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To: CSU Presidents

From: Jackie R. McClain
Vice Chancellor
Human Resources



Subject: Selection of CSU Police Personnel and Police Officer Testing

The Policy for Selection of Sworn CSU Police Personnel and Police Officer Cadets and Police Officer Testing Guidelines has been updated to comply with the California Commission on Police Officers Standards and Training (POST) standards as addressed in applicable POST manuals and the Americans with Disabilities Act (ADA). The policy, provided in Attachment A, addresses the following:

- Selection of Sworn CSU Police Personnel and Police Officer Cadets: Minimum Standards and Appointment Requirements
- CSU Police Officer and Cadet Testing Guidelines
- CSU Police Personnel Hiring Process Procedures

Please note that this Policy applies to sworn police officers and police officer cadets. It does not apply to other public safety classifications. Please visit the POST Web site available at <http://www.post.ca.gov/> for POST-related information.

If you have any questions regarding this policy, please contact Human Resources Administration at 562-951-4411.

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**Selection Of Sworn CSU Police Personnel and Police Officer Cadets
And
Police Officer Testing Guidelines**

**I. SELECTION OF SWORN CSU POLICE PERSONNEL AND POLICE OFFICER
CADETS: MINIMUM STANDARDS AND APPOINTMENT REQUIREMENTS**

A. Minimum Standards for Police Officer Candidates

California Government Code Section 1031 mandates that to be a police officer in California, one must meet certain basic requirements which are set forth in Statute. Additionally, each CSU Police Department must adhere to the regulations and standards of the California Commission on Police Officer Standards and Training (POST) in the employment and training of university police officers. All requirements of these regulations and standards shall apply to each police officer, regardless of the rank to which the person is appointed.

Every police officer employed by the CSU shall be selected in conformance with the following requirements:

1. **Felony Conviction** — A convicted felon is disqualified from being employed as a police officer (Government Code Section 1029).
2. **Domestic Violence Convictions** — Under federal law, any person who has been convicted of a misdemeanor crime containing the elements of domestic violence is prohibited from possessing a firearm, or ammunition. This provision applies to all convictions, either prior to, or after the passage of law.
3. **Fingerprint and Record Check** — Each police department is required to fingerprint potential police officers and search local, state, and national files to discover the existence of criminal records (Government Code Section 1030 and 1031[c]).
4. **Citizenship** — A police officer must satisfy citizenship requirements as detailed in Government Code Section 1031(a) and 1031.5.
5. **Age** — A police officer must be a minimum of 18 years of age (Government Code Section 1031[b]).
6. **Moral Character** — A police officer must have good moral character as determined by a thorough background investigation (Government Code Section 1031[d]). The background investigation must be conducted as prescribed in the POST Administrative Manual and must be completed prior to the appointment date.

- 7. Education** — A police officer must be a high school graduate, pass the General Education Development (GED) Test indicating high school graduation level, or have attained a two-year or four-year degree from a college or university (Government Code Section 1031[e]).
- 8. Physical, Emotional and Mental Condition** – A police officer must be free from any physical, emotional and mental condition which might adversely affect the exercise of the powers of a police officer. (Government Code Section 1031[f]).
- 9. Reading and Writing Ability** — A candidate must be able to read and write at the levels necessary to perform the job of a police officer as determined by the use of the POST Entry-Level Law Enforcement Test Battery or other job-related tests of reading and writing ability.
- 10. Successful Completion of all Phases of Testing Process** — A candidate must pass successfully all testing requirements as outlined in Section II – CSU Police Officer and Cadet Testing Guidelines.

B. Notice of Recruitment

When a vacancy for a sworn police officer position occurs on any campus, notice of recruitment shall be posted on all campuses for at least 14 days. When a vacancy for corporal or sergeant occurs on a campus, it may be filled by promotion at the sole discretion of the President, and does not require posting a new position (SUPA, Article 12).

Announcements for vacant police officer positions shall include notice that a drug test will be administered as part of the required medical examination.

C. Requirements Upon Appointment

All entry level sworn officers must have graduated from a POST Certified Training Program and obtained a POST Basic Course Certificate, which includes a physical training component; and/or completed the appropriate POST test to receive POST Basic Course certification.

A police officer cadet, a non-sworn individual who has not completed the POST academy or received as Basic Course Certificate, must possess a high school diploma or equivalent and eligibility to attend a certified POST basic training academy.

D. Probationary Period

Sworn police officers serve an initial probationary period of twelve (12) months of continuous full time credited service (SUPA, Article 11).

II. CSU POLICE OFFICER AND CADET TESTING GUIDELINES

A. Overview

CSU police officer testing guidelines are developed to ensure selection and appointment of CSU police officers who are physically, mentally and emotionally equipped to carry out all duties of the position. Police officer applicants shall be tested for the demonstrated ability to perform all duties of the position and to determine any physical, mental, or emotional condition that might affect adversely applicants' abilities to exercise police officer powers.

