

YORK-POQUOSON SHERIFF'S OFFICE	RULES AND REGULATIONS
SUBJECT: Hiring New Personnel and General Physical Fitness	NUMBER: RR 1-5
EFFECTIVE DATE: January 1, 2023	LAST MODIFIED DATE: July 1, 2022
AMENDS/SUPERSEDES: RR 1-5 July 1, 2021	APPROVED: <u>R.G. Monty</u> Sheriff
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INDEX WORDS

Hiring
Lateral entry
Oath of office
Personnel records
Physical examinations
Probation
Re-application (hiring)
Records

POLICY

The York County Sheriff's Office strives to obtain the best law-enforcement officers possible and to maintain the general health and physical fitness of all deputies to help achieve the agency's goals and meet community needs. The Sheriff's Office follows a standardized selection process, which provides for equal opportunity regardless of race, creed, color, sex, national origin, sexual orientation, or age. The Sheriff's Office does not discriminate against people with disabilities and affords them the same access to employment provided to all citizens. Where possible, the Sheriff provides reasonable accommodation to the known disabilities of qualified people. All Sheriff's Office personnel who participate in screening and hiring applicants shall be guided by fairness, equal opportunity, and consistency in applying the procedures set forth in this order. Further, it is the policy of the Sheriff that all personnel will be required to take the attached oath of office before assuming sworn status.

PURPOSE

The purpose of this directive is to outline minimum hiring and physical fitness maintenance requirements for deputy sheriffs, and to satisfy requirements of the Virginia Law Enforcement Professional Standards Commission (VLEPSC) standard that all personnel prior to assuming sworn status shall take an oath of office to enforce the Constitution of the United States, the Constitution of Virginia, and the ordinances of the County of York and the City of Poquoson.

PROCEDURES

- Application Process
 - During the application process, the Sheriff or his designee shall ensure that the following requirements are satisfied:
 - Job openings are advertised as required by law through the York County Department of Human Resources.
 - Review submitted applications.
 - Schedule applicant interviews.
- Qualifications
 - The minimum qualifications for the position of deputy sheriff exceed [Section 15.2-1705](#), Code of Virginia and are as follows:
 - Complete an online employment application with York County Division of Human Resources during the advertised period;
 - Furnish all information required for the selection process;
 - Be a United States citizen.
 - be required to undergo a background investigation including fingerprint-based criminal history records inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation;
 - have a high school education or have passed a high school equivalency examination approved by the Board of Education
 - Possess or have the ability to obtain a current Virginia motor vehicle operator's license.
 - Undergo a physical examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician.
 - Not have been convicted of or pleaded guilty or no contest to a felony or any offense that would be a felony if committed in Virginia;
 - Not have been convicted of a misdemeanor offense involving moral turpitude;
 - Not have produced a positive result on a pre-employment drug screening;
 - Not have been decertified as a law enforcement officer by the Virginia Department of Criminal Justice Services or other state's law enforcement certifying agency for misconduct or a violation of the law;
 - Current state law enforcement certification is preferred;
 - Be at least 21 years of age.
 - Provide a signed and notarized release of information form authorizing the Sheriff's Office to request and receive prior employment records and other records necessary to conduct a thorough back ground investigation;
 - Undergo a successful background investigation.
 - Undergo a psychological screening examination, subsequent to a conditional offer of employment.
 - Not have been convicted or pled guilty or no contest to any misdemeanor involving moral turpitude, including but not limited to petit larceny under § [18.2-96](#), or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth;

- Not have been convicted or pled guilty or no contest to any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § [18.2-67.4](#) or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of § [18.2-371](#);
 - Not have been convicted or pled guilty or no contest to domestic assault under § [18.2-57.2](#) or any offense that would be domestic assault under the laws of another state or the United States.
- Background Investigation
 - Background investigations will be assigned to a specific individual for processing.
 - Findings from the investigation will be considered in the hiring process.
 - The background investigation shall include, at a minimum the following:
 - DMV driving records check.
 - Fingerprint-based criminal history records inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation, and
 - Personal history, including:
 - ❖ Inquiry of family, friends, and associates as to good moral character and reputation;
 - ❖ Credit history, including current creditors;
 - ❖ Comprehensive employment history and education, including all schools attended and degrees or certificates obtained; High school graduate or GED equivalent.
 - Prior Commonwealth of Virginia certified law enforcement officers background check
 - In accordance with Section [15.2-1705](#)., Code of Virginia the Sheriff or his designee shall, prior to making a conditional offer of employment, request and receive the following from prior Commonwealth of Virginia employing law enforcement agencies, jails and the Director of the Department of Criminal Justice Services, information pertaining to:
 - ❖ The arrest or prosecution of the former officer to include:
 - Expunged arrest or criminal charges known to the agency or disclosed to the agency during their hiring process;
 - Information regarding civil suits involving the former officers employment or performance of his duties;
 - Information obtained during the course of an internal investigation related to the officers:
 - ✓ Alleged criminal conduct;
 - ✓ Use of excessive force;
 - ✓ Other misconduct in violation of the state professional standards of conduct.
 - Information related the former officer's job performance that led to his:
 - ✓ Resignation;
 - ✓ Dismissal/Termination;

