLVANIA 18091 USA

Robert F. Mateff, Deputy Director

Phone: 610 863-0879 Fax: 610 863-0876

Email: nce911@epix.net

April 29, 1999

Mark Goodwin
Chief Counsel
Pennsylvania Emergency Management Agency
P.O. Box 3321
Harrisburg, PA 17105

ORIGINAL: 2021, 2020 & 2019
MIZNER
COPIES: Jewett
Tyrrell
Sandusky
Legal

Re: Proposed Rulemaking: 4 Pa. Code §§ 120b, 120c, 120d;
Published in Pa. Bulletin, Vol. 29, No. 14, April 3, 1999

RECEIVED
99 MAY -6 PM 1:05
PENNSYLVANIA EMERGENCY COMMUNICATIONS

Dear Mr. Goodwin,

As Northampton County Deputy Director of Emergency Communications and Enhanced 911, I wish to formally present the following comments on PEMA's proposed rulemaking as published in the April 3, 199 Pennsylvania Bulletin. On behalf of the County's Department of Emergency Communications and Enhanced 911, we ask that you take our comments into consideration and make revisions to the proposed rules as set forth below:

(1) General comment to proposed section 120d as a whole: the proposed scheme for quality assurance reviews, including the requirement of call-taking audits, makes recorded calls public records within the meaning of Pennsylvania's Right to Know Act. This is contrary to currently proposed legislation which would make the call recordings not available for public inspection and potentially exposes PSAPs and municipalities to liability in so far as the recordings may contain private, statutorily protected information about an individual's health (e.g. person is HIV positive), or may contain information that may jeopardize or compromise an individual's safety if made public, or may contain information regarded under telephone service provider tariffs as proprietary and by statute [Act 78] not to be used for purposes other than 911.

Suggestion: Include language that specifically exempts the reviews from the Right to Know Act.

(2) Comment to proposed section 120d.103 and 104 [Scope and Standards and Procedures for Performance]: Question-Is PEMA making its standards a part of the job description/duties for County 911 employees? The proposed regulations do not state what is expected if the employees do not meet the PEMA Quality Assurance standards. Does PEMA expect that additional training will be required?

Suggestion: PEMA should explicitly state what it expects if QA standards are not met.

Additionally, language should be added addressing situations where a county or local government is constrained by civil service requirements or existing collective bargaining agreements.

(3) Comment to proposed section 120d.105(a) and (b)[Types of quality assurance reviews. Call taking (telephone performance) and Dispatching (radio performance)]: the proposed rulemaking purports to establish an objective method for reviewing call-taker performance, yet the standards set forth are largely subjective. Specifically, the following language in proposed sections creates a heavily subjective list of

standards: in section 120d.105(a)(5), use of the words “quickly and effectively”; section (a)(7), use of the words “calming technique”—an undefined term; section (a)(8) use of the words “professional” and “courteous”; section 120d.105(b)(1) dispatching “usually” within 90 seconds; section (b)(2) provides “pertinent” information—what is considered pertinent?; section (b) (3) use of the word “promptly”; section (b)(4) use of the words “clearly and concisely”; section (b)(5) use of the word “attentively”; section (b)(6) use of the phrase “timely responds to requests from the field”; section (b)(7) use of the word “professional” demeanor

Suggestion: eliminate all subjective terms and set objective standards, e.g. specific time frames within which call handling/dispatching is to take place. If it is not the intent of PEMA to “micromanage” PSAPs, then perhaps many of the proposed standards should be eliminated, and individual PSAPs can establish their own training plans to be approved by PEMA along with the regularly filed amended 911 Plans required by statute.

(4) Comment to proposed section 120d.105(c)[Types of quality assurance reviews. Emergency Medical Dispatch]: Emergency medical dispatch—there are currently pending proposed rulemaking from the Department of Health which turns over to PEMA almost all 911/PSAP emergency medical dispatch related approvals/reviews issues. CHECK CITE See Pa. Bulletin Vol. 29, No. 7, February 13, 1999. It is not consistent with the pending Department of Health proposed rulemaking to interject Department of Health oversight/approval in this process. It is also questionable whether PEMA has the jurisdiction to issue a regulation impacting the Department of Health in such a manner. Furthermore, the Department of Health is not the entity familiar with operation of a PSAP, and thus should not have sole or primary responsibility for such review, since the Department of Health is not familiar with emergency medical dispatch issues.

