

**RULES
OF
THE TENNESSEE PEACE OFFICER STANDARDS
AND TRAINING COMMISSION**

**CHAPTER 1110-09
CRITERIA FOR WAIVERS**

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1110-09-.01 SUBMISSION OF WAIVER REQUESTS.

- (1) Requests for waivers shall be submitted by the law enforcement agency employing the person requiring a waiver. Requests for a waiver filed/submitted by an individual will not be accepted by the Commission. The requesting agency may be represented at the hearing by its designee. When considering whether to grant a waiver, the Commission may, in its discretion and with reasonable notice, require the requesting agency and a person needing a waiver to appear before the Commission.
- (2) The requesting agency and a person needing a waiver of pre-employment requirements, pursuant to Tenn. Comp. R. & Regs. 1110-09-.04, for criminal activity must appear in person at a hearing before the Commission in consideration of the request for waiver.
- (3) Once a waiver has been granted for a previous pre-employment requirement, that requirement shall be considered waived for future applications for certification.

Authority: T.C.A. §§ 38-8-104, 38-8-105, and 38-8-106. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992. Amendment filed October 2, 2006; effective February 28, 2007. Amendment filed March 18, 2010; effective June 16, 2010. Amendments filed January 7, 2021; effective April 7, 2021.

1110-09-.02 WAIVER OF BASIC TRAINING.

- (1) The Commission shall not consider a waiver of basic training requirements; however, a Substitution of Basic Training may be considered under specific circumstances as requested by the employing agency.
- (2) Substitution of Basic Training may be granted for a law enforcement officer meeting the following criteria:
 - (a) Having less than a three (3) year break in service from previous law enforcement employment in the State of Tennessee;
 - (b) Having left previous employment as a certified officer in good standing; and
 - (c) Having at least forty (40) hours of in-service training which complies with Tenn. Comp. R. & Regs. 1110-02-.03(5) and 1110-07-.01; or, having completed an equivalent federal, state, or local basic law enforcement training course.

(Rule 1110-09-.02, continued)

Authority: T.C.A. §§ 38-8-104 and 38-8-106. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992. Amendment filed April 19, 2002; effective August 28, 2002. Amendments filed January 7, 2021; effective April 7, 2021.

1110-09-.03 WAIVER OF TRANSITION SCHOOL.

- (1) A waiver of the Transition School may be considered on an individual basis upon review of education and previous law enforcement experience and training in the following circumstances:
 - (a) When a state officer who has completed basic training is entering employment as a full-time law enforcement officer with an agency required to meet minimum standards; or
 - (b) When a federal law enforcement officer who has completed equivalent training to basic training is entering employment as a full-time law enforcement officer with an agency required to meet minimum standards.

Authority: T.C.A. §§ 38-8-104 and 38-8-106. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992. Amendment filed March 18, 2010; effective June 16, 2010. Amendments filed January 7, 2021; effective April 7, 2021.

1110-09-.04 WAIVER OF PRE-EMPLOYMENT REQUIREMENTS.

- (1) A waiver of pre-employment requirements may be granted under the following circumstances:
 - (a) No person in need of a waiver under this section may be employed as a law enforcement officer unless a request for a waiver has been submitted to the Commission. The waiver request will be scheduled to be considered at a Commission meeting as soon as reasonably practicable. Any person who shall appoint any applicant, who, to the knowledge of the appointee, fails to meet the minimum standards required by the Commission, and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer, fails to meet the qualifications as a law enforcement officer required by the Commission, commits a Class A misdemeanor, and upon conviction will be subject to a fine not exceeding one thousand dollars (\$1,000) pursuant to T.C.A. § 38-8-105.
 - (b) Military History. The Commission may waive pre-employment requirements relating to the military history on an individual basis and depending on the circumstances.
 1. Waivers may be granted from pre-employment requirements for the following separations from military service:
 - (i) Entry Level Separation;
 - (ii) General Discharge under Honorable Conditions; or
 - (iii) Uncharacterized Discharge.
 2. Waivers will not be granted from pre-employment requirements for the following separation from military service:
 - (i) Dishonorable Discharge;
 - (ii) Bad Conduct Discharge; or

(Rule 1110-09-.04, continued)

(iii) Other Than Honorable Discharge.

- (c) Criminal Activity. The Commission may waive pre-employment requirements relating to criminal activity on an individual basis and depending on the circumstances.
1. The Commission may waive pre-employment requirements for a person who has been convicted of, pleaded guilty to, or entered a plea of nolo contendere to any felony charge of any violation of federal or state laws or city ordinances relating to force, violence (excluding domestic violence), theft, dishonesty, gambling, liquor and other alcoholic beverages, or controlled substances when the offense was classified as a misdemeanor.
 2. No waiver will be granted while the individual is under the jurisdiction of the court or considered on probation, whether supervised or unsupervised. For driving under the influence violations, the individual must have met all the requirements of the Tennessee Department of Safety and received a restoration of his/her permanent driving privileges under the laws of the State of Tennessee before a waiver may be considered.
 3. No waiver will be granted for a narcotics violation that could result in a felony charge, a conviction for domestic violence, or any offense set forth in 18 U.S.C § 922(g) that would make the possession of a firearm or weapon a prohibited act.
 4. The agency sponsoring or considering employing the affected individual seeking employment or certification shall present a written request for waiver for any charges and provide a copy of the final court disposition of the case to the Commission prior to placing any applicant in a position of employment.
 5. Some of the factors the Commission will consider when determining whether to grant a waiver are:
 - (i) The amount of time since the offense;
 - (ii) The amount of time since completion of the sentence;
 - (iii) The type, circumstances, and severity of the offense;
 - (iv) The applicant's activities since the offense; and
 - (v) The applicant's ability to carry a firearm pursuant to federal and state law.
- (d) Mental Impairment. A waiver will not be granted from pre-employment requirements for a mental impairment that would affect the person's ability to perform an essential function of the job, with or without a reasonable accommodation.
- (e) Education. A waiver will not be granted from pre-employment requirements relating to minimum education requirements.
- (f) Previous decertification or voluntary surrender of certification as a law enforcement officer. The Commission may waive pre-employment requirements relating to previous decertification or voluntary surrender of certification as a law enforcement officer on an individual basis.
1. Some of the factors the Commission will consider when determining whether to grant a waiver are:

