

Sheriff and Deputy Sheriff Education and Training Board Policy

(as approved by the Deputy Sheriffs' Education and Training Board September 16, 2014)

(as approved by the PA Commission on Crime and Delinquency December 10, 2014)

(effective January 1st, 2015)

I. Definitions

- A. **“Act”:** Act 1984-2 with amendments
- B. **“Board”:** Sheriff and Deputy Sheriff Education and Training Board as defined by the Act.
- C. **“Board Staff”:** Commission Staff specifically assigned to support the Board.
- D. **“Commission”:** Pennsylvania Commission on Crime and Delinquency (PCCD).
- E. **“Course/Class”:** The total curriculum as defined by the Board required for certification or recertification.
- F. **“Light Duty”:** Limited duty by competent medical authority because of temporary injury or medical condition. Administrative duties not involving traditional duties of a sheriff or deputy sheriff and where the individual is not armed or uniformed so as to be identified as a deputy or sheriff.
- G. **“Module”:** Single subject resulting in a grade.
- H. **“For Record Test”:** An academic, skill, or fitness test for score or pass/fail which will be considered as an official test or retest for certification/recertification and training records.
- I. **“Time Waiver”:** A waiver granted by the Board, upon the request of an employing sheriff, for additional time, beyond that allowed by the Act, for his/her self or deputy to complete training required for certification or recertification.
- J. **“Training Waiver”:** A waiver granted by the Board, upon the request of an employing sheriff, for certification or recertification, in a manner different than established by the Act, for his/her self or deputy.

II. Training Attendance

- A. Attendance at all classes and successful completion of all tests and skill examinations is required for certification and recertification.
- B. Authorized absences or missed class/course work will be evaluated on a case-by-case basis. In limited cases, missed class work or tests/examinations may be

made up after hours and with additional class/course work. This is at the discretion of Board staff after consultation with the contractor and instructors. Should a deputy sheriff student miss an excessive amount of class time, as determined by Board staff, or if the student feels he/she is unable to make up the training, the employing sheriff will be contacted. The sheriff will have several choices:

- (1) Remove the deputy and terminate employment.
- (2) Remove the deputy and return him/her at the next available class date to complete remaining course work.
- (3) Continue deputy in the current course to complete remaining training. Deputy will return for missed or incomplete training at the next available class.

Should an elected sheriff miss an excessive amount of class time, as determined by Board staff, or if the sheriff feels he/she is unable to make up the training, the sheriff shall be eligible for the options listed in sections (b)(2) and (3). Any sheriff failing to receive and maintain certification shall be ineligible to be on the ballot for the office of sheriff at the next election.

- C. Injuries or medical conditions discovered during training will necessitate that the participant obtains a medical evaluation within one week of injury or discovered condition. Failure to obtain this evaluation will be grounds for immediate return of student to his/her agency. Board staff, after reviewing the new medical evaluation and after consultation with the contractor/instructors will determine if course work can be made up during the current class. If not, or if the deputy or sheriff feels he/she is unable to make up the training, the options as listed for authorized absences under section (b) shall apply.
- D. Under no circumstances will the student be allowed to continue with physical activities unless specifically cleared by competent medical authority.
- E. Course work, exams, skill, and fitness tests, not completed within a year of absence, failure, injury, or medical condition, will require **complete** re-attendance of the incomplete training course/class.
- F. In many cases, missed course work will require attendance greater than the actual training missed. Board staff will consult with the contractor to determine the time period required to make up that training. Sheriffs will have that information available to make the determination as to the status and options available for themselves or their deputies.

III. Training Failures

- A. Students must meet the evaluation and testing standards as outlined in Board Regulations and Policy. When a student fails to meet those standards, he/she will

have the opportunity to review mistakes and retest. Students may retest only once for each test or evaluation. Failure of a retest will require the sheriff to decide to:

- (1) Remove the deputy from training and terminate employment
- (2) Remove the deputy from training and return him/her at the next available class/course to successfully complete remaining course work including entire failed training module.
- (3) Continue deputy in the current course to complete subsequent training. Deputy will return at the next available class for entire failed training module.

Should an elected sheriff fail a retest, the sheriff shall be eligible for the options listed in sections (a)(2) and (3). Any sheriff failing to receive and maintain certification shall be ineligible to be on the ballot for the office of sheriff at the next election.