Suggestion: modify the language to include joint PEMA-Department of Health review, or require the PSAPs emergency medical dispatch programs to be included in the 911 Plans, or eliminate the requirement of Department of Health oversight.

(5) Comment to proposed section 120c.102(b) [Call taker certification. Certification]: section 120c.102(b)(1)(i)—what is the form of application that PEMA proposes to use? section 120c.102(b)(iii)—what is the curriculum of the call taker training course? section 120c.102(b)(iv)—what topics is the written exam intended to address? section 120c.102(b)(v)—what areas is the practical test of call taker skills intended to cover? As a general comment, such requirements from PEMA may impact on pre-existing County rules and regulations concerning civil service job requirements, and may be difficult to implement in a rapid manner.

Suggestion: PEMA should not attempt to “reinvent the wheel”. Where recognized national 911 organizations such as NENA and APCO have already established basic training curriculum and courses, PEMA should rely on those organizations for establishing curriculum content and review.

(6) Comment to proposed section 120c.102(b)(1)(ii): why use the age of 18? it seems an arbitrary choice, especially given the use of the age 20 in section 120c. 104(b)(2);

Suggestion: if there is a specific level of education or life experience that PEMA seeks to use as a guideline, the number of years should be set forth with specificity. and consistency.

(7) Comment to proposed section 120c.102(b)(2) and (c): recertification every three years is duplicative of the continuing education requirements set out in section 120c.106 [refresher training].

Suggestion: one section or the other should be eliminated, or the two should be modified and addressed in one section.

(8) Comment to proposed section 120c.103(b) [Emergency dispatcher certification. Certification]: please see comment No. (5) above, regarding test curriculum and formats. As a general comment, emergency dispatching needs to be specific to the environment of the PSAP in any individual agency.

Suggestion: please see suggestion to comment No. 5, above.

(9) Comment to section 120c.104 [911 center supervisor certification]: please see comment No. 3, above. Again, the application of subjective standards to what appears to be intended as objective criteria creates confusion.

Suggestion: please see suggestion to comment No. 3, above.

(10) Comment to section 120c. 105 [Certification curriculum and instructors]: why does PEMA need to approve schedules? Such matters should be specific to the resources of the individual PSAPs. Additionally, the setting of fees for courses is not something in which PEMA should be involved. PSAPs frequently partner with local colleges, universities, junior colleges, community colleges, hospitals, local police departments, state police barracks, local fire departments, and other entities related to delivery of emergency services. The cost of training or courses delivered in conjunction with those entities varies from one organization to another and from one region of the state to another. The section does not clarify what PEMA's standards will consist of or what information will meet PEMA's requirements.

Suggestion: Require proposed training curriculum, schedules, materials etc. to be included as part of a County 911 Plan. Require that Counties provide a narrative explanation as to how the issues are specific to the County.

(11) Comment to section 120c. 107 [Retention of Records for Audit]: please see comment No. 1 and suggestion thereto, above.

CONCLUSION

Northampton County Department of Emergency Communications and E911 is not opposed to the proposed rulemaking set forth in the April 3, 199 Pennsylvania Bulletin. The County respectfully requests that PEMA take into consideration the comments and suggestions set forth above, and make changes or modifications to the proposed sections of the Pennsylvania Code as noted. If there are specific comments, questions or any need for clarification, I would be happy to address any items with you.

Thank you for your attention to this.

Sincerely,



Robert F. Mateff
Deputy Director,
County of Northampton Emergency Communications
and E911

c:

William J. Hetherman, Northampton County 911 Coordinator and
Director County of Northampton Emergency Communications and E911



L. Robert Kimball & Associates
Washington Square, Suite F, 21 W. Washington Street, West Chester, PA 19380
Tel: 610-892-2232 Fax: 610-892-6511 E-Mail: wchstrgn@lrkimbball.com

RECEIVED
99 MAY -6 PM 1:05
PENNSYLVANIA EMERGENCY
FEDERAL COMMISSION

May 3, 1999

By: facsimile transmission and regular mail

Mark Goodwin, Esq.
Chief Counsel
Pennsylvania Emergency Management Agency
P.O. Box 3321
Harrisburg, PA 17105

ORIGINAL: 2020 & 2021 & 2019
MIZNER
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Legal

Re: Comments to Proposed Rulemaking 4 Pa. Code, Chapters 120b, c,d,

Dear Mr. Goodwin,

On behalf of the City of Philadelphia, kindly accepted this letter along with the attached City of Philadelphia April 29, 1999 inter-Departmental Memorandum as the Comments of the City in response to PEMA's April 3, 1999 Proposed Rulemaking, published in the Pennsylvania Bulletin Vol. 29 No. 14. L. Robert Kimball & Associates is retained by the City to provide it with 911 consulting services, and thus the use of my letterhead here. In an effort to expeditiously provide the information prepared by the City to PEMA, the City has agreed to the format used here, although not as formal as may have been preferred. We ask that PEMA excuse any oversight as to the formalities of procedure in responding to this proposed rulemaking.

