

PUBLIC SAFETY COMMISSION RESOLUTION

WHEREAS the 86th Texas Legislature adopted Senate Bill 616 regarding the functions of the Department of Public Safety.

WHEREAS Senate Bill 616 enacted Section 411.0045, Texas Government Code, providing that the Public Safety Commission shall adopt a physical fitness program in accordance with Government Code, Section 614.172 and adopt a resolution certifying that the programs adopted under Section 614.172 are consistent with generally accepted scientific standards and meet all applicable requirements of state and federal labor and employment law.

WHEREAS the Commission has considered information provided by internal and external subject matter experts, and reviewed the Health, Physical Fitness and Command Presence Policy attached hereto as Exhibit A.

WHEREAS the Commission has considered the proposal to incrementally implement the policy over the course of 2019 and 2020 and provide a 2% allowance from the established command presence standards attached hereto as Exhibit B.

THEREFORE BE IT RESOLVED BY THE PUBLIC SAFETY COMMISSION OF THE STATE OF TEXAS:

That pursuant to Texas Government Code Sections 614.172 and 411.0045 the Public Safety Commission adopts the Health, Physical Fitness and Command Presence Policy attached hereto as Exhibit A and the implementation plan attached hereto as Exhibit B.

That the Public Safety Commission concludes that policy stated in Exhibit A is consistent with generally accepted scientific standards and meets applicable requirements of state and federal labor and employment law.

This resolution was considered and approved by the Public Safety Commission of the State of Texas at its open meeting held on the 10th day of October, 2019, in Travis County, Texas.



Steven P. Mach, Chairman
Public Safety Commission

08.14.00 HEALTH, PHYSICAL FITNESS, AND COMMAND PRESENCE POLICY

14.01 Objective

The Texas Department of Public Safety Health, Physical Fitness and Command Presence Policy is designed to address the issue of good health and physical fitness for commissioned officers and recognize the benefit to non-commissioned personnel.

The objective of the program is to support and assist officers in maintaining a high degree of physical conditioning and good health by providing a periodic evaluation and assessment. In addition, the program will also provide valuable resources and incentives for non-commissioned personnel to promote and maintain healthy lifestyles.

The key to good health and fitness lies in lifestyle. There is not a great deal that others can do to improve an officer's level of health and fitness. Each officer has an individual responsibility to maintain a level of fitness that permits him/her to carry out job responsibilities and safely handle any situation that may arise. Command presence – maintaining a high degree of physical conditioning and professional appearance – is a critical component of officer safety. More importantly, officers have a responsibility to their families when it comes to day-to-day safety and longevity.

The acceptance of this responsibility involves a commitment from each officer. Unfortunately, good health and fitness does not “just happen”; therefore, personal goals must be established and effort must be put forth to achieve them. A fitness plan, which includes goals in the areas of nutrition, exercise, and weight control, will pay great dividends if carried out.

This policy will assist and support officers in establishing and carrying out a health and fitness plan. The positive results will benefit the Department and Texas' citizens by ensuring a physically fit and well-trained force that is ready to safely respond to any situation. Each officer will benefit from the additional officer-safety factor that is present when one is physically fit. In addition, officers will be better able to perform day-to-day duties with a reduction of stress. Families of officers will benefit from a continued level of health and fitness, which should contribute to a more positive and productive lifestyle, as well as a longer life.

The Education, Training and Research Division (ETR) is responsible for developing and implementing health and fitness education and training to assist commissioned and non-commissioned employees in their efforts to improve their overall health and achieve individual fitness goals.

Commissioned and non-commissioned employees desiring to improve their health and fitness are encouraged to participate in training and education offered by the ETR Division. In addition, non-commissioned employees are encouraged to have preventive health screening by their personal physician before participating in the Department's health and fitness programs. Permission to participate in these activities on duty time and/or using state resources must be approved by their immediate supervisor before attendance/participation.

