



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

November 30, 1998

**Jim Ryan**  
ATTORNEY GENERAL

FILE NO: 98-024

COUNTIES:  
Personnel Attributable  
Directly to the Operation  
of an Emergency Telephone System

The Honorable Thomas J. Brown  
State's Attorney, Livingston County  
Livingston County Courthouse  
Pontiac, Illinois 61764

Dear Mr. Brown:

I have your letter wherein you inquire regarding the meaning of the phrase "costs of personnel attributable directly to the operation of the system", as used in subsection 15.4(c)(7) of the Emergency Telephone System Act (50 ILCS 750/15.4(c)(7) (West 1996), as amended by Public Act 90-698, effective August 7, 1998). Specifically, you have posed several questions requiring an evaluation of factual circumstances to determine whether emergency telephone system funds may properly be expended for the personnel costs described. It has long been the policy of the office of the Attorney General not to "furnish opinions as to the

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exercise of executive judgment or discretion, nor on questions of fact". (1991 Ill. Att'y Gen. Op. vi; see also 1965 Ill. Att'y Gen. Op. 3.) I will, however, address the underlying issues generally to assist you in resolving your specific questions.

As you are aware, the operation of emergency telephone systems is governed by the provisions of the Emergency Telephone System Act (50 ILCS 750/0.01 et seq. (West 1996)), pursuant to which the corporate authorities of a county which has established an emergency telephone system are authorized, with referendum approval, to impose a monthly surcharge on the billed subscribers of network connection telecommunication carriers. (50 ILCS 750/15.3 (West 1996).) Corporate authorities that impose such a surcharge are required to appoint an emergency telephone system board (50 ILCS 750/15.4(a) (West 1996), as amended by Public Act 90-698, effective August 7, 1998), which is responsible for coordinating and supervising the implementation and operation of the emergency telephone system and for directing the expenditure of surcharge monies which are held in the emergency telephone system fund. (50 ILCS 750/15.4(b) (West 1996), as amended by Public Act 90-698, effective August 7, 1998.) Subsection 15.4(c) of the Act (50 ILCS 750/15.4(c) (West 1996), as amended by Public Act 90-698, effective August 7, 1998), which governs expenditures from the fund, provides:

" \* \* \*

(c) All monies received by a board pursuant to a surcharge imposed under Section 15.3 shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

\* \* \*

(7) Other products and services necessary for the implementation, upgrade, and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

\* \* \*

"

(Emphasis added.)

As used in the Act, the term "system" is defined to include  
"\* \* \* the communications equipment required to produce a response by the appropriate emergency public safety agency as a

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result of an emergency call being placed to 9-1-1". (50 ILCS 750/2.06a (West, 1996).)

Livingston County operates its emergency telephone system through a centralized communication center, which provides county-wide emergency services for police, fire and emergency medical service agencies. According to the information we have been furnished, the communication center is manned by twelve telecommunicators, three per shift. The specific duties of the telecommunicators include:

"Answer[ing] six 911 emergency phone lines, all agencies 7 digit numbers and administrative lines \* \* \* [;]

Dispatch[ing] needed responders (police, fire or EMS) to the 911 emergency \* \* \* [and] providing personnel safety checks for the duration of the emergency \* \* \* [;]

Dispatch[ing] any extra manpower or equipment the responders may request \* \* \* [;]

Record[ing] all information received for all agencies incident cards and forward[ing] to appropriate agency \* \* \* [;]

Enter[ing] all agencies LEADS System inquiries for police agencies which at times has 20 - 25 police units on duty \* \* \* [;]

Answer[ing] and test[ing] each shift's four TDD/TTY 911 equipment daily \* \* \* [;]

Receiv[ing] emergency calls from Illinois State Police and dispatch[ing] appropriate responders \* \* \* [;]

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Monitor[ing] and coordinat[ing] fire/weather watchers, fire channel radio system, ISPERN and IREACH \* \* \* [; and]

Simulcast[ing] county-wide weather messages to police, fire, EMS and ESDA agencies. When notified provide alert messages and set[ting] off ESDA sirens."

For the period of October, 1996, through December, 1997, the communication center received approximately 86,600 telephone calls. Of those telephone calls, some 10,842 were 9-1-1 calls, an average of 723 calls per month or approximately twenty-three 9-1-1 calls every twenty-four hours. It has been estimated that approximately 15 minutes are spent on each 9-1-1 telephone call by communications center personnel.

Against this background, you have inquired, firstly, whether emergency telephone system funds may be expended to cover the salary and other employer costs of one telecommunicator per shift, plus a relief employee. In opinion No. 98-009, issued April 23, 1998, I was asked whether county emergency telephone systems funds could properly be expended for the costs associated with employing dispatchers for the emergency telephone system. Based upon the plain and unambiguous language of subsection 15.4(c)(7) of the Act, it was my opinion that the payment of compensation and the costs of associated benefits for the dispatchers who are responsible for answering incoming 9-1-1 calls

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and for contacting the appropriate public safety agency regarding a request for emergency services is a permissible use of emergency telephone system funds. I further cautioned, however, that while a dispatcher could perform some tasks which were incidental to his or her primary duties while monitoring the communications equipment, emergency telephone system funds could not be used to compensate personnel for performing functions that are unrelated to the operation of the emergency telephone system.

