

## SPECIFICATION S-5

### S-5

#### TITLE: PHYSICAL EXAMINATION

This requirement supplements Section 1002(3) (g) of the Regulations. It is in keeping with the concept that in order to render proper service to the community, a law enforcement officer must be physically sound and free of any defect which might adversely affect the performance of duty. The officer's personal safety and the safety and lives of others will be endangered if these important physical qualifications are not met.

#### REQUIREMENTS

1. Medical examination administered by a licensed physician.
  2. A medical history statement, Form F-2a or an equivalent Form will be supplied to the examining physician upon request. The medical history should include information on past diseases, injuries and operations. Commission Form F-2 or an equivalent Medical Examination Report should be utilized.
  3. **VISION** –Applicant must be free of any visual defect which in the opinion of the examining physician would adversely affect the performance of duty.
    - (a) It is recommended that applicant possess normal color discrimination, normal depth perception and peripheral vision of at least 75 degrees in each eye.
    - (b) It is recommended that applicants possess uncorrected visual acuity of 20/100 or better in each eye, corrected to 20/20 in each eye, both at 16 inches and 0 feet. Vision correction, when required, may be either glasses or Contact lenses. Should have no active internal or external eye pathology. Should an eye pathology be found, the applicant should be referred to an appropriate practitioner.
    - (c) There should be no apparent eye deviation.
- The employing agency may accept at their own risk, applicants with less than the recommended vision suggestions above.

4. **HEARING** – Applicant must be free of any hearing defect which in the opinion of the examining ~~physical~~ physician would adversely affect the performance of duty:
  - (a) Hearing may be considered normal when a whispered conversation can be heard at 15 feet.
5. For all law enforcement officers employed under the Act, retention on a permanent basis by the employing unit will depend on the satisfactory results of the physical examination. ~~of all law enforcement officers employed under the Act.~~
6. The physician's report after examination, must conclude and clearly state that, in his opinion, the applicant has the ability to physically perform the duties of a law enforcement officer in the State of Arkansas.

## **RECOMMENDED PROCEDURES**

1. Completion of Medical History questionnaire by the applicant. (Form F-2a or equivalent form)
2. The physical examination will be conducted by a licensed physician after review of the applicant's Medical History questionnaire.
3. The physician shall record his findings and shall note for evaluation by the hiring authority, any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature. (Form F-2 or equivalent form should be used)
4. The examining physician should carefully consider the response to question 23 of the Medical Examination Report.

A department head should consider the form incomplete until question 23 is completed by the examining physician.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

**DEPARTMENT/AGENCY** Commission on Law Enforcement Standards and Training  
**DIVISION** Office of Law Enforcement Standards  
**DIVISION DIRECTOR** Jami Cook  
**CONTACT PERSON** Jami Cook  
**ADDRESS** 4 State Police Plaza Drive Little Rock, AR 72209  
**PHONE NO.** 5016822260 **FAX NO.** 5016821582 **E-MAIL** jami.l.cook@arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Jami Cook  
**PRESENTER E-MAIL** jami.l.cook@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.  
B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.  
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.  
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

\*\*\*\*\*

1. What is the short title of this rule? Specification S-5, Physical Examination
2. What is the subject of the proposed rule? Describes the physical requirements for a law enforcement officer in Arkansas
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒  
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒  
If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☐

No ☐

5. Is this a new rule? Yes ☐ No ☒

If yes, please provide a brief summary explaining the regulation. \_\_\_\_\_

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. \_\_\_\_\_

Is this an amendment to an existing rule?

Yes ☒

No ☐

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. 12-9-104

7. What is the purpose of this proposed rule? Why is it necessary? Under Section 3, the vision requirement is clarified, and a grammar correction is made in Section 5

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). CLEST.org

9. Will a public hearing be held on this proposed rule? Yes ☒ No ☐

If yes, please complete the following:

Date: January 14, 2016

Time: 10:00am

Place: ALETA East Camden

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

January 13, 2016

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

February 1, 2016

12. Do you expect this rule to be controversial? Yes ☐ No ☒

If yes, please explain. \_\_\_\_\_

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

---

## FINANCIAL IMPACT STATEMENT

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**      Commission on Law Enforcement Standards and Training  
**DIVISION**        Office of Law Enforcement Standards  
**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_  
**TELEPHONE NO.** 501-682-2260 **FAX NO.** 501-682-1582 **EMAIL:** jami.l.cook@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE**    Specification S-5, Physical Examination

1. Does this proposed, amended, or repealed rule have a financial impact?      Yes ☐      No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?      Yes ☒      No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?      Yes ☒      No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

\_\_\_\_\_

- (b) The reason for adoption of the more costly rule;

\_\_\_\_\_

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

\_\_\_\_\_

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

\_\_\_\_\_

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____

**Next Fiscal Year**

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____

Total \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue	0
Federal Funds	
Cash Funds	
Special Revenue	
Other (Identify)	
Total	0

**Next Fiscal Year**

General Revenue	0
Federal Funds	
Cash Funds	
Special Revenue	
Other (Identify)	
Total	0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.