The Regional Director will identify appropriate personnel under their command to receive training and certification from the Education, Training and Research Division (ETR) to conduct physical health screening and testing.

14.02 Physical Fitness Testing During Employment for Commissioned Personnel

All full time, active commissioned officers will be subject to physical fitness testing as follows:

1. Two required Testing Periods operate through the fiscal year (September through August)

- a. Between September 1st and November 30th, all commissioned employees must pass the Physical Fitness Testing (PFT). Each commissioned employee is allowed three attempts to pass the required minimum standard. Employees must make their first attempt in September. Employees who fail in September shall make a second attempt in October. Employees who fail their second attempt in October shall make their final attempt in November. All PFT attempts must be completed by November 30th.
- b. Unless an exemption has been earned as provided in §08.14.06, between March 1st and May 31st, all commissioned employees must pass the PFT. Each commissioned employee is allowed three attempts to pass the required minimum standard. Employees must make their first attempt in March. Employees who fail in March shall make a second attempt in April. Employees who fail their second attempt in April shall make their final attempt in May. All PFT attempts must be completed by May 31st.
- c. An attempt is an employee's genuine effort to complete and pass the selected PFT testing option.
- d. All tests will be administered by Department Certified Fitness Testers. Department Certified Fitness testers may not test themselves.
- e. "Department Certified Fitness Tester" is a tester who has successfully completed training in any of the following formats:
 - 1) DPS Fitness Institute: (Advanced Physical Fitness Testing and Assessment Instructor Development Program.) This tester can perform the Standard PFT testing; Concept II Row testing (2000m, 4-minute, 500m), and the Combat Fitness Evaluation.
 - 2) Concept II Rower Tester Training Course: This tester can perform the Concept II Row Testing (2000m, 4-minute, 500 m) and the Standard PFT testing.
 - 3) Combat Fitness Tester Training Course: This tester can perform the combat fitness testing.
- f. All Department Certified Fitness Testers shall possess current, active CPR/AED certifications or the Department approved equivalent.

2. Pre-Testing General Health Screening

All employees are required to have a preventive, general health screening conducted by a physician. The date of the screening must be within one year of the PFT test date. A Preventative General

Screening Form (ETR-162), authorizing the employee's participation, must be signed by the employee's physician and maintained by the employee.

- a. The Department certified fitness tester must view the ETR-162 to verify a physician has recommended the employee can participate in PFT testing. Certified fitness testers should not take possession of the ETR-162.
- b. If the employee's physician does not recommend participation in the PFT, the employee will not be allowed to test during the testing period. If an employee is unable to test they are considered to be out of compliance with the PFT policy unless they have obtained a medical waiver.
- c. If the ETR-162, completed by a physician does not authorize participation in the PFT, the employee may be required to have a physician complete a HR-87 to determine if there are physical limitations that prevent the performance of the employee's duties. The chain of command, in connection with HR, will initiate this process and determine the appropriate course of action.

3. Physical Fitness Testing (PFT)

The PFT performance standards are found in the ETR-164 form. All commissioned employees must meet a minimum of 70% score for their age and gender. The employee may choose any one of the testing options: Rowing, Combat Fitness Evaluation, or the Standard PFT.

Employees will be allowed three attempts per testing period to pass the PFT. All attempts must be completed within the testing period.

An employee who fails to pass the PFT is required to report that failure to the employee's immediate supervisor.

All PFT or organized fitness training events must have an active AED and certified AED /CPR operator or department approved equivalent present.

At the end of each testing period, agency wide commissioned officer results will be reviewed by the ETR Division Fitness Wellness Unit (FWU) and the Office of General Counsel. The minimum percentage passing score may be adjusted with the approval of the Director to address potentially disparate impact of the presumptive passing score on any class of individuals.

