

# Metro Region ARMER Standards

## Section 7 – Metro 7.2.0 Response to Non-Compliance

Date Established

5-02-01

Date Revised/Reviewed

4-11-19

### 1. Purpose or Objective

The objective of this procedure is to describe the consequences of non-compliance. These consequences will be spelled out for varying degrees and duration of non-compliance.

### 2. Technical Background

- Capabilities - None
- Constraints - None

### 3. Operational Context

Metropolitan Emergency Services Board (MESB) is charged with setting standards and determining protocols and procedures for the smoothest possible operations between and among the users of the metropolitan region of the ARMER system.

The ability to communicate between full participants and non-participants in the regional system is possible due to the hardware and software developed and implemented to foster interoperability. The improper use of this hardware can have minor to grave consequences. These standards, policies and procedures have been set forth to describe how and under what conditions the regional public safety radio system will be used. This is essential in order to maximize service to the citizens of the metropolitan area and minimize potential negative consequences. Responsible management of this resource, therefore, requires that standards, protocols and procedures be enforced and that consequences to non-compliance be developed and implemented.

#### REVIEW BODY

Radio Technical Operations Committee  
(Radio TOC)  
Metropolitan Emergency Services Board  
(MESB)

#### ROLE

Peer review, fact finding, recommend action  
Endorse/sign-off on action  
Approval or disapproval of recommended action

### 4. Recommended Protocol/Standard

Consequences of failure to comply with these standards, protocols and procedures fall into two categories of non-compliance.

- a. **Moderate to high** potential for serious adverse effect on participants and/or non-participant for the Backbone System.

- **First Violation**

Written order to immediately stop the non-compliant practice. Either the MESB Executive Director, or owner agency of affected System/Sub-system may send this letter, with a copy to the Chair of the Radio TOC in both cases. The governing body of the violating Agency shall be notified of the violation.

- **Failure to correct problem and respond within 30 days or second violation within 180 days**

Suspension of user privileges on the Backbone System to the extent of time determined by the Radio TOC with prior notification to the MESB.
  - **Failure to respond within 60 days or 3<sup>rd</sup> violation within 180 days**

Revocation of user privileges on the Backbone System. This action must be recommended by the Radio TOC and requires the approval of the MESB.
- b. **Low potential for adverse effect on participants and/or non-participants of the Backbone System:**
- **First Violation**

Written warning calling attention to the non-compliant practice. The violator is asked to stop the non-compliant practices(s) or apply for a formal waiver or variance with 30 days. (See *Metro Standard 1.5.3 Variances and Waivers*).  
The MESB Executive Director or owner agency may send the warning with a copy to the Radio TOC in both cases. The governing body of the violating agency shall be notified of the violation.
  - **Failure to respond within 30 days or 2<sup>nd</sup> violation within 180 days**

Written order to immediately stop the non-compliant practice or be subject to suspension or revocation of user privileges. The MESB Executive Director or the owner agency may send this letter with a copy to the Chair of the Radio TOC.
  - **Failure to respond within 60 days or 3<sup>rd</sup> violation with 180 days**

Suspension or revocation of use privileges on the backbone system. The specific penalty must be recommended by the Radio TOC and requires the approval of the MESB.
- c. The Radio TOC will be the first review body for discovery or report of non-compliance.

**5. Recommended Procedure**

Non-compliance may come to the attention of various personnel as a result of routine monitoring, an audit, a report or complaint from radio users as possible alternatives. Regardless of how the issue arises, as soon as there is awareness of non-compliance:

- **The individual discovering non-compliance is obliged to immediately report it to their respective system manager or administrator. If local management fails to resolve the**

**situation with a reasonable time the manager will notify the Chair of the Radio TOC and the MESB Executive Director.**

- **If the matter is determined to be urgent by either system management or by the Executive Director, it will be placed on the next Radio TOC agenda.**
- **Should immediate action be required the non-compliant agency will be notified of:**
  - The required action. This will include a request to explain the reason for non-compliance.
  - The date the matter will come before the Radio TOC.
  - Their rights to request a variance or waiver and, ultimately, to appeal (See *Metro Standard 7.3.0 The Appeals Process*).
- **The Radio TOC will hear the issue and recommend corrective action or consequences.**
- **These will be communicated to the violator within ten days.**
- **System Managers will follow up to ensure that all next steps and/or corrective action has been completed within the time frame established.**
- **MESB staff will review results, follow up with System Managers on next steps and study trends/impact and take action if appropriate.**

#### **6. Management**

The Executive Director and MESB staff, acting on behalf of the Board, manage this process. Any action taken by staff shall be reported to the MESB and shall be subject to review and/or appeal.