

# JUDICIARY OF THE U. S. VIRGIN ISLANDS

## Health and Fitness Program Policy

Effective Date: June 1, 2017

### I. COVERAGE

The provisions of this policy apply to all non-probationary employees of the Judicial Branch of the Virgin Islands that receive approval and medical clearance for the Health and Fitness Program subject to the approval of their supervisor and the respective administrative authority.

### II. BACKGROUND

Fitness programs are widely recognized as having a positive impact on employee health as it affects performance and productivity. The Judicial Branch of the Virgin Islands recognizes the importance of maintaining a healthy and fit workforce through a health and fitness program. Therefore, it is in the best interest of the judiciary to assist employees in achieving and maintaining good health by providing this program.

### III. DEFINITIONS

- A. Eligible employee-a non-probationary employee, whose performance and conduct are at least satisfactory.
- B. Physical training time-time spent at a fitness facility not to exceed three (3) separate hours per work week.
- C. Fitness facility-a place with facilities and equipment to maintain or improve physical fitness.
- D. Physical activity- Authorized activities directly related to cardio-respiratory endurance, muscular strength, muscular endurance, and flexibility.
- E. Cardio-Respiratory Endurance. Authorized activities such as aerobic activities, brisk walking, jogging, running, cycling, rope jumping, swimming, step and other aerobic classes, and some continuous action games like racquetball and handball.
- F. Muscular Strength. Authorized activities such as weight-lifting.
- G. Muscular Endurance. Authorized activities such as calisthenics, push-ups, sit-ups, pull-ups, and weight training for all the major muscle groups.
- H. Flexibility. Authorized activities such as yoga and stretching classes.

### IV. POLICY

The Judicial Branch will provide eligible employees with the opportunity to participate in a health and fitness program. This program will promote the physical fitness of Court staff by granting eligible employees up to three (3) separate hours of physical training times per work week during work hours.

- A. The program is voluntary and participation must be approved by the supervisor and administrative authority, along with medical clearance. Participation will not take precedence over the employee's work responsibilities.
- B. This policy does not create any rights or benefits not specifically authorized by law.
- C. Except as noted above, the Judicial Branch is not responsible for any costs associated with the health and fitness program.

### V. AUTHORITY

This policy is hereby made a part of the Judicial Branch of the Virgin Islands' Personnel Rules, Section 10.9, entitled Health and Fitness Program.

## **VI. RESPONSIBILITIES**

### **A. Supervisors shall:**

- 1) Plan and manage the work of the court.
- 2) Establish and modify work arrangements to ensure adequate office coverage and staffing.
- 3) Stamp each request with the date and time of its receipt.
- 4) Approve/disapprove employee requests within thirty (30) business days following submission and forward to the administrative authority for final approval. The original and one copy of the Medical Clearance must be provided to the Human Resources Division (HRD) for the employee's medical file as well as a duplicate copy of the activity plan and program agreement forms for record keeping purposes.
- 5) Monitor their employees' scheduled physical activity time and usage.
- 6) Modify, suspend, or terminate an employee's participation if necessary, to accomplish the Judicial Branch's mission and take appropriate action for possible disciplinary action for abuse when necessary.

### **B. Employees shall:**

- 1) Receive medical clearance from a physician stating that he/she is physically able to participate in the program and only participate to the extent that he/she is able to do so.
- 2) Engage in health and fitness activities when the mission of the Judicial Branch allows and at times and locations previously approved.
- 3) Select fitness facilities that include a full complement of exercise equipment and programs. The fitness facilities must not be at the employee's home or non-segregated wherein membership and use are not restricted by sex, race, national origin, color, religion, age, disability, sexual orientation, or other discriminatory factors.
- 4) Promptly report to the immediate supervisor any injuries sustained while engaging in physical activities.
- 5) Coordinate the physical activity schedule with the immediate supervisor.
- 6) Not be entitled to participate in this program if on leave restriction.
- 7) Submit the appropriate request forms to his/her supervisor for approval and be prepared to discuss how conflicts that may arise between work responsibilities and the new schedule will be resolved.
- 8) Adhere to the approved program and related policies and procedures.
- 9) Obtain approval for deviations from the approved schedule(s) from the supervisor.
- 10) Follow established procedures for time and attendance.
- 11) Meet job responsibilities and performance expectations.
- 12) Comply with established procedures in the Section 5.5, Dress Code and Uniform Policy of the Judicial Branch of the Virgin Islands' Personnel Rules and any other applicable policies.
- 13) Secure approval when a new supervisor is assigned.