PFT Options consist of the following:

- a. **Rowing.** An employee may choose one of the following rowing options:
 - 1) 2000 Meter Row – Damper 5
 - 2) 4 Minute Row Test – Damper 5
 - 3) 500 Meter Row – Damper 5

- b. **Combat Fitness Evaluation**

Three rounds of:

- a) One minute wall ball
- b) One minute sumo deadlift high pull
- c) One minute box jump
- d) One minute push press
- e) One minute row
- f) One minute rest

c. Standard PFT

- 1) Push-ups, with no time limit
- 2) Abdominal crunches, a maximum number within two minutes
- 3) One and a half (1½) mile run

4. Documentation and ETR-164 Requirement

The Department Certified Fitness Tester, conducting the PFT, will be required to document the results on the ETR-164. The Certified Fitness Tester will provide a copy of the completed ETR-164 to the employee and the employee's immediate supervisor. The submission deadlines for the completed ETR-164 are as follows:

a. Fall Cycle:

- 1. September PFT – no later than October 15
- 2. October PFT – no later than November 15
- 3. November PFT – no later than December 15

b. Spring Cycle:

- 1. March PFT – no later than April 15
- 2. April PFT – no later than May 15
- 3. May PFT – no later than June 15

14.03 Command Presence Requirement

All commissioned personnel must comply with the Command Presence Requirement, regardless of age, grade, gender, or duty assignment.

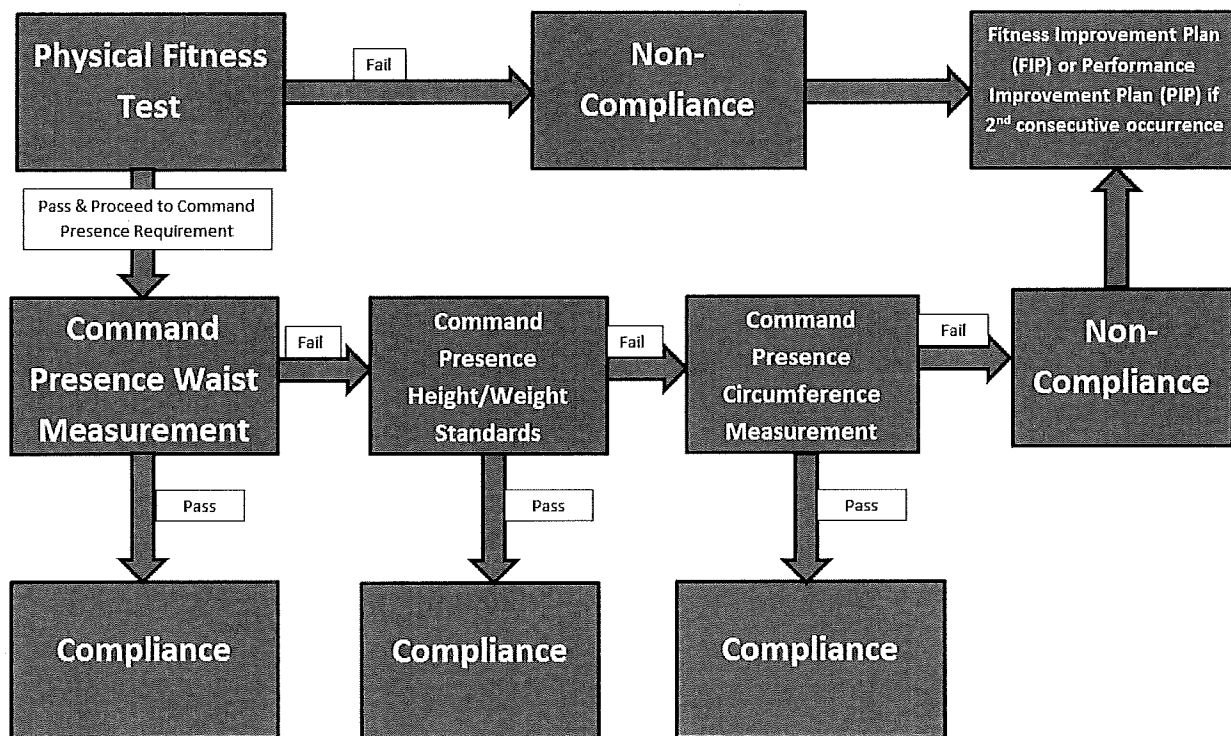
1. Two required Testing Periods operate through the fiscal year (September through August)

