



MANUAL TRANSMITTAL

Department of the Treasury
Internal Revenue Service

9.2.2

JANUARY 7, 2025

EFFECTIVE DATE

(01-07-2025)

PURPOSE

- (1) This transmits revised IRM 9.2.2, Physical Fitness Program.

MATERIAL CHANGES

- (1) Added required Internal Controls to comply with IRM 1.11.2.2.4, Address Management and Internal Controls and IRM 1.4.2, Resource Guide for Managers Monitoring and Improving Internal Controls.
- (2) Editorial changes made throughout the IRM for clarity.

EFFECT ON OTHER DOCUMENTS

This IRM supersedes IRM 9.2.2, dated August 4, 2020.

AUDIENCE

Criminal Investigation

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9.2.2

Physical Fitness Program

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9.2.2.1
(01-07-2025)
Program Scope and Objectives

- (1) Purpose: The National Criminal Investigation Training Academy (NCITA) is dedicated to fostering the highest levels of professionalism and ethical behavior throughout the Criminal Investigation workforce. This is accomplished through planning, organizing, coordinating and delivering a full range of world-class learning and educational products and programs that include basic training, advanced training, use of force training, leadership development training and international training.
- (2) Audience: All Criminal Investigation (CI) employees.
- (3) Policy Owner: Director, Workforce Development.
- (4) Program Owner: Director, Workforce Development.
- (5) Primary Stakeholders: All CI employees.
- (6) Contact Information: To make changes to this IRM section email CIHQIRM@ci.irs.gov.

9.2.2.1.1
(01-07-2025)
Background

- (1) Participation in CI Physical Fitness Program (PFP) has been mandatory for all GS-1811 special agent personnel since March 31, 1993. All special agents must undergo an annual medical screening and when medically cleared, must also participate in an annual fitness assessment per CI Directive No. 5. Additionally, while not mandatory, all GS-1811 special agents are strongly encouraged to engage in health and fitness activities that are approved as part of CI's PFP.

9.2.2.1.2
(01-07-2025)
Authority

- (1) Internal Revenue Manual 9.1.4, Criminal Investigation Directives (see Directive No. 3 - Use of Government Owned Vehicles) authorizes the use of a GOV to travel to a physical fitness facility during official duty hours. Criminal Investigation Directive No. 5 - Physical Fitness Program, establishes participation in the PFP.

9.2.2.1.3
(01-07-2025)
Roles and Responsibilities

- (1) The Director, Workforce Development is responsible for overseeing this IRM and ensuring compliance with current policies and procedures.

9.2.2.1.4
(01-07-2025)
Program Management and Review

- (1) The Director, Workforce Development will:
 - a. Review the IRM annually.
 - b. Update the IRM when content is no longer accurate and reliable.
 - c. Incorporate all permanent interim content into the next revision of the IRM section prior to the expiration date.

9.2.2.1.5
(01-07-2025)
Program Controls

- (1) The Director, Workforce Development and program owners will review instructions and guidelines related to special agent reports and other IRS documents for procedural, operational, and editorial changes.

9.2.2.1.6
(08-04-2020)
Acronyms

- (1) The table lists commonly used acronyms and their definitions:

Acronym	Definition
CI	Criminal Investigation
CHS	Comprehensive Health Services
DOL	Department of Labor
EKG	Electrocardiogram
FECA	Federal Employees Compensation Act
FLETC	Federal Law Enforcement Training Center
GOV	Government Owned Vehicle
HHQ	Health History Questionnaire
ICs	Internal Controls
LEAP	Law Enforcement Availability Pay (LEAP)
LEFCTP	Law Enforcement Fitness Coordinator Training Program
MRO	Medical Review Officer
NCITA	National Criminal Investigation Training Academy
PFP	Physical Fitness Program
SAC	Special Agent in Charge
RICES	Rest, Ice, Compression, Evaluation, Stabilization or Support
SSA	Supervisory Special Agent
TRD	Temporary Restricted Duty

9.2.2.1.7
(01-07-2025)

Related Resources

- (1) IRM 9.1.4.6, Directive No. 5 - Physical Fitness Program.

9.2.2.2
(08-04-2020)

Criminal Investigation Directive No. 5 - Physical Fitness Program

- (1) See IRM 9.1.4.6, Directive No. 5 - Physical Fitness Program.