To be eligible for appointment as sworn campus police officers and/or cadets, all individuals must be able to perform the essential functions of the job. This may have the effect of limiting the ability to reasonably accommodate some disabled candidates. The Americans with Disabilities Act (ADA) requires that employment offers be made conditionally, prior to a medical examination. If the police officer or cadet candidate fails the medical examination, the conditional offer must be withdrawn. Campuses are advised to seek assistance from campus counsel on specific ADA or Fair Employment and Housing Act (FEHA) questions, as appropriate.

B. Authorities

1. State University Administrative Manual, Section 4021
2. California Government Code, Section 1031
3. California Education Code, Section 89560
4. California Penal Code, Section 830.2
5. POST (Police Officer Standards and Training) Regulations and Guidelines
6. California Government Code Section 12926.1, et. seq.
7. Americans with Disabilities Act (ADA)

C. Classifications Covered by Guidelines

Police officer classifications covered by the testing guidelines include the following: Police Cadet; Police Officer; Corporal; Sergeant; Lieutenant; Captain; Chief of Police; and CSU Police Administrator (Systemwide Coordinator).

D. Testing Guidelines

Minimum testing requirements shall apply to all applicants for vacant police officer position(s), including cadets, who currently are not employed in a police officer classification by the hiring campus and/or headquarters office.

Testing guidelines also apply to applicants who are former CSU employees, including retirees, and applicants who are separated or retired from other State agencies.

These testing guidelines do not apply to police officers hired on a part-time intermittent basis to work athletic or other special events.

As determined appropriate, a campus may set testing requirements greater than the minimum requirements.

In accordance with Article 12 of the SUPA collective bargaining agreement, when a Corporal or Sergeant position becomes vacant, the campus president may appoint (promote) an officer in a lower classification/rank at the campus without posting the position. If the president elects to post the position and an officer from the campus applies for the position, only the written and oral examinations are required. In both instances, campuses are responsible for establishing procedures to determine if applicants meet the abilities, qualifications and performance requirements of the position. The written examination will be waived if the affected applicant has completed and achieved a passing score on the written portion of the prescribed test(s) during the preceding twelve (12) month period.

All other candidates, including those employed as police officers on other CSU campuses, are required to complete all minimum testing requirements prescribed for each classification as noted below.

1. Cadet/Police Officer/Corporal/Sergeant

- a. Written Examination
- b. Physical Agility Examination
- c. Oral Interview
- d. Medical Examination
- e. Drug Test
- f. Psychological Examination
- g. Personal History Investigation

2. Lieutenant/Captain/Chief

- a. Oral Interview
- b. Medical Examination
- c. Drug Test
- d. Psychological Examination
- e. Personal History Investigation

3. CSU Police Administrator (System-wide Coordinator)

- a. Oral Interview

Offers of employment are conditioned on the successful completion of all testing requirements. Applicants who either refuse or fail any required tests, or portion thereof, will not be eligible for appointment.

III. CSU POLICE PERSONNEL HIRING PROCESS PROCEDURES

When undertaking the process to hire a sworn police officer or cadet, the university must follow the hiring process outlined below:

A. Prior to Conditional Offer of Employment

1. Screening of Applications

2. Written Examination (reading and writing tests)

Procedures for completing the required written exam shall be in accordance with current POST standards or the most current format from Cooperative Personnel Services.

3. Fingerprint/Records Checks

4. Physical Agility

Specified applicants shall be required to complete satisfactorily all portions of the prescribed Physical Agility Examination, which shall consist of the POST approved Physical Agility Test, prior to consideration for appointment. Procedures for completing the test are in the POST Physical Conditioning Manual. The applicant must sign a waiver prior to taking the Physical Agility test. See Exhibit 1.

Physical agility tests are not considered medical examinations and are permitted prior to offering a job. It is unlawful to ask an applicant whether he or she is disabled, or about the nature or severity of a disability, or to require the applicant to take a medical examination before offering that applicant a position. Applicants may be asked questions about their ability to perform job-related functions, as long as the questions are not phrased in terms of a disability and are asked of all applicants. Applicants can be required to demonstrate how, with or without reasonable accommodation, they will perform job-related functions. It is not appropriate to inquire as to any medical problem or medication that might interfere with or endanger an applicant taking the physical agility test.

5. Interview

The oral examination shall be conducted in accordance with established personnel practices including ADA compliance and, as appropriate, SUPA collective bargaining agreement requirements. The interview shall not include disability related questions. Additionally, no inquiries regarding lawful drug use or extent of past illegal drug use prior to conditional offer of employment should be made.

6. Background Investigations

All applicants shall be subject to a Personal History Investigation prior to being considered for appointment to a vacant police officer position. Procedures for completing the required personal history investigation shall be in accordance with current POST standards.