The City of Philadelphia has several main areas of concern regarding the Proposed Rulemaking. Specifically:

(1) Call Taker and Emergency Dispatch Certification (Sections 120c.102, 103)-- The attached April 29, 1999 inter-Departmental Memorandum sets forth a description of the manner in which the City presently handles training and deployment of new call takers/dispatchers. Under the City's pre-existing labor agreements and civil services rules and regulations, implementation of the PEMA proposed rules would create a direct conflict with the City's existing rules and regulations. Absent re-opening of the City's labor agreements, which is not scheduled for the immediate future, the City would not be able to comply with the PEMA proposed rules. The City suggests that the PEMA proposed rulemaking contain a modification permitting a PSAP such as theirs, bound by the terms of the existing labor agreements, to prepare a certification plan specific to their situation to be individually approved by PEMA.

(2) Certification Curriculum and Instructors: Refresher Training (Sections 120c.105, 106)-- The attached April 29, 1999 inter-Departmental Memorandum discusses the City's existing Curriculum and Instructor format. The City's present format is based on the specific needs of the City's PSAP and Police Department, and is also based on the specific technical design of the City's PSAP (i.e. vendor involvement). A requirement that the City accept PEMA's curriculum, materials, schedules, exams, fees and other elated matters for Certification would interfere with the pre-existing labor agreements, as discussed above, and would create a serious financial burden on the City. The City suggests that a separate approval process, specific to its PSAP be permitted, given the size of the PSAP (based on call volume, employee number, employee turnover rate, and County population.)

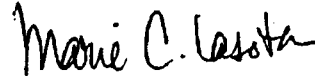
(3) Retention of Records for Audit (Section 120c.107)-- The City has set forth in the attached April 29, 1999 inter-Departmental Memorandum its concern that the existing proposed rule would make information not generally available as a public record subject to the provisions of Pennsylvania's Right to Know Law. The City suggests that a specific exception related to 911 tapes be inserted in the proposed rules.

page 2
Mark Goodwin, Chief Counsel PEMA
May 3, 1999

(4) Quality Assurance Reviews (Section 120d.105)-- The attached April 29, 1999 inter-Departmental memorandum sets forth the City's concern regarding this section: specifically, the sheer volume of calls into the City of Philadelphia PSAP makes the quality assurance standards set forth in the proposed rule untenable. While the City can easily meet the call answering standards, the dispatch of calls is handled in a manner specific to the resources of the City of Philadelphia Police Department--calls are dispatched based on the priority of the incident and the availability of resources (approximately 2.8 million calls a year; average 8000 calls a day, 11,000-12,000 per day in July and August). The City suggests that the proposed Quality Assurance Review standards be more specific, and permit for adjustment of response time in relationship to call volume.

Thank you for your attention to this matter. If you have any questions or need additional information, I will be happy to discuss the City's comments and concerns with you. I can be reached at the above number.

Sincerely,



Marie C. Lasota
Telecommunications Analyst

mcl/ns

w/encls. : April 29, 1999 City of Philadelphia inter-Departmental Memorandum

c: Joseph James, Deputy Commissioner, City of Philadelphia Department of Public Property
Deputy Commissioner Charles Brennan, Philadelphia Police Department
Vincent Costello, Director of Communications, City of Philadelphia Department of Public Property
Inspector Scott Small, Philadelphia Police Department, Communications Division
Sergeant Greg Masi, Philadelphia Police Department
LRK pf: 98- 1750-0514

MEMORANDUM

POLICE
CITY OF PHILADELPHIA
Date: 4-29-99

TO: Deputy Commissioner Joseph James, Public Property

FROM: Commanding Officer, Communications Division

SUBJECT: PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

1. **Call Taker / Emergency Dispatch Certification (Section 1206.102)**
 - A. All civilian personnel assigned to the Radio Room in Philadelphia have the civil service title "Police Communications Dispatcher". Police Communications Dispatchers are assigned to do both, dispatch and answer 9-1-1 calls. There is no civil service title "Call Taker".
 - B. The term "certification" is a vague and general term with no clear cut specific definition relative to the current position of Police Communications Dispatcher in the City of Philadelphia. The term "certification" should be clearly defined, relative to call taker and dispatcher. If an individual is a certified dispatcher, does this mean they are automatically certified as a call taker?