9.2.2.3
(04-22-2011)

Use of Government- Owned Vehicles - Physical Fitness Program

- (1) Special agents are authorized to drive a government vehicle during official duty hours, to a fitness facility to participate in the PFP (see IRM 9.1.4 (Directive - No. 3)).
- (2) Special agents are authorized to use the government-owned vehicle during core-hours on a scheduled workday, provided they go directly from their workstation to the workout facility/area and then return to the workstation, work-related event, or to their residence.

- (3) Special agents are allowed to use a government-owned vehicle to drive to a workout facility before or after a scheduled **workday** as an extension of the core-hour day. This is allowed provided the special agent goes directly from their residence to the workout facility/area and then to the workstation (mornings) or directly from the workstation to the workout facility/area and then to their residence or back to the workstation (evenings).

Note: Questions regarding the reasonableness of the distance between the workout facility/area and residence or workstation should be addressed to local management for clarification.

- (4) Special agents are not allowed to use GOVs on weekends, holidays or while on leave to drive to a workout facility/area.

9.2.2.4
(08-04-2020)
**Guidelines for
Accounting for Exercise
Time**

- (1) Special agents medically cleared to participate in PFP are authorized up to 3 hours per calendar week (Sunday-Saturday) of work time to engage in approved fitness activities. The following guidelines apply:
 - a. There is no accumulation of unused clock-time hours. (Hours cannot be carried over from week to week).
 - b. Fitness activities cannot be claimed as hours of work on full days of leave.
 - c. Agents may not receive compensatory time in lieu of overtime, compensatory time for travel, compensatory time for religious observance, nor regularly scheduled overtime for physical fitness activities. Agents may charge the time to LEAP.
 - d. No more than 1 and 1/2 hours of exercise time can be charged to a workday unless authorized by the SAC.
- (2) Special agents working a part-time schedule are authorized to engage in approved PFP activities and to record the exercise time as duty hours. The following formula will be used to calculate allowable official time chargeable to PFP:

$(\text{Part-time hours}/40) \times 3 = \text{allowable PFP hours}$
(rounded to nearest whole number)

9.2.2.4.1
(08-04-2020)
Fitness Activity Logs

- (1) Each participant who uses duty hours for fitness activities will maintain a fitness activity log and record the fitness activity, date, time, and duration of official and personal fitness time. Participants will file the log within 5 workdays of the end of each month on a monthly basis.
- (2) Field/HQ Offices will maintain these activity logs per CI's TIMS2 policy.

9.2.2.5
(08-04-2020)
**Authorized Program
Activities**

- (1) For purposes of coverage under the Federal Employees Compensation Act, the Department of Labor only recognizes physical fitness activities authorized by the employing agency. When examining claims under FECA, the DOL will compare the activity/activities on which the claim is based against the agency's approved activity list to determine whether the claim may be covered under FECA. The DOL does not establish an approved list of activities for each gov-

ernmental agency; instead, the DOL allows each individual governmental agency to establish its own list of approved activities for its employees.

- (2) Approved activities are those that address one or more of the following three areas of fitness, which are essential to the safe performance of law enforcement duties:
 - a. Aerobic/cardiovascular endurance,
 - b. Strength training,
 - c. Flexibility.
- (3) The following activities are authorized as fitness activities for PFP:
 - a. Brisk walking,
 - b. Running/jogging,
 - c. Cycling,
 - d. Cross-country skiing,
 - e. Stair climbing,
 - f. Rowing,
 - g. The use of fitness equipment related to approved fitness activities (such as treadmills, stationary bikes, elliptical, rowing and stair-climbing machines),
 - h. Swimming,
 - i. Rope-skipping,
 - j. Skating (rollerblading and ice skating),
 - k. Aerobic/cardiovascular exercises,
 - l. Strength/resistance exercises (such as weight training, including the use of free weights, calisthenics, etc.),
 - m. Stretching and flexibility exercises (such as yoga),
 - n. Racquet sports (such as racquetball, singles tennis etc.).
- (4) The following activities are not authorized as fitness activities for PFP:
 - a. Activities performed longer than 1.5 hours - Due to a higher likelihood of injury when participating in activities for an extended period, agents are not permitted to charge as official PFP time, any portion of an approved PFP activity that is performed for longer than 1.5 hours (e.g. the first 1.5 hours of a 4-hour weekend bike ride would not be authorized as part of the PFP for FECA purposes). A SAC/Director may grant the rare exception to this rule in advance and in writing for an agency sanctioned event (e.g. law enforcement torch run) where official time will be used to participate in the event.
 - b. Recreational Sports – Recreational sports such as bowling, badminton, table tennis, and golf are not authorized PFP activities.
 - c. Competitive Team Sports - Due to a higher rate of physical injury competitive team sports (e.g. basketball, football, softball, hockey) are not considered an individualized exercise program and are not authorized PFP activities.
 - d. Extreme Sports/Competitions - Activities/Events characterized as extreme are not authorized. For the purposes of this section, an extreme activity/event is defined as a high intensity, high impact, rigorous activity performed continuously for long periods of time (more than 1.5 hours) or activities/events involving unconventional obstacles/competitions. These activities generally involve a higher risk of physical injury. (e.g. marathon,

ruck march, triathlon, strongman competition activities, obstacle course racing (e.g. Spartan race, Rugged Maniac, Tough Mudder, Warrior Dash, Ninja Warrior).