## **VII. PROCEDURES**

Employees applying for participation in the program must submit the Health and Fitness Program Agreement and Medical Clearance and receive final approval prior to participating in the program. Supervisors will maintain their employees' Health and Fitness Program Agreement and Activity Plans and provide copies to the Human Resources Division (HRD). These forms must be received by the HRD five (5) business days before the start of the pay period before participating in the program. The HRD will maintain the original copy of the employee's Medical Clearance in the employee's medical file.

## **VIII. AUTHORIZED ACTIVITIES AND PARTICIPATION**

- A. Authorized activities must directly relate to the four physical fitness components listed below.

- 1) Cardio-Respiratory Endurance. Authorized activities related to this component would include aerobic activities, such as brisk walking, jogging, running, cycling, rope jumping, swimming, step and other aerobic classes, and some continuous action games like racquetball and handball.
- 2) Muscular Strength. Authorized activities related to this component would include weight-lifting.
- 3) Muscular Endurance. Authorized activities related to this component would include calisthenics, push-ups, sit-ups, pull-ups, and weight training for all the major muscle groups.
- 4) Flexibility. Authorized activities related to this component would include yoga and stretching classes.

The following examples of activities that do not fall under this program include golfing, bowling, softball, team sports, etc. However, some sports like basketball or other aerobic sports which are played one-on-one, may be authorized as long as the fitness fundamentals are met. Exceptions may be determined by the supervisor.

- B. Any restrictions on an employee's participation will come from his or her physician. The Judicial Branch is not responsible for funding medical examinations or tests related to an employee's eligibility for or participation in this program.

#### **IX. FITNESS PLAN AND SCHEDULING ACTIVITIES**

- A. All employees participating in this program are authorized to request up to three (3) one (1) hour exercise periods per week. Each employee must submit a proposed fitness activity plan to his or her immediate supervisor for approval. The activity plan will indicate the day, hour, and place of each fitness activity. The activity plan may not be altered without the supervisor's approval. A supervisor may require an employee to alter or suspend his/her fitness schedule due to work exigencies, travel, or training.
- B. The intent of this policy is to provide employees with the opportunity to incorporate exercise during their normal workday. Thus if an employee is scheduled to work from 8:00 am to 5:00 pm, the fitness activity may only be scheduled during this time period.
- C. Supervisors should not excuse an employee's absence for exercise on days when he/she is scheduled to work overtime or in cases when overtime or compensatory time hours would result from the employee using exercise time. Supervisors may excuse an employee's absence for exercise if the employee has already taken time to exercise and a situation arises where unscheduled overtime or compensatory time later becomes necessary.

#### **X. TRAVEL**

- A. Time incurred traveling to and from a fitness facility must be subtracted from the hour of physical fitness time.
- B. Expenses incurred traveling to and from exercise activities are not reimbursable.

#### **XI. DOCUMENTING AND REPORTING PHYSICAL FITNESS TIME**

- A. Exercise time cannot be accumulated or carried forward to another week.
- B. Each employee's fitness activity plan will be submitted for approval and will indicate where and when the employee is participating in the program.
- C. Employees who participate in this program are responsible for ensuring their time is recorded as administrative leave.

#### **XII. INJURIES**

- A. Employees must promptly report to their immediate supervisors any injuries sustained while engaged in fitness activities during their normal work hours.
- B. Any employee injured during fitness activities must complete the *Employer's First Report and Notice of Injury* forms within a reasonable period of time after the injury occurred.