- ✓ Demotion;
- ✓ Suspension, or
- ✓ Transfer.

- Interviews

- All interviews will be conducted uniformly, so as to provide an equitable rating system.
- All candidates will be directed to answer the same pre-printed questions.
- Interviews will not be discriminatory based on age, race, creed, nationality, origin, sex, disability, handicap, political affiliation, or marital status.
- Have the applicant sign any additional required release forms.

- Selection process

- All sheriff's Office personnel involved in the selection process, to include interviews and back ground investigations, shall have received training in these areas.
- The preliminary selection criteria above shall be used as a guide to furnish the Sheriff with a recommended list of applicants for his final selection.
- The Sheriff or his designee will make all conditional offers of employment. The candidate must then under go:
 - A background Investigation
 - ❖ The prior law enforcement employment information listed above shall be requested and received prior to any conditional offer of employment involving a former Commonwealth of Virginia law enforcement officer.
 - ✓ Agencies receiving the above request are required to provide the requested information within 14 days of receipt of the request.
 - ❖ The prior law enforcement employment information listed above shall be requested prior to any conditional offer of employment involving former law enforcement officers from other states or territories.
 - ✓ Conditional offers of employment shall be withdrawn if any information is received from a prior out of state employing law enforcement agency which would render the candidate unqualified in accordance with Section [15.2-1705](#), Code of Virginia.
 - A physical examination (mandated by § [15.2-1705](#), Code of Virginia),
 - A psychological examination,
 - A drug screening, and a related inquiry, required by all entering employees in sworn positions.
 - The physical and psychological examinations shall be provided at no-cost to the prospective employee.
 - No conditional offer will be considered final until a satisfactory physical examination, psychological examination, drug screening, and background investigation is completed.

- After the conditional offer has been made, the applicant may be asked about previous injuries and workers' compensation claims.
- Orientation
 - All new Sheriff's Office employees/appointees will attend a York County employee orientation training session.
 - Attendance ensures that the employee/appointee understands job benefits, health plans, and administrative matters, conditions of employment, disability, and retirement.
 - New employees/appointees will also receive an initial Sheriff's Office orientation that covers specific agency policies and procedures, court and office locations etc.
- Unsuccessful applicants
 - Unsuccessful applicants may re-apply once a new vacancy exists, unless otherwise disqualified for employment as a law enforcement officer.
 - Unsuccessful applicants will receive notification of application disposition.
- Selection Records
 - All selection, testing, and interview records shall be maintained for a minimum period of three years.
- Lateral entry
 - A current-certified law enforcement officer from another Virginia agency must meet the criteria set forth above.
 - If accepted for employment, the individual may or may not be assigned to attend a basic academy, subject to the status of the individual's certification and training; partial training may be required.
 - In accordance with Section 9.1-116. Code of Virginia, a currently retired law-enforcement officer or law-enforcement officer eligible for retirement, who has not had a break in service of more than sixty (60) calendar months, if hired is exempt from having to undergo training to meet the minimum compulsory training requirement (Basic Law Enforcement Training) so long as they have demonstrated sensitivity to cultural diversity issues.
 - The employee in charge of the selection process shall ensure that an applicant with prior law-enforcement experience has not been decertified per § [15.2-1707](#) and [15.2-1708](#), Code of Virginia.
- Validation of selection procedures
 - Sheriff's Office hiring procedures follow the requirements that are set forth by the York County Division of Human Resources.
 - The Sheriff or his designee, in consultation with York County Human Resources Officer shall periodically review selection procedures for validity and uniformity.