Having separate certifications for call takers and call dispatchers creates a problem for Philadelphia, because if a person does not satisfy proposed PEMA certification for one part, the City would be unable to utilize that employee, but would still have to keep the employee on the payroll under the City's collective bargaining agreements. This would create an unfair drain on already scarce monetary resources.

All civilian, non-supervisory personnel assigned to Police Radio in the PPD have the title, Police Communications Dispatcher. There is no separate title or rank for Call Taker. Police Communications Dispatchers are assigned to answer 9-1-1 calls and dispatch assignments to police personnel. Police Communications Dispatchers assigned to dispatch, or answer 9-1-1 calls receive the same pay and benefits.

All applicants must successfully complete a civil service examination, and they are then hired from an eligibility list. Once hired, each Police Communications Dispatcher "Trainee" must complete an eight week training program. Included in the training is extensive class room study, hand-on application using actual radio room equipment and field training. There are written tests during all aspects of training and each trainee must maintain a passing average in order to graduate.

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

2

After completion of the eight week training, each trainee is assigned to the radio room to work with an experienced Police Communications Dispatcher (PCD). After successfully completing one year as a PCD Trainee, personnel are promoted to PCD. In order to be promoted, a trainee must be able to both handle 9-1-1 calls and dispatch.

Performance evaluations are prepared for PCD Trainees on the 2nd and 5th month, and all PCDs receive a performance evaluation annually.

In addition to the above, PCDs are monitored regularly by their supervisors, wherein supervisors listen to the PCD's interactions with the police and the public. All such monitoring sessions are documented and any deficiencies are noted with the corrective action taken.

The City's/ Philadelphia Police Department's current training program is based on the specific needs and the specific allocation of resources established for optimal operation of the City's PSAP. The PPD's current training program is also based on the past experience of our Philadelphia Police Department with a focus on improving delivery of emergency services.

The City suggests that the proposed rule making sections concerning certification be modified and, that for PSAPs of a large size or serving a large population such as Philadelphia, a certification plan specific to the PSAP be submitted for PEMA approval.

2. Center Supervisor Certification (Section 120C.104)

- A. All supervisors assigned to the Radio Room are sworn personnel holding the rank of Corporal and above. All supervisors assigned had to pass a civil service promotional examination, and all received general supervisor training tailored to their specific rank. There is no initial "police radio" training for supervisors once they are assigned to the unit. Supervisors with the rank of Corporal and Sergeant do attend annual police radio "in-service" training. (Police Radio in-service training will be addressed in detail under the heading "Refresher Training").

Again, the term "certification" must be explained in more detail, and standards must be defined. Additionally, existing collective bargaining agreement terms would conflict with PEMA's proposed regulations. The City would suggest provision for an exemption from the center supervisor certification for PSAPs employing unionized employees/individuals.

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

3

3. Certification Curriculum and Instructors

Presently, all dispatchers receive an eight week (320 hours) training course taught by a sergeant and four veteran dispatchers. The sergeant has been certified by the State under the Municipal Police Officers' Training Act. This certification is conducted and approved by the Pennsylvania State Police. Presently there is no certification for civilian dispatchers who are assigned as instructors.

The present training curriculum was designed by the Philadelphia Police Department and was approved by the Police Commissioner.

If the City PSAP were required to provide the PEMA proposed training curriculum and instructors, the City could not bear the financial burden resulting. The City has a training program specially designed to buy the vendors of the equipment used, the amount of turnover due to civil service structure, and would also create an unfair burden on the City. The Philadelphia Police Department requests that a modification be made to the proposed section allowing for separate written approval of the curriculum and instructors used in a PSAP like Philadelphia's.

4. Refresher Training

Every PCD presently receives sixteen hours of in-service training plus an eight hour ride-along in the field. Sergeants and corporals also attend this training. This training is annual. This training is not certified.

