

A Message From the President of the SCO Chapter



James
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Physical Fitness Policy Update

The Florida P.B.A. has received hundreds of telephone calls from our SCO members asking about the proposed "physical fitness" policy of the Florida Department of Corrections. On January 19, 2007, the PBA and State met to begin contract negotiations. As expected, the Florida Department of Corrections presented its "draft policy" to the PBA seeking our agreement with its physical fitness program. WE DID NOT AGREE. In fact, our attorney challenged several parts of the draft policy.

The Florida PBA did present the Department with a "statement of position" about its proposed plan. It is set out below. Rest assured that the Florida PBA does NOT agree with the DC draft policy and will oppose it at the bargaining table, in front of the Governor and the Florida Legislature – and in the courts if it becomes necessary.

We will keep you posted as negotiations on this proposal move forward. ●

FLORIDA PBA'S POSITION ON THE DEPARTMENT OF CORRECTIONS (DC) PHYSICAL FITNESS PROGRAM

While the Florida PBA acknowledges the need for good health and fitness among the DC corrections and correctional probation officers, it suggests that the approach adopted by DC's proposed physical fitness policy is not the appropriate manner in which to address both the health and fitness concerns of its officers and staff. Outlined below is the PBA's position on the matter as well as an alternative approach to the issue of good health and fitness.

Alternative Approach

If the DC is serious about establishing a wellness and fitness program for departmental corrections and correctional probation officers, it will take time, commitment, staff and financial resources. The program suggested by Florida PBA has three components:

- (1) Establish a wellness program designed to educate the officers on all areas of a fit and healthy lifestyle including exercise, nutrition, weight management, stress management, tobacco cessation, substance abuse prevention and health risk management. This could possibly be offered during the initial academy time and during in-service training.
- (2) Establish a voluntary general fitness program, after appropriate pre-program health screening, designed to encourage officers to participate in fitness training and improve general levels of fitness. The program would provide employment incentives (such as pay additives, additional leave time or rewards) for both regular participation in the program and achievement of identifiable goals. The Association would be amenable to working with the DC in a joint effort to obtain the requisite support from Governor Crist and the Florida Legislature for such incentives and rewards.
- (3) Establish fitness facilities (or make access to such facilities available) so that officers desiring to participate in such programs have facilities available for voluntary training or through scheduled in-service training. Numerous law enforcement agencies provide these facilities.

Conclusion

The Florida PBA is mindful of the DC having a workforce of officers who are healthy and fit. However, DC has never practiced what it is apparently proposing: minimum physical fitness standards for its officers. **The establishment of mandatory fitness standards, which have not been legally validated for officers who are satisfactorily performing their duties and responsibilities, is not acceptable to the Association or its membership. The use of a voluntary wellness and fitness program is the preferred method to increase both the health and fitness of the DC workforce.***

*While the Florida PBA favors a voluntary program, if the Florida Legislature determines that a physical fitness test should become a part of the corrections and correctional probation officer certification process, the CJSTC should be charged with the responsibility of developing and implementing a validated physical fitness test for such officers. As with previous changes in certification standards, it is expected that this standard would be applied prospectively and not to currently certified officers (except through participation in a voluntary physical fitness program). ●

**Need to contact the PBA?
Call:
1-800-733-3722**

IRS FACT SHEET: TT-2007-05 SHOULD YOU ITEMIZE?

Whether to itemize deductions on your tax return depends on how much you spent on certain expenses last year. Money paid for medical care, mortgage interest, taxes, charitable contributions, casualty losses, and miscellaneous deductions can reduce your taxes. If the total amount spent on those categories is more than the standard deduction, you can usually benefit by itemizing.

The standard deduction amounts are based on your filing status and are subject to inflation adjustments each year. For 2006, they are:

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|---------------------------------|----------|
| Single..... | \$5,150 |
| Married Filing Jointly | \$10,300 |
| Head of Household | \$7,550 |
| Married Filing Separately | \$5,150 |

• Some taxpayers have different standard deductions. The standard deduction is more for taxpayers age 65 or older and for those who are blind. It is generally less for those who can be claimed as a dependent on some other taxpayer's return.

• Limited itemized deductions. Your itemized deductions may be limited if your adjusted gross income is more than \$150,500 or \$75,250 for Married Filing Separately. This limit applies to all itemized deductions except medical and dental expenses, casualty and theft losses, gambling losses, and investment interest.

• Stipulations for Married Filing Separately. When a married couple files separate returns and one spouse itemizes deductions, the other spouse must also itemize and cannot claim the standard deduction.

• Some taxpayers are not eligible for the standard deduction. They include nonresident aliens, dual-status aliens, and individuals who file returns for periods of less than 12 months.

• Forms to use. To itemize your deductions, use Form 1040, U.S. Individual Income Tax Return, and Schedule A, Itemized Deductions.

Areas of Concern

- (1) The DC has never employed a physical fitness standards test in its recruitment program for either corrections or correctional probation officers. Furthermore, the DC has never offered its officers any on-going wellness or physical fitness training. This is an entirely new employment requirement, which the department is seeking to apply to its officers (who to our knowledge are performing their duties and responsibilities in a satisfactory fashion).
- (2) **Significantly, the Florida Criminal Justice Standards and Training Commission (CJSTC) certification training program does not employ a physical fitness standards test for the certification of either correction or correctional probation officers in Florida. The CJSTC does provide for a physical fitness standards program for the certification of law enforcement officers, although there is no requirement that these standards be maintained throughout an officer's career.**
- (3) The DC does not have the facilities, time, financial resources or staff necessary for the development and implementation of a mandatory validated fitness program. For example, prior to the implementation of a mandatory testing program, a medical screening examination must be conducted prior to actual fitness testing (the medical screening would necessarily be on-going). Such examinations are costly and would require medical officers to evaluate the physical fitness status of literally thousands of officers. The overall examination and proposed testing process is time-consuming and work intensive for a group of corrections and correctional probation officers who are already understaffed and overworked. If the screening examinations are not done and officers die or suffer serious injury during actual fitness testing, the State of Florida is opening itself up to great financial liability.
- (4) Finally, the Florida PBA is unaware of any validated fitness program or test for State corrections or correctional probation officers in Florida which is based upon the job duties and responsibilities and KSAs of these occupational fields. In order to survive legal challenges from officers who might be adversely affected from the implementation of mandatory standards, a validated test and fitness program would have to be developed. Again, this is a costly and lengthy process. Moreover, the application of the test to current officers (who are performing their duties in a satisfactory fashion) raises numerous legal issues varying from age to disability discrimination to workers' compensation and pension disability issues.