The purpose of the Emergency Telephone System Act is, inter alia, "\* \* \* to encourage units of local government and combinations of such units to develop and improve emergency communication procedures and facilities in such manner as to be able to quickly respond to any person calling the telephone number '9-1-1' seeking police, fire, medical, rescue, and other emergency services". (50 ILCS 750/1 (West 1996).) Clearly, the creation of a centralized communication center is in furtherance of this purpose. For an emergency telephone system which elects to establish a centralized communications center for fielding and responding to all requests for emergency services, the telecommunicators employed in the centralized communications center would clearly be considered "personnel attributable directly to the operation of the system". The number of telecommunicators that are necessary to man the emergency telephone system aspect

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of the centralized communication center, however, is a question of fact which must be resolved by the emergency telephone system board and the other affected parties. In this regard, I would note that subsection 725.505(h) of the Illinois Commerce Commission's rules implementing the Emergency Telephone System Act (83 Ill. Adm. Code 725.505(h) (1998)) requires that emergency telephone system boards "provide continuous and uninterrupted" emergency telephone service within a system's boundaries "24 hours per day". Therefore, if, for example, a determination is made by the emergency telephone system board that one telecommunicator per shift is necessary to answer and respond to telephone calls received on the 9-1-1 lines, it is my opinion that the total wages and employer costs for that particular employee could properly be paid from emergency telephone system funds. Indeed, with a centralized dispatching system such as yours, it appears that at least one telecommunicator per shift must be present to answer 9-1-1 calls regardless of whether any such calls are actually received. Consequently, it would not be unreasonable to conclude that the wages and employer costs of at least one telecommunicator per shift "are attributable directly to the operation of the system".

With regard to the propriety of the expenditure of emergency telephone system funds for the wages and employer costs

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of a relief employee, if it is determined that an additional person must be present in the communications center to replace a telecommunicator while he or she is on break or otherwise unavailable, then it is my opinion that the relief telecommunicator may also be compensated from emergency telephone system funds.

You have also inquired whether a 9-1-1 call is deemed to terminate upon the dispatch of an emergency unit or continues until the emergency unit which responds to a request for assistance completes its services. Subsection 725.505(e) of the Illinois Commerce Commission's rules (83 Ill. Adm. Code 725.505(e) (1998)) provides that "[a]t such time as the telecommunicator verifies that the transfer has been completed and the telecommunicator's services are no longer required, the telecommunicator may manually release himself from the call, provided that the telephone equipment is so designed. \* \* \*" As used in the rules, the term "transfer" refers to "[a] feature which allows the \* \* \* telecommunicator to transfer E9-1-1 calls to a specific location or secondary PSAP [a location where a 9-1-1 call is transferred for dispatching purposes]". (83 Ill. Adm. Code 725.105 (1998).)

Based upon the foregoing, it is my opinion that a 9-1-1 call generally terminates when the telecommunicator contacts the appropriate public safety agency regarding a request for emer-



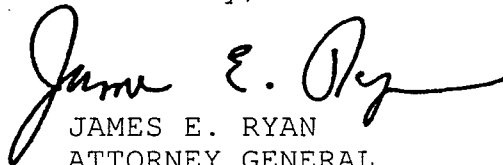
gency services and provides the requisite information which would allow the public safety agency to provide the emergency services requested. In extraordinary circumstances, the telecommunicator's services may be required by the public safety agency beyond the point at which the necessary information regarding the request for emergency services is communicated. In that instance, subsection 725.505(e) of the Illinois Commerce Commission rules indicates that the telecommunicator is to remain with the call until his or her services are no longer required, a point which will depend upon the circumstances unique to that call.

Lastly, you have inquired whether the percentage of 9-1-1 calls received in relation to the total of all calls received at a communications center may be used to establish a percentage of the total telecommunicator wages and employer costs that are "attributable directly to the operation of the system". The provisions of the Emergency Telephone System Act and the rules implementing the Act (see generally 83 Ill. Adm. Code 725.100 et seq. (1998)) are silent in this regard. Consequently, it is my opinion that if the emergency telephone system board and the other affected parties conclude that the most accurate method of determining personnel costs attributable directly to the operation of the emergency telephone system is to pro rate the wages and employer costs of the telecommunicators, then there is

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nothing in the language of the Emergency Telephone System Act  
that would prohibit such an approach.

Sincerely,

A handwritten signature in cursive script, reading "James E. Ryan". The signature is written in dark ink and is positioned above the printed name and title.

JAMES E. RYAN  
ATTORNEY GENERAL