March 18, 1998

Dear Town Recorder:

You recently asked several questions concerning the certification requirements of police officers and part-time, or reserve, police officers. TCA 38-8-101 through TCA 38-8-107 detail the minimum qualifications and certification requirements for police officers. These sections of the state code also define reserve, auxiliary or part-time police officers. I am including copies of some of the statutes with pertinent passages highlighted.

You indicated that a reserve officer was utilized as a police officer in your police department in what amounts to a full-time capacity. The statute cited above and the Peace Officer Standards and Training (POST) Commission rules limit a reserve, auxiliary, or part-time police officer to no more than 20 hours of work per week. If an officer works more than 20 hours per week, or 100 hours per month, the officer is reclassified as a full-time officer and must become certified. All full-time police officers must become certified within the first year of their employment in law enforcement. Clearly, the reserve officer working with your department must be limited to less than 20 hours per week.

All police officers must meet certain pre-employment qualifications. It does not matter if the officer is full-time, part-time or a volunteer reserve or auxiliary officer. I am including a copy of the minimum, or pre-employment, qualifications with this letter. Part-time, auxiliary or reserve officers must complete 40 hours of initial training when they are “employed.” They must also complete 40 hours of in-service training each year, much the same as full-time, certified officers.

The requirements for minimum standards are mandatory and binding upon a municipality. Any person appointing an applicant who does not meet the minimum standards, or any person who signs the paycheck of any person who fails to meet the qualifications as a police officer, can be prosecuted for a Class A misdemeanor and is subject to a fine of up to $1,000.

If you have any questions, or if I can ever be of assistance, please do not hesitate to call.

Sincerely,

Rex Barton
Police Management Consultant