5. Retention Of Records For Audit

The specific type of information to be maintained should be made clear. General Comment to Proposed Section 120D as a Whole: The proposed scheme for quality assurance reviews, including the requirement of call-taking audits, makes recorded call public records within the meaning of Pennsylvania's Right to Know Act. This is contrary to currently proposed legislation which would make the call recordings not available for public inspection and potentially exposes PSAPs and municipalities to liability in so far as the recordings may contain private, statutorily protected information about an individual's health (e.g. person is HIV positive), or may contain information regarded under telephone or compromise an individual's safety if made public, or may contain information regarded under telephone service provider tariffs as proprietary and by statute (Act 78) not to be used for purposes other than 911.

Suggestion: Include language that specifically exempts the reviews from the Right to Know Act.

PHILADELPHIA EMERGENCY MANAGEMENT AGENCY

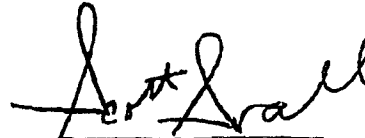
4

6. **Right To Enter And Inspect.**

There is no disputing this recommendation.

7. **Types of Quality Assurance Reviews (Section 120D.105a, Dispatching)**

Dispatching to the Police within 90 second, 90% of the time, would not be feasible in a city of the first class due to the high volume of calls received during peak times. While 98% of all 9-1-1 calls are answered within 2 seconds, they are dispatched according to priority of incident and availability of emergency resources. It is not possible, given the population and enormous volume of calls coming into the Philadelphia PSAP, to always dispatch within the proposed parameters. Additionally, our PSAP does not dispatch Fire or EMS, so such a requirement would not apply to this PSAP. More specific information, such as nature and type of call should be specified in order to accurately measure response, (example: measure priority assignment responses such as violent crimes in progress) and the response time requirement should be adjusted according to PSAP call volume and county population.



SCOTT SMALL
Inspector
Communications Division

SS:sjh

LANCASTER COUNTY

LANCASTER COUNTY-WIDE COMMUNICATIONS

COUNTY COMMISSIONERS
TERRY L. KAUFFMAN, Chairman
PAUL THIBAUT, Vice Chairman
RON FORD

P.O. BOX 487
MANHEIM, PA 17545-0487
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800-297-5292
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MICHAEL W. WEAVER
Director

RECEIVED
MAY - 6 PM 1:05
LANCASTER COUNTY

30 April 1999

Mr. Mark Goodwin
Chief Counsel
Pennsylvania Emergency Management Agency
PO Box 3321
Harrisburg, PA 17105

VIA FACSIMILE AND CERTIFIED MAIL

Dear Mr. Goodwin,

I have reviewed the proposed rulemaking as advertised in the Pennsylvania Bulletin, Volume 29 Number 14 Dated April 3, 1999 titled " 9-1-1 Performance Review and Quality Assurance. " While this document generally reflects the success of direct involvement of the Commonwealth's 9-1-1 Community in the development of the proposed regulations, I do have issues with the section titled " Certification curriculum and instructors " , 120c.105 (a) (b) as found on pages 1723 and 1724.

1. 120c.105 (a) page 1723. The proposed regulation requires that the agency approve specific and detailed portions of County training programs such as schedules, record keeping, materials, examinations, fees, etc.

Our County has a very complex, refined multi-phased training program which allows for continuous adjustment and modification of this program based on individual trainee assessment and progress as well as the changing needs of our agency. Our program is designed to ensure that trainees will either achieve the required performance standards or " wash out " of the program. Once the trainee has made it through the core program, we have a system of on-going training that continues through the entire term of employment. Lancaster County spends a lot of time and money to maintain a high standard of training excellence including employing a full time Training Supervisor and full time Quality Assurance Supervisor with a combined total of forty one (41) years of experience specifically in public safety communications and 9-1-1.

Additionally, our program is in a continuous cycle of review and improvement. The program

changes and adapts to the needs of the agency based on such things as societal changes. Any programs that do not change and adapt will eventually become stagnant and less effective. For instance, with all of the current problems of school violence, we are reviewing programs to better train and prepare our 9-1-1 personnel to deal with one of these situations if, God forbid, we should have to. The regulation, as written, will inhibit program enhancements due to the administrative burden associated with the Agency approval process .

RECOMMENDATION

The Regulation should simply state that the Agency will review and approve the certification curriculums based on the training and Q/A guidelines found in sections 120d.104,105 and 120c.101,102,103, and 104. PEMA auditors and trainers can ensure compliance with the legislative intent as part of their normal auditing function and take corrective action as needed.