- a. During the Fall Testing Cycle (between September 1 and November 30), all commissioned employees must pass the Command Presence (CP) Requirement. Each commissioned employee has two attempts to meet the CP Requirement. Employees must complete their first CP assessment between August 1 and September 30. If a commissioned employee fails to meet

the CP Requirement, the commissioned employee shall take the CP assessment again in November. All CP assessments must be completed by November 30th.

- b. During the Spring Testing Cycle (between March 1 and May 30), all commissioned employees who are not exempt under 14.06, must pass the Command Presence (CP) Requirement. Employees must complete their first CP assessment between February 1 and March 31. If a commissioned employee fails to meet the CP Requirement, the commissioned employee shall take the CP assessment again in May. All CP assessments must be completed by May 31st.
- c. All measurements will be completed by Department Certified Fitness Testers. Department Certified Fitness testers may not measure themselves. A DPS Fitness Institute Tester may conduct measurements independently but a Concept II Rower Tester or a Combat Fitness Tester must conduct measurements with another Department Certified Fitness Tester.

2. Compliance Flowchart for PFT & Command Presence Requirements



Three Paths to Compliance with Command Presence Requirement:

- i. Commissioned employee passed PFT and meets the CP Waist Measurement Standard
- ii. Commissioned employee passed PFT, does not meet the CP Waist Measurement Standard, but met the CP Height/Weight Standard.

- iii. Commissioned employee passed PFT, does not meet the CP Waist Measurement Standard and does not meet the CP Height/Weight Standard, but met the CP standard for Circumference Measurements.

3. Command Presence Requirement Parameters and Testing Means

a. Waist Measurement Standard:

- i. A commissioned male employee must have a waist measurement below 40 inches.
- ii. A commissioned female employee must have a waist measurement below 35 inches.

b. Height/Weight Standards:

If a commissioned employee passed the PFT but does not meet the CP Waist Measurement, the commissioned employee will be assessed based on CP Height/Weight Standards as listed in the ETR-165

c. Circumference Measurement Method for Percent Body Fat Standards:

- i. If a commissioned employee passed the PFT, does not meet the CP Waist Measurement Standard and does not meet the CP Height/Weight Standard, the employee will be assessed based on the CP Standards for Circumference Measurements.
- ii. The CP Standards for Circumference Measurements are listed in the ETR-165 and reflect a comparison of circumference measurements with standards for allotted percent body fat for each age and gender cohort.

4. Documentation and Form Submission Requirements

The Department Certified Fitness Tester conducting the measurements for the CP Requirements must document all measurements. If measurements are taken in conjunction with the PFT, the measurements will be documented on the ETR-164. The Department Certified Fitness Tester shall provide a copy of the completed or ETR-165 to the employee and the employee's immediate supervisor.

The submission deadlines for the completed ETR-165 are as follows:

a. Fall Cycle:

- 1. September PFT – no later than October 15
- 2. October PFT – no later than November 15
- 3. November PFT – no later than December 15

b. Spring Cycle:

- 1. March PFT – no later than April 15

2. April PFT – no later than May 15

3. May PFT – no later than June 15

14.04 Waivers

All waivers must be requested on the ETR-163 form and the request approved by the employee's Deputy Director or designee. When the need for the waiver is foreseeable, the employee must submit the request 30 to 45 days prior to the beginning of the testing period so that the process is completed during the testing period.

a. **Medical Waivers.** An employee must report to the employee's immediate supervisor any medical condition that could affect the employee's ability to perform all assigned tasks and responsibilities, including participating in PFT and meeting the Command Presence Requirement. All medical waiver requests must be accompanied by a letter from a physician describing the physical condition that prohibits participation in the PFT or Command Presence Requirement. Letters from physicians for temporary or extended waivers must be issued within three months of the testing period and must be accompanied by a memorandum from the employee detailing the physical condition that prevents participation in the PFT or the Command Presence Requirement. The employee's Deputy Director may request additional information from the employee or their attending physician if needed to assist with determining whether to approve a request.