- For additional guidelines, refer to County of York, Personnel Policies and Procedures Manual, [Chapter 7: Personnel Recruitment, Selection, and Orientation](#).
- Probation
 - All newly-hired deputies and civilian personnel shall be probationary employees for one year from the date of Employment.
 - The same probationary period applies to deputies hired through lateral entry.
 - Prior to and during attendance at the training academy, deputies shall **only** perform law enforcement duties under the direct supervision of supervisors or field training officers.
- Field training
 - All newly hired deputies shall complete a field training period under the direct supervision of a field training officer (FTO).
 - Newly hired deputies also must receive a favorable evaluation by their FTO during this period. For additional information, see [RR 1-12B, Training](#).
 - Probationary employees will be evaluated at least twice during the probationary period). At a minimum, probationary employees will be evaluated between their fifth and seventh month of employment and at the conclusion of the twelve month period.
 - At the conclusion of the rating period, each employee shall be counseled in the following areas:
 - Results of the performance evaluation just completed.
 - Level of performance expected, rating criteria or goals for the new reporting period. Supervisors shall receive feedback at least once during the evaluation period from each of their employees.
 - For additional guidelines, refer to [RR 1-6, Performance Evaluation](#).
 - At the end of the probationary period, the employee's immediate supervisor shall write a performance evaluation in which he or she must rate the appointee as having met minimum acceptable performance in all areas, see [RR 1-6, Performance Evaluation](#).
 - The Sheriff reserves the right to extend the probationary period an extra 90 days because of an unsatisfactory rating.
 - A second unsatisfactory rating, at the end of 90 days, in any category shall provide cause for dismissal.
 - Probationary employees who wish to protest their ratings have no appeals rights except to request an interview with the Sheriff.
- Employee Records
 - For each employee/appointee, the Sheriff's Office maintains a personnel record which includes all forms completed during the hiring process, all evaluations, complaints, commendations, leave/attendance record, and assignments.
 - The Sheriff delegates the maintenance and control of all personnel records to the Administrative Division. The Sheriff's Office complies with the records retention schedule set by the Library of Virginia.

- Employees/Appointees may review their records at any reasonable time upon request. The Sheriff may release a record from file upon obtaining a signed receipt from the authorized person with a need to review it.
- All personnel records are considered confidential, sensitive information available for review to supervisory or investigative personnel who have a need, as determined by the Sheriff.
- If the Sheriff deems it necessary to include derogatory information in a personnel file, he/she shall notify the employee/appointee of the fact in writing. The employee may protest the inclusion of such information in writing to the Sheriff.
- Probationary employees/appointees have no right of protest in such matters, but may request an interview with the Sheriff.
- Personnel records are the permanent property of the Sheriff's Office.
- Deputies terminating employment and seeking a lateral hire with another agency:
 - Requests for employment information on these deputies shall be referred to the Sheriff or his designee. The Sheriff or his designee shall disclose the deputy's performance record consistent with Section [15.2-1705](#), Code of Virginia, within 14 days of receipt of a request for such records accompanied by a signed and notarized release by the former deputy sheriff.
- Any request for information on a present or past employee/appointee shall be limited to information contained only in the official personnel file and information required to be released in accordance with Section [15.2-1705](#), Code of Virginia.
- Oath of Office
 - As a part of the appointment procedure, the Sheriff will make contact with the Clerk of the Circuit Court and arrange to have newly appointed employees sworn.
 - A representative of the Sheriff's Office will accompany appointees during the swearing-in ceremony.
 - A letter of appointment, signed by the Sheriff, will be given to the Clerk of the Circuit Court authorizing the swearing-in of deputies.
- General health and physical fitness
 - Applicants for deputy sheriff shall receive a pre-employment physical exam.
 - The physical exam will be scheduled after a conditional offer of employment has been made to the applicant.
 - A pre-employment physical exam will be administered at no-cost to the prospective employee.
 - The physical is to ensure that each sworn employee is able to endure the rigors of strenuous exercise during training and in the performance of his/her duties.
 - Deputy Sheriffs must continue to meet, as a condition of employment, the physical standards established in the job specifications for the assigned position.
 - To ensure compliance, deputies may be given a special physical examination any time after employment when requested by the Sheriff.

- As such, deputies are expected to maintain an acceptable level of physical fitness that ensures that each deputy is physically prepared to satisfactorily perform all standards of job performance.
- If it is questionable whether or not an employee is physically able to perform his/her duties, he/she will be required to submit to a special physical examination at the request of the Sheriff. This physical will be provided at no-cost to the employee.
- Employees are encouraged to workout off-duty and to engage in physical fitness and sports activities.

Employees are periodically provided the opportunity to attend a health day seminars or screenings that promotes total wellness.