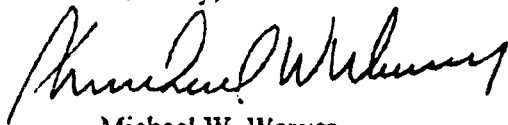
2. 120c.105 (b) page 1723 and 1724. The requirements for instructors must consider specific county training programs. Our training supervisor is a certified instructor as are several of our other personnel who do the primary instruction .Our training supervisor oversees the entire department training program. However, we also use focus instructors in specific areas such as computer aided dispatch, emergency management, HAZMAT, etc. and while these people are experts in their particular area, they are not certified trainers, per se. I don't feel that it is necessary to certify these individuals when they are only providing training in one specific area of their expertise and they are doing this under the supervision of the training supervisor.

RECOMMENDATION

The agency should only certify the lead agency trainer who would then be responsible for the training of the County PSAP. Again, the PEMA auditors and trainers can ensure compliance with the legislative intent as part of their normal auditing function.

Please feel free to contact me with any questions you may have.

Sincerely,



Michael W. Weaver
Director

cc: file
Carl Kuchn II



FAYETTE COUNTY EMERGENCY MANAGEMENT

Fayette County Public Service Building
24 East Main Street
Uniontown, Pennsylvania 15401



(724) 430-1277

April 28, 1999

Mr. Mark Goodwin, Chief Counsel
Pennsylvania Emergency Management Agency
PO Box 3321
Harrisburg Pa. 17105

ORIGINAL: 2020
FORM LETTER

REC'D
99 MAY -6 PM 1:05
FAYETTE COUNTY
HEALTH DEPARTMENT

Mr. Goodwin:

After reviewing the proposed draft regulations pertaining to Training and Certification Standards for 9-1-1 Emergency Communications Personnel I feel that there may be a need for some minor changes in the language of the proposed regulations. Primarily the paragraphs in 120c.102 Call Taker Certification, 120c.103 Emergency Dispatcher Certification and 120c.104 9-1-1 Center Supervisor Certification. Under Certification in all sections noted, it states that the "Agency" (PEMA) will **prescribe** both the written examination as well as the practical test to be administered to the call-takers, dispatchers and supervisors.

After much consideration and discussion with PSAP managers in western Pennsylvania as well as PEMA representatives, I believe that the changing of the word **prescribe** to **approve** in the regulations would enable this legislation to be implemented in a more efficient manner. While some basic training issues remain consistent throughout all PSAPs in Pennsylvania, many PSAPs incorporate localized equipment, geographical, and procedural issues into their respective training programs. Simply put, PEMA could develop key elements for training and certification and review the PSAP training outlines and tests to assure these elements were covered.

I am also concerned about the certification process for the instructors discussed in the proposed legislation. Many PSAP instructors are already certified through a number of Federal, national and/or state recognized agencies and this component may be simply redundant. Proof of existing instructor certification could be provided to PEMA.

I would appreciate your consideration of these key issues to the proposed legislation and await your response.

Sincerely,

L. Guy Napolillo
9-1-1 Coordinator



Erie County Emergency Management Agency
 Erie County 911 Center
 1714 French Street • Erie, Pennsylvania 16501
 814-870-9920 Office • 814-870-9930 Fax



Nick Sleptzoff, Director
 Richard Crabtree,
 Associate Director

Internet Web Address: <http://www.ecdh.org/emergency>

Judith M. Lynch
 County Executive

April 30, 1999

Mr. Carl C. Kuehn, II
 Deputy Director, 911 Coordinator
 Pennsylvania Emergency Management Agency
 Box 3321
 Harrisburg, Pennsylvania 17105-3321

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 99 JAN -6 PM 1:05
 COMMUNICATIONS SECTION

Dear Mr. Kuehn:

I am writing this letter to you on behalf of Mrs. Judy Lynch, Erie County Executive.

We have read the proposed rules and regulations for the training and quality assurance standards for 911 Centers in the Commonwealth of Pennsylvania. I know that a lot of thought and time has been put into these documents and that you have sought the expertise on many people throughout Pennsylvania who are in the communications industry. You and those who helped deserve a hearty congratulations for tackling these issues and successfully completing the rules and regulations in such a short period of time.