- (5) If an agent participates in physical activities that are not included in CI's approved activity list, any injuries resulting from their participation may not be covered by the FECA.

9.2.2.6
(08-04-2020)
Responsibilities

- (1) The following subsections cover the responsibilities of the PFP coordinator, CI Management, and the special agent.

9.2.2.6.1
(08-04-2020)
**Physical Fitness
Program Coordinator
Responsibilities**

- (1) The role of the PFP coordinator includes providing special agents and management with necessary materials and guidance for the administration and oversight of the program.
- (2) Each PFP coordinator is required to successfully complete the FLETC-LEFCTP or must have previously completed the Cooper Clinic Physical Fitness Coordinator Training Program. While other training programs may also be acceptable, they must be reviewed and approved by NCITA as an acceptable alternative.
- (3) The PFP Coordinator Responsibilities:
 - a. Notifies management and agents of the date, time, and location of the annual fitness assessments and make-up dates to ensure maximum availability.
 - b. Ensures prior to participation that each employee is cleared to participate in the PFP by contacting Management.
 - c. Informs management when a special agent fails to attend and/or complete all components of a fitness assessment.
 - d. Ensure annual PFP assessment results are recorded and tracked, on a fiscal year basis, at the Director/Field Office level.
 - e. Considers safety factors during all aspects of fitness testing and administration to minimize liability and prevent injuries.
 - f. Thoroughly documents all exercise-related accidents or injuries during annual PFP assessment.
 - g. When possible, takes corrective action to prevent future accidents and/or injuries of a similar nature.
 - h. Assist agents who request assistance with the establishment of an individualized health improvement plan.

9.2.2.6.2
(08-04-2020)
**CI Management
Responsibilities**

- (1) The Chief, CI will maintain and support the PFP for all IRS-CI special agents.
- (2) Each Director and Special Agent in Charge will be responsible for the execution and oversight of CI's PFP for all agents in their office as follows:
 - a. Appoint one or more physical fitness coordinators.
 - b. Ensure physical fitness logs/activities are tracked according to established guidelines.
 - c. Review fitness logs of participants, at least once a quarter, for completeness, adherence to approved program activities.
 - d. Assure all agents comply with CI Directive No. 5 and participate in/complete all annual physical fitness assessment activities.

- e. Ensure annual PFP assessment results are recorded and tracked, on a fiscal year basis, at the Director/Field Office level.
 - f. Ensure agents do not claim more than 3 hours of PFP time per calendar week (Sunday-Saturday).
- (3) Managers will discuss with special agents, as situations arise, when official duties will pre-empt approved fitness program time/activities. These situations may include scheduled work assignments, illness, injury, or family emergencies.
- (4) Upon notification of an injury, Management will review the facts and circumstances, contact CI's Medical Program MPA to discuss whether the claim involves an approved PFP activity, ensure the appropriate worker compensation forms are timely filed, and consult with their servicing Labor/Employee Relations Specialist, as needed, to determine the appropriate action (e.g., temporary restricted duty (TRD)).

9.2.2.6.3

(08-04-2020)

Special Agent Responsibilities

- (1) (1) Special agent responsibilities:
- a. Timely completion their annual medical screening per CI's Medical Policy and participating in and completing all events (e.g. complete the entire 1.5-mile run) of the required annual PFP Assessment.
 - b. Self-report any changes in their medical or physical condition that may affect participation in the PFP per CI's Medical Policy.
 - c. Ensure that only authorized PFP activities are performed utilizing official PFP time.
 - d. Ensure that monthly fitness logs are maintained and submitted as directed within 5 working days of the end of each month.
 - e. Participates in authorized PFP activities in a safe manner (e.g. Wear a helmet while bicycling).
 - f. Ensures official time devoted to PFP activities does not negatively impact on official duties.
 - g. Promptly notifies management of injuries sustained during approved PFP activities (during official and non-official duty hours) and timely prepares all necessary worker compensation forms.