- B. The requirement to return for the entire failed module does not include Physical Fitness training and testing. Should a student fail to meet the For-Record Physical Fitness standards, he/she will be given the opportunity to improve his/her physical conditioning over the rest of the class/course. Prior to the completion of the course, two (2) For-Record retests will be offered to determine if the sheriff or deputy meets the fitness standards. Missed tests, regardless of reason, cannot be saved. The final retest, during approximately Week 19, is the last opportunity to meet these standards.

Should a student be unable to take the retest during Week 19 because of documented injury or illness, they will be offered one opportunity to return for a retest (with documented medical clearance). Preparing for that retest is the responsibility of the student and, in the event of a deputy sheriff, his/her sheriff.

- C. Either of the following will necessitate an immediate return of the sheriff or deputy to his or her employing office:
- i. Failure of any two modules followed by failures of both retests for those modules (two retests for Fitness Testing).
 - ii. Failure followed by a retest failure for any module that was repeated from a previous course because of test failures.
 - iii. Failure of the Physical Fitness Module including failure of the final (Week 19) retest.

Should a sheriff want to return, or want the deputy sheriff to return to continue the deputy's employment under any of these circumstances, the sheriff would need to request and the Board approve the re-attendance. The student would have to return and successfully complete the **entire** training program for certification or re-certification and would include limits on re-imbursments and room and board.

IV. Violations of the Training Code of Conduct

- A. Violations of the Training Code of Conduct may be severe enough to justify dismissal from a training course/class. Dismissals will be at the discretion of Board staff with the approval of the PCCD Executive Director. Dismissal for violations of the Training Code of Conduct will be reported to the Board at its next scheduled meeting. Appeals for reconsideration of the dismissal and a return to training will be submitted as outlined in Board Regulations. If an appeal is approved, the Board will determine what portion of training must be completed/repeated.

V. Training Re-imbusement

- A. As specified by Act 1984-2 and Board Regulations, the Board will provide training, and room and board free to students. 100% of sheriffs' and deputies' basic salary and travel will also be reimbursed. However, the Board interprets that to mean reimbursement for the minimum costs required to meet training requirements. Some payments and reimbursements will be limited for sheriffs and deputies who are unable to complete training in the allotted time and must return to make up or repeat that training.
- B. The Board will normally provide the training delivery at no cost to counties or sheriffs and deputies under most circumstances.
- C. At no time will the reimbursement of basic salary exceed the minimum hours required to complete each class/course regardless of the actual time required by a sheriff or deputy to complete/repeat that course for any reason.
- D. Sheriffs and deputies who return to make up missed class work because of an authorized absence, injury, or medical condition will be reimbursed mileage and provided room and board free.
- E. Sheriffs and deputies who return to retake a failed module and/or complete training subsequent to a failed module will be reimbursed mileage and provided room and board free.
- F. Sheriffs and deputies who return to training due to an appeal of a dismissal for violations of the Training Code of Conduct will be reimbursed mileage and provided room and board free (unless denied by the Board as part of the appeal).
- G. Deputies who are returned to their departments under the conditions of III. C. may return to training at the request of their sheriff and with the approval of the Board. A sheriff may return to training with the approval of the Board. Training will continue to be provided by the Board at no cost to the county. However, the Board will not provide room and board nor reimburse mileage beyond that which

would be required under the minimum time established by the Board to complete that class/course.

After that period, the sheriff or deputy or his/her agency will be responsible for these costs. Those costs will be identified by Board staff who will consider the total attendance in the failed class/course along with the attendance required in returning for the entire new class/course. The employing County must pay Room and Board beyond the minimum necessary to be certified or recertified.

- H. Reimbursement forms must be submitted by the sheriff's office to PCCD within 18 months of the issuance of forms by PCCD. Reimbursement will not be made after that time period.

VI. Training Waivers

- A. Training waivers may be awarded based on a sheriff's or deputy's prior law enforcement training and experience. Training waivers recognize a sheriff or deputy's skill and knowledge from Pennsylvania based law enforcement training and experience. These waivers are identified in Board regulations.
- B. The Training Supervisor of the Sheriffs and Deputy Sheriffs' Training Division, Bureau of Training Services, PA Commission on Crime and Delinquency may award these training waivers and report them at the next Sheriffs and Deputy Sheriffs' Education and Training Board meeting.
- C. The Sheriffs and Deputy Sheriffs' Education and Training Board will consider requests for out-of-state training waivers on a case-by-case basis.
- D. Training waivers will not be considered for deputy sheriffs if the period between either the qualifying training or experience and the employment date exceeds five years.