After reviewing both documents and talking to communication center personnel in Erie County the only comment we have regards a training issue. We have heard that PEMA will be permitting existing 911 personnel to take the tests for the various modules to prove that they do not need to take a course however, it is not mentioned in the proposed rules and regulations. We believe that making such a statement would do much to make the requirements acceptable to those people who have put an effort to become credentialed by taking hundreds of hours of training in communications over the past few years. There is a great concern around our county from communication center personnel in regard to taking courses that they do not need because they have surpassed your proposed requirements. In most cases, Erie County communication centers will need to spend a lot of money in overtime to get people certified by your courses. By permitting people to take your test and successfully passing it, there will be less overtime that needs to be paid. Please seriously consider adding language in the proposed rules and regulations that PEMA will allow a one time challenge for current communication personnel to take the tests for certification.

If you have any questions or need additional information feel free to call either Mrs. Lynch at 814-451-6333 or myself at 814-870-9920.

Thank you.

Sincerely,

Nicholas Sleptzoff, Director
 Erie County Emergency Management Agency

C: Mrs. Judy Lynch, Erie County Executive
 Ms. Elizabeth Howard, Erie County 911 Supervisor
 Mr. Joe Trzybinski, ECDOH

DAUPHIN COUNTY

Michael E. Wertz
Director EMA

Martyn R. Nevil
Assistant Director

558-6800
558-6850 Fax



Commissioners

Sally S. Klein
Chairman

Russell L. Sheaffer
Vice Chairman

Anthony M. Petrucci

911 GIBSON BOULEVARD * STEELTON, PENNSYLVANIA 17113-1899

ORIGINAL: 2021

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April 30, 1999

Pennsylvania Emergency Management Agency
Attn: Mark Goodwin, Chief Counsel
P.O. Box 3321
Harrisburg, PA. 17105

RECEIVED
 99 MAY -6 PM 1:05
 PENNSYLVANIA
 EMERGENCY MANAGEMENT AGENCY

Dear Mr. Goodwin:

This agency reviewed Proposed Rulemaking, PA Bulletin, Volume 29 Number 14, "911 Performance Review and Quality Assurance."

The document reflects the success of committee involvement in the development of policy and procedures. We would like to provide comment on certification curriculum and instructors requirements.

1. **Curriculum (page 1723, 120 c. 105. (a).** Proposal requires that the Agency approve specific and detailed portions of county training programs such as schedules, record keeping, materials, etc.

Our county has a complex multi-phased training program which allows continuous adjustment/modification of our "core program" based on individual trainee assessment and progress. You cannot effectively train individuals in the 911 environment at the same levels and achieve equal outcomes. Flexibility around the "core program" ensures that trainees will either achieve performance standards or leave the organization.

Additionally, all programs should be in a cycle of review and improvement. Those programs that are not, eventually become stagnant and less effective. The proposal will inhibit program enhancements due to the administrative burden associated with an Agency approval process.

Recommendation The proposal should state that the Agency will approve the overall training program based on PEMA guidelines. These guidelines should be a stand alone document that can be readily modified based on federal or state requirements. The guidelines must provide flexibility for county program development and execution. PEMA auditors and trainers can ensure compliance with legislative intent.

2. **Instructions page 1723, 120c. 105. (b)**. Requirements for instructions must consider specific county training programs. Our master (lead) trainer is an APCO certified instructor. He oversees the program and teaches much of the "basic phase." However, we also include "focus instructors" on emergency management, HAZMAT, stress, automation, telephone, etc. It is not feasible nor necessary to certify every staff member who provides a two (2) hour presentation.

Additionally, when trainees undergo structured multiphase training in the PSAP, we have two designated trainers per position (i.e., phones, fire, police, EMS) per shift (3 shifts). We also expect our supervisors/OIC's to supplement trainers during difficulties. Although we "train" our trainers in instructional methodology, it would be difficult and costly to send all to a formal trainers course.

Recommendation The Agency should approve/certify only the master or lead county PSAP trainer. The agency should approve county programs which address the training of other trainers. The county should certify these trainers.

Please contact myself or Mark Rothermel at (717) 558-6800 with any questions.

