TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule LSA Document #23-503

DIGEST

Temporarily amends 312 IAC 4-4-6 to remove the provision permitting, at the will of the director of the division of law enforcement (division director) and subject to the approval of the director, a conservation officer who receives a spot appointment to be returned to the conservation officer's permanent grade before the spot appointment. Temporarily removes the definition of "spot appointment". Temporarily amends 312 IAC 4-5-2 to remove the requirement that a person who applies to become a conservation officer achieve an associate's degree, at least two years toward a bachelor's degree, or at least four years of full-time active duty military service with honorable discharge. Temporarily adds the requirement that a person who applies to become a conservation officer achieve a high school diploma or a general education diploma (GED). Temporarily amends 312 IAC 4-5-3 to require the division director to select a person to become a conservation officer based on indicators that the person will excel in a career in conservation law enforcement, including the person's life experiences and interest in and commitment to natural resources. Statutory authority: IC 4-22-2-37.1; IC 14-9-8-3; IC 14-10-2-4. Effective June 15, 2023.

SECTION 1. (a) This SECTION supersedes 312 IAC 4-4-6.

- (b) Except as provided in subsection (c), a conservation officer whose employment is terminated or who is demoted or suspended as a result of a final determination by the division director, or the division director's designee, may seek administrative review from the commission under IC 4-21.5 and 312 IAC 3-
- (c) Through the issuance of a general order, the division director may establish a board to provide informal review of a disciplinary action. A determination that is subject to administrative review under subsection (a), and for which informal review is available under this subsection, is not a final determination until the board completes the review and makes a written report of its findings.
- (d) Absent charges filed under section 5 of this rule [sic, 312 IAC 4-4-5] and absent a predisciplinary meeting, a probationary employee may be terminated. An action under this subsection does not entitle a person to administrative review under subsection (a) or to informal review under subsection (b).
- (e) A party who is aggrieved by a final agency action of the commission under this SECTION may seek judicial review under IC 4-21.5-5.
 - SECTION 2. (a) This SECTION supersedes 312 IAC 4-5-2.
- (b) A person who applies to become a conservation officer must meet each of the following requirements to be favorably considered:
 - (1) Provide proof the person is a United States citizen.
 - (2) Possess the strength and agility needed to complete the physical conditioning and psychomotor skills requirements established by the Indiana law enforcement training board under 250 IAC 2-3.
 - (3) Achieve a high school diploma or a general education diploma (GED).
 - (4) Be at least twenty-one (21) years of age on the date of appointment.
 - (5) Possess a valid driver's license.
 - (6) Possess a willingness to reside and serve in any location as designated by the division director.
 - (7) Demonstrate an ability to:
 - (A) swim one hundred (100) yards without stopping; and
 - (B) tread water for at least five (5) minutes.
 - (8) Successfully complete physical agility testing.
 - (9) If requested by the division, submit to and satisfy the following:
 - (A) Standard psychological testing.
 - (B) A polygraph examination.

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- SECTION 3. (a) This SECTION supersedes 312 IAC 4-5-3.
- (b) The division director shall establish additional written standards for the recruitment, selection,

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training, and promotion of a conservation officer.

- (c) The division director shall select a person to become a conservation officer based on indicators that the person will excel in a career in conservation law enforcement, including the person's:
 - (1) life experiences; and
 - (2) interest in and commitment to natural resources.

SECTION 4. This document expires June 15, 2024.

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