(Rule 1110-09-.04, continued)

- (i) The circumstances of the previous decertification or voluntary surrender of certification as a law enforcement officer;
- (ii) The amount of time since the previous decertification or voluntary surrender of certification as a law enforcement officer;
- (iii) The applicant's activities since the offense; and
- (iv) The applicant's ability to carry a firearm pursuant to federal and state law.

Authority: T.C.A. §§ 38-8-104, 38-8-105, and 38-8-106. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992. Amendment filed April 19, 2002; effective August 28, 2002. Amendment filed October 6, 2006; effective February 28, 2007. Amendments filed March 18, 2010; effective June 16, 2010. Amendments filed March 11, 2011; effective June 9, 2011. Emergency rule filed January 28, 2014; effective through July 27, 2014. Emergency rule expired effective July 27, 2014; rule reverted to previous status. Amendment filed July 24, 2014; effective October 22, 2014. Amendments filed January 7, 2021; effective April 7, 2021.

1110-09-.05 WAIVER OF IN-SERVICE TRAINING.

- (1) A waiver of in-service training may be granted in the following circumstances:
 - (a) Medical condition, injury, or disability. The chief administrative officer of a department must submit requests for waivers of in-service training for a calendar year on the basis of medical condition, injury, or disability. This request must explain the individual case and be accompanied by a doctor's statement. Each request will be considered on an individual basis.
 - (b) Retirement. If seeking a waiver of in-service training for a calendar year on the basis that an officer will retire during that year, the certified officer shall submit a letter to his chief administrator stating his intention to retire prior to the completion of in-service training for the calendar year. If the request is approved by his department, then the letter shall be forwarded to the Commission for approval.
 - (c) Military service. The chief administrative officer must submit requests for waivers of in-service training for a calendar year based on military service. Each request will be considered on an individual basis.
 - (d) Failure to Complete. Failure to complete annual in-service training, for whatever reason, shall be reported to the Commission by submitting a request for waiver and written explanation documenting the reason the officer failed to comply. It is not considered failure to complete the required in-service training if an officer missed ten percent (10%) or less of the course duration due to an approved emergency absence pursuant to Tenn. Comp. R. & Regs. 1110-04-.07.

Authority: T.C.A. §§ 38-8-104, 38-8-106, and 38-8-111. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992. Amendment filed March 11, 2011; effective June 9, 2011. Amendments filed January 7, 2021; effective April 7, 2021.

1110-09-.06 WAIVER OF EIGHT (8) MONTHS FULL-TIME SERVICE.

- (1) The Commission may consider a waiver of the eight (8) month full-time annual service requirement under the following conditions, as long as in-service training was completed during the calendar year:

(Rule 1110-09-.06, continued)

- (a) Death of the officer;
- (b) Retirement;
- (c) Medical condition, injury, or disability;
- (d) Separation due to change of administration, which the officer can substantiate; or
- (e) Military service.

Authority: T.C.A. §§ 38-8-104, 38-8-106, and 38-8-111. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992. Amendment filed April 19, 2002; effective August 28, 2002. Amendments filed January 7, 2021; effective April 7, 2021.

1110-09-.07 WAIVER OF RE-ENROLLMENT IN AN ACADEMY.

- (1) The Commission may grant a waiver of the requirement to re-enroll in the same academy and allow enrollment in a different academy pursuant to Tenn. Comp. R. & Regs. 1110-02-.03(4) in the following circumstances:
 - (a) Medical condition, injury, or disability;
 - (b) Military service; or
 - (c) Association/employment with law enforcement agency.

Authority: T.C.A. § 38-8-104. **Administrative History:** New rule filed January 7, 2021; effective April 7, 2021.

1110-09-.08 WAIVER OF SIX (6) MONTHS ENROLLMENT REQUIREMENT.

- (1) The Commission may grant a waiver of the requirement to enroll in a law enforcement training course within six (6) months of an officer's date of employment in the following circumstances:
 - (a) Medical condition, injury, or disability;
 - (b) Military service; or
 - (c) A reason determined by the Commission to be acceptable or justified.

Authority: T.C.A. § 38-8-104. **Administrative History:** New rule filed January 7, 2021; effective April 7, 2021.

1110-09-.09 WAIVER OF INSTRUCTOR DEVELOPMENT SCHOOL.

- (1) The Commission may grant a waiver of the requirement to complete instructor development school based upon the following factors:
 - (a) Training;
 - (b) Education; and
 - (c) Experience.

(Rule 1110-09-.09, continued)

Authority: T.C.A. § 38-8-104. **Administrative History:** New rule filed January 7, 2021; effective April 7, 2021.