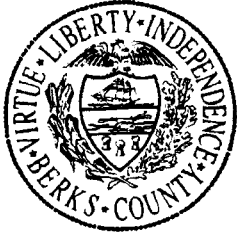
Sincerely,



Roy Hyatt,
Communications Coordinator

RH/bkh

cc: Michael Wertz



Berks County Communications Center

Craig S. Breneiser, *Director*
Eric D. Olena, *Assistant Director*

Courthouse, Eighteenth Floor
633 Court Street
Reading, PA. 19601

(610) 655-4921
(800) 237-0079

3 May 1999

Mark Goodwin, Chief Counsel
Pennsylvania Emergency Management Agency
P.O. Box 3321
Harrisburg, PA 17105

ORIGINAL: 2019, 2020, 2021
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MAY -5 PM 1:05
MAY 11 1999

Dear Mr. Goodwin,

We have reviewed the proposed rulemaking pursuant to Act 17 of 1998 as posted in the Pennsylvania Bulletin, Volume 29, Number 14. We would like to provide the following comments:

Chapter 120d. 911 Performance Review & Quality Assurance Standards

- We are unclear with respect to our responsibility for remote dispatch points associated with our PSAP. As the primary PSAP (and the recipient of surcharge funds provided through Act 78), are we responsible for auditing calls that are transferred to other dispatch points (including the Pennsylvania State Police) and radio traffic that is not under our authority? If so, do the proposed regulations provide us with authority to access tape recordings that do not belong to us?
- Depending upon the Agency's position with respect to the preceding concern, if a remote dispatch point provides emergency medical dispatch using a program other than that used by the PSAP, how can we provide quality assurance audits when we have no affiliation with that program?

Chapter 120c. Training & Certification Standards... Communications Personnel

- A 9-1-1 supervisor is required to have completed both call-taker and emergency dispatcher certifications; however, it is unclear whether those certifications must be *maintained* following receipt of supervisor certification. Must existing supervisors receive call-taker and emergency dispatcher certification, or must they successfully complete a supervisory course and examination?

-more-

- With respect to Agency certification of instructors, is such certification required for anyone who provides instruction, or is it limited to the individual(s) who coordinate and certify course completion? It is common to use individuals with particular expertise to teach a portion of a course without them being formally certified as instructors (e.g.: our computer coordinator would provide general training on the functioning of the computer-assisted dispatch system, but would not assume responsibility for certifying competency). Also, if a trainee is assigned for “on-the-job” training with a senior telecommunicator, must that person be certified to provide OJT?
- What certification requirements are placed on personnel employed by remote dispatch points? What responsibility does the PSAP have with respect to these requirements (or authority to enforce them)?
- We are concerned with the vagueness of the required refresher training. “Sufficient content and duration” leaves a very wide space for interpretation.
- While we do *not* expect the Agency to employ high-handed tactics with respect to its right to enter and inspect a 9-1-1 center, we do note some concern with the potential to conduct an inspection at whim. There needs to be a very high standard of conduct in such cases (akin to that required of law enforcement agencies seeking a search warrant). Does this “enter and inspect” right extend to remote dispatch points, too?

Chapter 120b. Public Safety Emergency Telephone Program

- As drafted, the term “local exchange carrier” (LEC) would seem to include both ALECs and CLECs. However, empirical experience has shown both ALECs and CLECs may attempt to avoid responsibility with respect to maintaining a good MSAG. The same may also be true of wireless carriers (which have historically been resistant to providing a physical address for their tower sites). Therefore, we recommend the language be tightened to include any entity that provides dial tone service.
- The suggestion to validate a database every six months would be wholly unrealistic in our system. While we have received cooperation in performing daily validations, a statutory requirement may result in loss of such cooperation. We prefer to see language that permits the PSAP to set a reasonable validation schedule.
- If we wait until a LEC reaches a 95% accuracy on its database, the MSAG will never receive the required information. In our case, it has been more expedient to take the data provided by a LEC, validate and make corrections. In this fashion, whatever good information the LEC has can be used, rather than having no available data.

Act 17 Rules

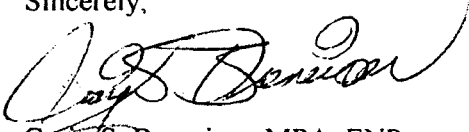
Page 3

5-3-99

Generally, we appreciate the programmatic changes contained in Act 17, and believe this will result in an overall improvement in the delivery of 9-1-1 services throughout the Commonwealth. Like anything new, however, there are some potentials for problems and concerns, and the foregoing comments are where we see such instances. The purpose of this letter is intended to be constructive, not critical.

If we can be of further service, please do not hesitate to contact us.

Sincerely,



Craig S. Breneiser, MPA, ENP
Director,
Berks County Communications Center

pc: W. Rehr, 911 Coordinator
Communications Advisory Committee