Employees unable to perform some or all of the PFT or the Command Presence Requirement may apply for one of the following waivers:

1) Temporary Waiver. An employee with a temporary physical condition that prohibits them from participating in the PFT or the Command Presence Requirement may request a temporary waiver. A temporary waiver is granted per testing period. A temporary waiver related to a pregnancy may be granted for more than one testing period as described by Section 07.04.00.

2) Extended Waiver. An employee with a permanent physical condition that prohibits them from participating in the PFT or the Command Presence Requirement may request an extended waiver. An extended waiver may be granted for a period determined by the employee's Deputy Director or designee.

b. Employees who are unable to participate in PFT or the Command Presence Requirement due to a physical condition may be required to have their physician complete an HR-87 to determine if there are physical limitations that prevent the performance of the employee's duties. The chain of command, in connection with HR, will initiate this process and determine the appropriate course of action. If an employee has a current ETR-162 and the employee is placed on a medical restriction with the HR-87 or HR-87A (Confidential Evaluative Medical Status Report); the employee is required to obtain a new ETR-162 before returning to fitness testing.

- c. **Military Waivers.** An employee who is absent during an entire testing period due to active military duty may apply for a waiver for the testing period. The employee, or supervisor if the employee is unavailable, should submit the required ETR waiver request form and a memorandum explaining the circumstances to the employee's Deputy Director or designee.
- d. **Submission of Waivers:** The approved waiver request form must be submitted to HR. Approved waiver request forms for the fall testing period must be submitted to HR by December 15. Approved waiver forms for the spring testing period must be submitted to HR by June 15.
- e. An employee who has been granted a waiver is considered to be compliant with the Health, Physical Fitness, and Command Presence Policy.
- f. **Post-Waiver testing:** After an employee has been released from any restrictions listed on the HR-87 that prevented them from participating in PFT or the Command Presence Requirement, the employee shall have up to 60 days to prepare for and train for the PFT or the Command Presence Requirement. An employee may be granted additional time to prepare for testing with approval of their supervisor and their Deputy Director.

14.05 Consequences of Failing to Comply with PFT or Command Presence Requirements

- 1) Commissioned officers who have not passed the PFT, or have not met the Command Presence Requirement, received a waiver, or otherwise attained compliance with this policy will not be eligible to participate in any of the following until they attain compliance:
 - a. The promotional process; and
 - b. Secondary employment requiring the use of the officer's commission or wearing of the department uniform.
- 2) Commissioned officers who have not passed the PFT or have not met the Command Presence Requirement, received a waiver, or otherwise attained compliance with this policy may be subject to the following consequences:
 - a. Temporary assignment to a non-enforcement role; and
 - b. No overtime allowed.

Determinations to temporarily reassign employees or restrict overtime will be made by the Deputy Director over the employee's division. Consideration will be given to progress toward compliance and performance throughout the period of a Fitness Improvement Plan or Performance Improvement Plan.

3) Mandatory Fitness Education

- a. Commissioned officers unsuccessful in passing the PFT or who have not met the Command Presence Requirement are required to successfully complete an online health and fitness program established by the ETR Division FWU.

