



Kim Vickers
Executive Director

TEXAS COMMISSION ON LAW ENFORCEMENT

Technical Assistance Bulletin

To: All Texas Law Enforcement Agencies/Contract Training Providers/Licensees
From: Kenny Merchant/Director of Operations, Credentialing and Field Services
Regarding: **Requests for Waiver/Extension (Firearms Qualifications, Continuing Education, Temporary Licenses)**
Date: August 27, 2019

Eligibility- Statute and Rule allow for the Commission's Executive Director to waive the requirements of yearly Firearms Qualifications (FQ) and Continuing Education (CE), or to extend the Temporary License period and initial licensing eligibility under certain, narrowly defined circumstances. Those circumstances involve military deployment and extended medical leaves. Temporary illnesses, inconvenience, lack of knowledge, expense, poor planning, etc., are NOT circumstances where a waiver or extension will be considered- please remember- FQ and CE are STATUTORY requirements, not just Rules or policies. Waivers/extensions should be requested BEFORE the end of the calendar year/Training Unit/Training Cycle/licensing period concerned.

For an FQ waiver, the licensee must have been deployed to a full time military assignment during the calendar year, for a period of time over 30 days that extends past the end of the calendar year or, have been found medically unfit to perform firearms qualifications for an extended period of time that continues through year's end. The first does not include temporary Reserve or Guard duty. The last is subjective-being medically unfit starting in late December, when the entire previous 11 months were available for FQ, will not likely result in a waiver. Plan your FQ early, not at the last minute!

For a CE waiver, only a full time military deployment of at least 1 continuous year, a military deployment that extends past the end of a training period, or a catastrophic illness/injury that keeps the licensee from active duty for at least 1 continuous year will result in a waiver. Once issued, the CE waiver will cover any Unit/Cycle or any other required time period in which the deployment/illness extends. Licensees who are allowed to work restricted or part-time duty are not eligible for CE waiver.

For a Temporary License extension or extension of the 2 year eligibility for initial licensing, only an active duty military deployment will result in an extension.

Process- to request a waiver, individuals appointed to an agency should have the agency submit a formal request explaining the circumstances to the Commission Executive Director, on agency letterhead, signed by the agency head or their designee. The letter must be accompanied by either a copy of the military deployment orders, or a signed document from the health care provider (Doctor, Physician's Assistant, or Nurse Practitioner) indicating the dates the licensee was medically unfit for active duty. Individuals not currently appointed must submit the same letter and documentation, however, an agency head signature and agency letterhead are not required. Please do not include any HIPAA protected diagnosis/treatment information in any of the correspondence. Once again, all waivers/extensions should be submitted prior to the expiration of the time frame for which the waiver/extension is being sought. An easy sample letter format is attached, below. In the case of a medical waiver request only, the doctor's signature, as completed below, may replace any required medical documentation:



Kim Vickers
Executive Director

TEXAS COMMISSION ON LAW ENFORCEMENT

Date:

RE: Request for Waiver/Extension of Firearms Qualification/Continuing Education/Temporary License/Exam Eligibility

Kim Vickers, Executive Director
Texas Commission on Law Enforcement
6330 East Highway 290, Suite 200
Austin, Texas 78723-1035

Executive Director Vickers,

The ***** Department/Agency is requesting a waiver/extension of firearms qualification/continuing education/Temporary License/exam eligibility for Name*****, PID # *****. The request is based on military deployment/catastrophic medical condition from Date ***** , until Date ***** (if a return to duty date cannot be established, indicate that the current circumstances will extend beyond the end of the continuing education training period/firearms calendar year) . Documentation to support the military deployment/catastrophic medical condition is attached.

If applicable- I understand that any waiver of firearms qualifications means that the involved licensee should not carry or use a firearm in their official capacity until such time as they are again currently qualified according to statute.

Respectfully,

Agency Head (or designee)
***** Department
Anywhere, TX 55555

If applicable- I, printed name, am the healthcare provider for the above licensee. I concur that the licensee is/was medically unfit to complete firearms qualifications or statutorily required continuing education from Date ***** to Date *****.

Signature

Date