7. Polygraph examination (optional)

If a polygraph examination is conducted before a conditional offer of employment is made, it is not permissible to ask applicants if they have any physical impairment that might be affected adversely by the emotional stress of the polygraph examination, or to inquire as to whether or not the applicant is taking any prescription medications. Polygraph operators are not permitted to make any medical inquiries at this pre-offer stage. This includes questions about the extent of prior illegal drug or alcohol use, worker's compensation history, history of mental health problems, etc. All questioning about these issues must be deferred until the post-offer stage.

While the polygraph examination involves measurement of physiological responses, it is not considered a medical examination. Pre-offer questions must be limited to those necessary to determine if the polygraph result is valid. It is permissible to ask questions at this pre-offer stage that would not require applicants to reveal disabilities such as: "Are you currently in pain?" "Did you get enough sleep last night?" "Have you eaten a meal today?" "Have you taken any medication or other substance for the purpose of affecting these test results?"

B. Conditional Offer of Employment

The offer of employment must be a legitimate, bona fide offer, conditioned upon the applicant's successful completion of a medical evaluation. It is important to determine whether the applicant has the appropriate abilities to do the job before any consideration is given to the person's medical condition. A full background investigation, without medical information, must be conducted prior to making the conditional employment offer. The CSU employer should have evaluated all relevant non-medical information, which, from a practical and legal perspective, could have been analyzed reasonably prior to extending the offer.

An offer of the job should be conditioned upon the successful results of the medical examination. Once the applicant successfully completes the medical exam, the job offer automatically becomes effective; therefore, send only the number of applicants for an exam as there are available job openings.

An example of a Conditional Offer of Employment is in Exhibit 2.

C. After Conditional Offer of Employment

After a conditional offer of employment is made and prior to commencement of employment duties, the CSU employer shall require that an applicant take a medical examination that includes a psychological evaluation. The medical evaluation will assess mental and physical impairments and will include appropriate blood tests for alcohol and drugs.

1. Medical Examinations and Psychological Evaluation

All applicants shall have their physical and psychological condition evaluated by a licensed professional as outlined in Government Code Section 1031(f) after receiving a conditional offer of employment. The selection of appropriate professional and specific requirements of the physical examination shall be as outlined in the POST Medical Screening Manual for California Law Enforcement. The required psychological evaluation shall be in accordance with current POST standards.

2. Background Investigation

The background investigation also shall be completed to include prohibited pre-offer topics such as the use of alcohol and drugs.

3. Drug Testing

Required applicants shall submit to and pass a drug test. Applicants who either refuse or fail the required drug test will not be appointed. Procedures for completing the required drug test shall be in accordance with POST guidelines.

4. Polygraph Examination

Refer to the polygraph discussion under prior section III.A.7.

<p style="text-align: center;">WAIVER PHYSICAL AGILITY TESTING</p>

The Physical Agility Examination is comprised of five events. These events are strenuous and physically demanding. You will be asked to:

1. Run a 99-yard obstacle course consisting of several sharp turns, a number of curb height obstacles and a 34-inch high obstacle that must be vaulted.
2. Run 5 yards to a 6-foot chain link fence, climb over the fence, and continue running another 25 yards.
3. Lift and drag a 165 pound lifelike dummy 32 feet.
4. Run 500 yards (equivalent to 1 lap plus 60 yards of a standard running track).
5. Run 5 yards to a 6-foot solid fence, climb over the fence and continue running for another 25 yards.

Please sign below that you acknowledge the potential for physical injury in completing these tests and waive any and all causes of action against the California State University should any injury result from the taking of these tests.

Applicant's Name: _____ **Date:** _____

Applicant's Signature: _____

EXAMPLE
CONDITIONAL OFFER OF EMPLOYMENT

Name: _____

This offer of employment is conditioned upon your successfully completing the following steps and meeting the established standards for the position of _____. These standards are contained in applicable federal and state statutes as well as CSU regulations. The steps to be completed are as follows:

1. The remaining parts of the background investigation, conducted according to guidelines established by the CSU for Police Department employees.
2. A psychological screening to determine job suitability conducted and interpreted by a licensed psychologist.
3. A comprehensive medical examination, conducted by a licensed physician retained by the CSU for this purpose, to be administered according to guidelines established by the CSU for its Police Department employees.

Any significant discrepancies in the information you give during any of the steps above or the failure to pass any of the above described examinations can be the basis for your removal from the eligibility list.

If you successfully complete the above requirements, you may receive a final offer of employment and be hired immediately, or you may be placed in a pool of qualified applicants. If you are placed in a pool, you will be informed of your relative standing. You also may be informed of later changes in your standing due to changes in the qualified applicant pool.

THIS IS NOT AN OFFER OF IMMEDIATE EMPLOYMENT. DO NOT GIVE NOTICE, QUIT YOUR PRESENT JOB, OR RELOCATE.

I have read and fully understand the nature of this conditional offer of employment.

Signature

Date