## QUESTIONS

This policy established guidelines for the Health and Fitness Program, but does not attempt to address every potential issue. Supervisors will be responsible for enforcing the policy. Questions concerning this policy should be directed to the Administrator of Courts or the Human Resources Division of the Judicial Branch Administrative Office at P. O. Box 590, St. Thomas, U.S. Virgin Islands 00804 or [administrative.services@vicourts.org](mailto:administrative.services@vicourts.org) or [Human.Resources@vicourts.org](mailto:Human.Resources@vicourts.org).

/s/ Rhys S. Hodge  
**RHYS S. HODGE**  
**Chief Justice**



## JUDICIARY OF THE U.S. VIRGIN ISLANDS

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# HEALTH AND FITNESS AGREEMENT

**This agreement must be completed by the employee and submitted to the immediate supervisor accompanied by a doctor's statement certifying the physical fitness activities permitted and identifying any limiting conditions. The original will be maintained by Human Resources Division and the supervisor will maintain copies of the agreements. When an employee changes supervisors, a new plan must be implemented and approved.**

I \_\_\_\_\_ (*Printed Employee Name*), request approval for participation in the Judicial Branch of the Virgin Islands' Health and Fitness Program, not to exceed 3 separate 1-hour periods per week, for the sole purpose of physical fitness activities.

My participation is subject to daily supervisory scheduling, monitoring, and approval and may be disapproved, suspended, or rescheduled due to mission requirements including individual workload requirements. I understand that my supervisor and the administrative authority have the discretion to determine whether I participate in the program and to modify my schedule.

I understand that there are inherent risks in participating in an exercise program and I will exercise due caution while engaging in fitness activities that have been approved in this Agreement and for which I have received medical clearance.

Should my ability to participate in physical fitness activities become limited in any manner, I will notify my supervisor immediately. In the event of injury while participating in the program during my regularly scheduled work hours, I agree to complete the *Employer's First Report and Notice of Injury* forms within a reasonable period of time and submit promptly to the Human Resources Division.

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_(mm/dd/yyyy)



JUDICIARY OF THE U.S. VIRGIN ISLANDS

# HEALTH AND FITNESS PROGRAM ACTIVITY PLAN

1. **Employee Name:** \_\_\_\_\_
2. **Work Schedule** (*No more than three (3) separate hours per work week is allowed. Hours must be within employee's normal work day, Monday – Friday.*)

	Time of Session		Activity	Location
	From:	To:		
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				

*\*\*Infrequent and slight modifications to this schedule, when necessary, may be approved or changed orally by my supervisor.*

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_ (mm/dd/yyyy)

*Approved*  *Disapproved* **Supervisor Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Approved*  *Disapproved* **Administrative Authority:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*This form must be submitted to the Human Resources Division at least five (5) business days before the start of a new pay period.*

**Approved effective date:** \_\_\_\_\_ (Must be the beginning of a pay period.)

**Original**- Supervisor \* **Copies**- Employee, Human Resources & Employee's Medical File



**JUDICIARY OF THE U.S. VIRGIN ISLANDS**

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**MEDICAL CLEARANCE FOR PARTICIPATION IN  
VOLUNTARY HEALTH AND FITNESS PROGRAM**

**Employee Name:** \_\_\_\_\_

I have reviewed the employee's medical records and conducted a physical examination I deemed appropriate. It is my medical opinion that the above named individual who intends to participate in cardio-respiratory endurance, muscular strength, muscular endurance, and/or flexibility exercise activities:

**Please check one.**

- Is physically able to participate in a physical fitness program that s/he has selected without limitations.
- Is physically able to participate in a physical fitness program that s/he has selected with the following limitations:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Is **NOT** physically able to participate in a physical fitness program.

**Doctor's Printed Name**

**Doctor's Signature\***

\_\_\_\_\_

\_\_\_\_\_

**Doctor's Address**

**Doctor's Phone Number**

\_\_\_\_\_

\_\_\_\_\_

**Date Signed:**

\_\_\_\_\_

*\*This clearance is valid for a period of two (2) years from the date of execution.*