- b. Commissioned officers unsuccessful in passing the PFT or who have not met the Command Presence Requirement in one testing period shall successfully complete a health and fitness program which includes a comprehensive fitness improvement plan (FIP).
- 1) **Fitness Improvement Plan (FIP).** The FIP will be established by the ETR Division Fitness Wellness Unit or a DPS Fitness Institute Graduate in coordination with the employee's supervisor, and a Department Certified Fitness Tester-to ensure the appropriate goals, progress assessments, and time frame for improvement are adapted specifically for the employee's deficiencies. The employee's immediate supervisor shall be provided a copy of the fitness plan and work with the FWU regarding the FIP process. Each FIP shall include periodic assessments or benchmark measurements to track the employee's progress.
- c. **Performance Improvement Plan (PIP).** A PIP may be used for any employee who fails to comply with either the PFT requirement or does not meet the Command Presence Requirement in two or more consecutive testing periods.

14.06 Awards and Exemptions

The objective of the award and exemption program is to support and encourage all employees in the maintenance of good health and fitness. Service Commanders or their designees are responsible for administering the award program for the commissioned employees under their command. The Division Director of each division or their designee will determine the implementation of the awards program for non-commissioned employees in their division. Non-commissioned personnel may participate in the awards testing during duty time. This opportunity will only apply to the fall testing cycle and will qualify for both hours earned and exemption from testing for the spring cycle.

1. Administrative Leave

- a. The Department shall grant administrative leave on a progressive award scale of no more than four (4) days or 32 hours per fiscal year for commissioned and non-commissioned employees who exceed the minimum PFT fitness standards. (See ETR-164) An employee may earn administrative leave for their single best performance in both the fall and spring testing cycle not to exceed 32 hours. The amount of administrative leave granted to non-commissioned employees under this section may be reduced if the employee has been granted administrative leave for other reasons during the fiscal year. All leave must be used within 12 months from the day leave was earned. A commissioned employee must also be in compliance with the Command Presence Requirement to earn the appropriate administrative leave award.
- 1) Administrative Leave will be granted at the following percentiles:
 - a) 80%-84% 8 hours
 - b) 85%-89% 12 hours
 - c) 90%-94% 16 hours
 - d) 95% or > 32 hours

- b. Each testing period is an independent process where an employee may earn administrative leave up to 32 hours per fiscal year. Examples: 1). An employee that achieved 95% or above in the fall testing period receives 32 hours administrative leave and cannot earn additional hours. 2). An employee who earns 12 hours in the fall testing period may earn 8 to 20 hours in the spring testing period. 3). An employee achieves 80% and earns eight hours in the fall. The employee then chooses to retest in the same fall testing cycle for additional hours and again achieves 80%; the employee would not earn additional hours. If the same employee scores 85%, on the retest, the employee earns 12 hours total for the fall testing cycle.

2. Exemption Package

- a. If a commissioned ~~an~~ employee scores 80% or above on the fall fitness assessment and is in compliance with the Command Presence Requirement the employee will be exempt from PFT and Command Presence Requirement testing in the spring testing period.
 - 1) This exemption will only apply to the fall testing cycle. An employee that participates in the spring test cycle may not earn exemption from the fall testing cycle.
- b. For the department's mandatory fitness testing requirement/policy, the 2000 meter, 4-Minute row and the 500 meter tests will be conducted with a standardized damper setting of 5.
 - 1) Employees participating in the exemption program seeking a greater exemption award may complete a separate 2000 meter, 4-Minute row and 500 meter test on a damper setting of their choosing administered by a department certified row tester. This voluntary row test cannot be substituted for the standardized row test. The employee must have successfully passed a required department fitness assessment during the testing period before being eligible to take the exemption-only row test. The employee will receive the highest earned exemption.

3. Fitness Star

- a. Granting of a Fitness Star will be dependent upon the aggregate performance beyond the PFT minimum standards. The employee must attain a cumulative average to equal 90% or more.

For example, a 32-year-old male takes the PFT-completing 80 sit-ups for a score of 96%, 68 push-ups for a score of 99%, and runs the one and a half mile in 11:24 for a score of 75%. The three percentage scores are added together and divided by three for an average score ($96+99+75=270$, $270/3=90$.) The employee finishes with an average score of 90%, earning the Fitness Star.