VII. Time Waivers

- A. Any deputy who fails to certify or recertify in the time specified by Act 1984-2 and fails to obtain or is denied a time waiver AND continues employment as a deputy sheriff is in violation of Act 1984-2 as are those who employ him.
- B. Any sheriff who fails to certify or recertify in the time specified by Act 2014-114 and fails to obtain or is denied a time waiver may not appear on the ballot for sheriff at the next election.
- C. Pre-certification Time Waivers: Time Waivers for deputies prior to certification by the Board are restricted to:

- i. Military Deployment. With written orders these waivers will be for (the duration of the deployment plus the time remaining until the next scheduled certification class) up to six months upon return to duty as a deputy sheriff.
- ii. Medical Leave. With written notice of medical leave or “light duty” these waivers will be for (the duration of the medical leave plus the time remaining until the next scheduled certification class) up to six months upon return to full duty as a deputy sheriff. A chronic condition where medical prognosis does not indicate possible recovery/rehabilitation allowing attendance at a certification class is not waivable.
- iii. Family Medical Leave. Deputies certified by the County Human Resources Officer as meeting the requirements for Family Medical Leave will be waived for (the duration of the leave plus time remaining until the next scheduled class) for up to six months upon return to duty as a deputy sheriff.
- iv. Personal Emergencies. Evaluated on a case-by-case basis by the Board. These requests must be in writing and fully explained.
- v. The Training Supervisor, Sheriffs and Deputy Sheriffs’ Training Division (PCCD) is authorized to grant waivers identified in VII. B. i.-iii. above. Waiver for personal emergencies, VII. B. iv., are granted by the Board.

C. Re-certification Time Waivers. Time Waivers for sheriffs and deputies already certified by the Board to extend time to comply with re-certification requirements can be approved under certain circumstances.

- i. Military Deployment. With written orders these waivers will be for (the duration of the deployment plus the time remaining until the next scheduled re-certification class) up to six months upon return to duty as a sheriff or deputy sheriff.
- ii. Medical Leave. With written notice of medical leave or “light duty” these waivers will be for (the duration of the medical leave plus the time remaining until the next scheduled certification class) up to six months upon return to full duty as a sheriff or deputy sheriff.
- iii. Family Medical Leave. Deputies certified by the County Human Resources Officer as meeting the requirements for Family Medical Leave will be waived for (the duration of the leave plus time remaining until the next scheduled class) for up to six months upon return to duty as a sheriff or deputy sheriff.
- iv. Personal Emergencies. Evaluated on a case-by-case basis by the Board. These requests must be in writing and fully explained. The waiver may extend until the next available class after the emergency is resolved. These may not extend beyond six months.

- v. Temporary Manpower Shortfalls. In extreme cases where manpower is fully utilized on an identified commitment, a time waiver may be granted until the next available class after the end of the commitment. This waiver may not extend beyond six months and may not be used to alleviate chronic manpower shortages.
- vi. Training Site More Convenient to County. Periodically, a sheriff or deputy may need recertification when a training site is not convenient to the County. A time waiver may be approved to allow the sheriff or deputy to attend at a more convenient site as long as the training is within six months of the sheriff or deputy's recertification due date.
- vii. The Training Supervisor, Sheriffs and Deputy Sheriffs' Training Division (PCCD) is authorized to grant waivers identified in VII. C. i.-iii. above. Waivers for personal emergencies, temporary manpower shortfalls, and other training locations, VII. C. iv.-vi., are granted by the Board.
- viii. Time Waivers less than 30 days or which will resolve themselves prior to the next scheduled Board meeting may be approved by the Training Supervisor, Sheriffs and Deputy Sheriffs' Training Division (PCCD).

Time Waivers that require a change to a training site will be at no additional cost to the Board.

- E. All Time Waivers approved by the Training Supervisor, Sheriffs and Deputy Sheriffs' Training Division (PCCD) will be reported in writing at the next scheduled Board meeting.
- F. A form will be made available for time waiver requests.

VIII. Re-employment of Board Certified Deputy Sheriffs

- A. Deputy sheriffs who are re-employed must return within five years of leaving employment as a Pennsylvania deputy sheriff for their certification to remain valid.
 - i. Deputy sheriffs upon re-employment whose certification is still current will be re-activated.
 - ii. Deputy sheriffs, upon re-employment, who are longer than 2 years from previous deputy sheriff certification/re-certification and within five years of previous employment as a deputy sheriff must complete an online comprehensive legal update course before reactivation as a deputy sheriff.
 - iii. Continuing Education will be required within 2 years of re-employment.

- B. Deputy sheriffs who are re-employed and are beyond the five year limit must return for basic or waiver training, whichever is applicable.