- b. Once awarded, the Fitness Star Award may be worn on the uniform as prescribed by the THP Manual. Non-uniformed commissioned officers will be guided by their Division Director if and when the Fitness Star may be worn. The Fitness Star Award may be worn only if the officer continues to achieve 90% or more in each testing period.

- c. All non-commissioned employees are required to have a physical health screening conducted by a physician before participating in the awards testing. A copy of the ETR-162, Preventive General Health Screening Form must be on file, dated within 12 months from the date of the awards testing, and approved for participating by the employee's physician.

4. Recognition Awards

- a. The Department may publicize the names of employees awarded the Fitness Star.
- b. Competitive Fitness Activities – The Department may create regional fitness competitions designed to foster "esprit de corps."

5. Reporting Spring Exemption:

The ETR Fitness Wellness Unit will apply earned exemptions from the Fall testing cycle to the Spring testing cycle results. No additional documentation is required in the Spring testing cycle from employees exempt from testing.

14.07 Exercise Policy

Per Texas Govt. Code 664.061, State Employees Health and Education. Subchapter A. State Employees Health Fitness and Education Programs, Division Directors may allow their employees time to exercise during normal working hours for 30 minutes at a time, up to 3 times per week. Each Division Director may use their discretion as to when that time is used during the day. Each employee who participates will be asked to submit their proposed exercise schedule for utilizing this time to their supervisor.

14.08 Cardiac Screening Initiative

The call to improve overall wellness in public safety professions has increased in recent years. The Department recognizes that commissioned law enforcement officers are negatively impacted by the environments in which they operate due to the stresses associated with the profession. To counter those impacts, Department officers are encouraged to care for both their physical and mental health through a balanced approach of physical fitness, proper nutrition, and resiliency awareness. While these areas provide an effective foundation of overall wellness, they fail to adequately identify and prevent the physical ailment most antagonistic to law enforcement officers: cardiac wellness.

National statistics consistently indicate several troubling trends:

- Heart disease is the leading cause of death in the United States¹
- Protective Services (police officers, firefighters, and correctional officers) ranks third nationally in obesity rates behind only truck drivers and transportation/material movers²

More law enforcement specific research³ indicates the following:

- Law enforcement officers live an average of 22 years less than the average American;
- Nearly 50% of law enforcement officers will die from heart disease within five years of retirement;

- Statistically, law enforcement officers are 25 times more likely to die from cardiovascular disease (CVD) than from the violent action of a suspect;
- The average age of a heart attack patient: 49 years for LEOs – 65 years for civilians;
- Heart attacks under 45 years of age: 45% for LEOs – 7% for civilians;
- Average life expectancy: 57 years for LEOs – 79 years for civilians; and
- If a law enforcement officer lives to the age of 59, they have a 56% of dying from a heart attack. The same age civilian has only a 1.5% chance.

Research shows that routine cholesterol screening and treadmill stress testing in personnel without symptoms often fails to identify the early stages of heart disease. To aid in protecting our personnel and in reducing the aforementioned statistics, the Department is instituting a cardiac screening initiative for asymptomatic personnel. Beginning at age 35 and at five-year intervals thereafter, personnel are encouraged to partake in a dual screening protocol consisting of a coronary calcium score via CT scan of the heart and advanced blood test measuring the levels of lipoprotein associated phospholipase A₂ (LP-PLA₂), which is a marker of inflammation from coronary plaque formation. The CT scans are available at most hospitals in the state and can usually be obtained without a physician order. Lp-PLA₂ testing can be obtained from private screening labs statewide. Combined, these two tests offer employees with the opportunity to identify otherwise unknown coronary artery disease years before blockages manifest themselves more seriously.

If employees receive any abnormal data on either screening test, they are encouraged to consult a cardiologist or their primary physician.

While the statistics above address sworn law enforcement officers nationally, the Department is concerned with all our employees and encourages everyone to participate in this initiative.

APPLICANT PROCESSESSING

14.09 Pre-Employment Physical Tests and Examination

Applicants for the position of trooper will be subject to the following physical examinations:

1. Physical Fitness Testing. All applicants will be initially tested in the field. Those applicants that cannot pass the PFT will not be allowed to continue in the process. Applicants should be encouraged to put forth their best efforts and reminded that the application and selection process is competitive. Once accepted to the Academy, all recruits will be tested at the beginning of the recruit school on the Standard PFT. Those applicants that cannot pass the Standard PFT will be rejected from attending the Academy. All applicants must complete the PFT.

The minimum standard for each applicant is based on age and gender. Using the percentage results for the test battery found on the ETR-164, the average score of the two components must meet a minimum of 70% for their age and gender to be considered for employment.

The PFT consists of two components with a 20 minute recovery period between the aerobic test and the anaerobic test:

a. Aerobic Test

One and a half (1½) mile run

b. **Anaerobic Test**

500 meter row sprint

2. **Physical Examination.** All applicants for employment as a commissioned officer will be required to undergo a physical examination performed by a physician designated by the Department, at no cost to the applicant.

Physical Fitness Testing and Command Presence Policy Implementation Schedule

September 1, 2019 – The established Physical Fitness Testing (PFT) policy adopted in General Manual, Chapter 8, Section 08.14.02 will continue to be followed and the fall testing cycle will begin. The Command Presence (CP) assessment approved by the PSC in February will be integrated into the fall testing cycle. Meeting any one of the three CP assessment thresholds establishes compliance. For the fall 2019 and spring 2020 testing cycles there will be a two percent allowance in the CP thresholds.

December 1, 2019 – after the completion of the fall testing cycle, commissioned employees who fail to achieve the required PFT standard or CP standard during the fall testing cycle will be placed on a Fitness Improvement Plan.

- The mandatory consequences for failing to meet PFT standards established in policy remain unchanged (ineligible for promotional process and prohibition of secondary employment using commission/uniform).
- Additional consequences for failing the PFT standard may include temporary removal from enforcement role and no overtime allowance. Determinations to temporarily reassign or restrict overtime will be made by the Deputy Director over the employee's division.
- For the fall 2019 testing cycle, failure to meet the CP standard will not result in the mandatory or additional consequences referenced above. However, compliance with the fitness improvement plan, which will include benchmarks toward compliance, will be required. Failure to comply with a fitness improvement plan can result in administrative consequences including those mentioned above.

June 1, 2020 – commissioned employees who fail to achieve the required PFT standard or CP standard in the spring testing cycle will be placed on a Fitness Improvement Plan.

- The mandatory consequences for failing to meet PFT standards referenced above and in policy remain unchanged.
- Additional consequences for failing the PFT standard may include temporary removal from enforcement role and no overtime allowance. Determinations to temporarily reassign or restrict overtime will be made by the Deputy Director over the employee's division.
- Employees on a fitness improvement plan from the fall cycle for CP non-compliance who are meeting all the plan requirements and showing continuous progress toward compliance may remain on the plan without consequence.
- Compliance with a fitness improvement plan, which will include benchmarks toward compliance, will be required. Failure to comply with a fitness improvement plan can result in administrative consequences including those mentioned above.

August 2020 - the Fitness Wellness Unit (FWU) and the Office of General Counsel will analyze the two testing cycles of data collected on the PFT and CP assessments and the FWU will report their findings to the PSC at that month's meeting.

September 1, 2020 – the CP standards approved by the PSC take effect. The allowances provided for the first year of the CP program will no longer apply.

December 1, 2020 – commissioned employees who fail to achieve the required PFT standard or CP standard in the fall testing cycle will be placed on a Fitness Improvement Plan.

- Mandatory consequences for failing to meet PFT standards or CP standards will be applied.
- Additional consequences may include temporary removal from enforcement role and no overtime allowance. Determinations to temporarily reassign or restrict overtime will be made by the Deputy Director over the employee's division.