



SPECIAL CONDITIONS OF EMPLOYMENT NON-CIVILIAN PUBLIC SAFETY EMPLOYEES

PURPOSE

The purpose of this policy shall be to reduce and/or prevent premature death and/or disability due to respiratory disease, heart disease and/or hypertension related to smoking and/or other cardiovascular risk factors.

POLICY

The General Assembly of the Commonwealth of Virginia has enacted certain State Statutes providing that, for purposes of disability retirement, the death or any condition of impairment of health of any firefighter, police officer or a deputy sheriff caused by hypertension or heart disease and resulting in total or partial disability, shall be presumed to have been suffered in the line of duty unless the contrary is shown by a preponderance of competent evidence. State law also provides that, for purposes of disability retirement, the death or any condition or impairment of health of any firefighter caused by respiratory disease resulting in total or partial disability shall be presumed to have been suffered in the line of duty unless the contrary is shown by a preponderance of competent evidence. **These presumptions are also applicable to applications for Workers' Compensation. Sections 65.2-402, 15.2-1511, 27-90.1, and 51.1-813, Code of Virginia.**

Because medical experts have directly linked smoking to heart disease, hypertension and lung disease and protection of the public health, safety and welfare dictates that firefighters, police officers and sheriff deputies employed by the City of Roanoke (hereinafter referred to as the "City") be in excellent physical and mental condition to meet the challenging physical and mental demands of their positions, the City has established the following Special Conditions of Employment, which shall be applicable only to police officers and firefighters/EMT's hired on or after August 1, 1989 and to sheriff deputies hired on or after April 15, 1991.

SPECIAL CONDITIONS OF EMPLOYMENT

As a condition of employment, a public safety officer in the Police Department, Fire/EMS Department or the Sheriff's Department, (hereinafter referred to as "public safety officer" or "officer"), so long as he or she remains in the employment of the City, shall:

- Not smoke or use any tobacco products, including, but not limited to, cigarettes, cigars, pipes, chewing tobacco or snuff at any time, on or off duty, while in the employment of the City.
- Determination of tobacco use may be made by one of the following methods: officer admission, verified observation and reporting of tobacco use by another City employee, and/or a positive urine nicotine screen performed randomly, routinely, or at the time of the new hire physical. An annual unannounced nicotine screen may be conducted (ten percent of public safety employees will be randomly screened each quarter). If an employee tests positive for his/her annual nicotine screening, that employee will be recalled for re-testing by the City within sixty (60) days of the date of the positive screening. An employee who tests positive on any retest will be retested until such employee tests negative. Nicotine gum or patch, if administered through Employee Health Services, can only be used for thirty (30) days.

Officer use of tobacco products shall subject such officer to disciplinary action in department policy as follows:

- a **first offense** will require an oral reprimand and the employee being referred to a voluntary nicotine cessation program at the employee's expense.
- a **second offense** will require a written reprimand.
- a **third offense** will require a one day suspension.
- a **fourth offense** will require a three day suspension.
- a **fifth offense** will require termination.

NOTE: The Human Resources Department will be notified of the positive nicotine screening and will follow-up with the department on the disciplinary action. If any employee who had previously tested positive for nicotine, should test negative for five (5) consecutive years, and after that five (5) consecutive years that employee again tests positive for nicotine, such positive test result will be disciplined as if it were that employee's first offense.

Not possess any illegal drug, narcotic or controlled substance except pursuant to prescription, sell any illegal drug, narcotic or controlled substance or abuse any prescription drug.

Maintain officer's physical condition to conform to the standards set forth in this subparagraph. Public safety personnel will be screened annually for weight compliance. If the officer's weight exceeds the maximum weight set forth below, the officer's body fat will be evaluated. If the body fat exceeds the applicable percentage set forth below, the officer will be determined to be out of compliance with this requirement.

BODY WEIGHT

Male Standard

Age 17-20 - 20%

Age 21-27 - 22%

Age 28-39 - 24%

Age 40+ - 26%

MALE

HEIGHT IN INCHES	MINIMUM WEIGHT	MAX WEIGHT AGE 17 - 20	MAX WEIGHT AGE 21 - 27	MAX WEIGHT AGE 28 - 39	MAX WEIGHT AGE 40 +
58	91				
59	94				
60	97	132	136	139	141
61	100	136	140	144	146
62	104	141	144	148	150
63	107	145	149	153	155
64	110	150	154	158	160
65	114	155	159	163	165
66	117	160	163	168	170
67	121	165	169	174	178
68	125	170	174	179	181
69	128	175	179	184	186
70	132	180	185	189	192
71	136	185	189	194	197
72	140	190	195	200	203
73	144	195	200	205	208
74	148	201	206	211	214
75	152	206	212	217	220
76	156	212	217	223	226
77	160	218	223	229	232
78	164	223	229	235	238
79	168	229	235	241	244
80	173	234	240	247	250

Female Standard

Age 17-20 - 30%

Age 21-27 - 32%

Age 28-39 - 34%

Age 40+ - 36%

Female

HEIGHT IN INCHES	MINIMUM WEIGHT	MAX WEIGHT AGE 17 - 20	MAX WEIGHT AGE 21 - 27	MAX WEIGHT AGE 28 - 39	MAX WEIGHT AGE 40 +
58	91	119	121	122	124
59	94	124	125	126	128
60	97	128	129	131	133
61	100	132	134	135	137
62	104	136	138	140	142
63	107	141	143	144	146
64	110	145	147	149	151
65	114	150	152	154	156
66	117	155	156	158	161
67	121	159	161	163	166
68	125	164	166	168	171
69	128	169	171	173	176
70	132	174	176	178	181
71	136	179	181	183	186
72	140	184	186	188	191
73	144	189	191	194	197
74	148	194	197	199	202
75	152	200	202	204	208
76	156	205	207	210	213
77	160	210	213	215	219
78	164	216	218	221	225
79	168	221	224	227	230
80	173	227	230	233	236

Officers may be referred at any time by the department manager and/or a designee to the Employee Health Services if weight has become a concern in performance of the essential job functions for that officer.

Officers who do not meet the weight/body fat requirements will be medically evaluated by the Employee Health Services (EHS) medical staff. If there is no valid medical reason the officer cannot lose weight, such officer will be advised on weight reduction methods and proper nutrition by EHS medical staff. If there is a medical reason the officer cannot lose weight as determined by the City Physician or Nurse Practitioner, the officer may be exempted from the weight/body fat requirement or may be recommended for an alternative program.

Officers who are not medically exempt, as specified above, will be required to lose weight. Specific weight loss goals will be established by EHS and the employee will be referred to a weight loss program offered through EHS. The program will set forth minimum goals and objectives to be monitored on a monthly basis to bring the employee back into compliance. If the officer fails to meet any monthly weight loss goal, he/she will be referred back to the applicable department for counseling and/or disciplinary action. If an officer is not in compliance with either the weight or body fat standard within 12 months of the original date of non-compliance, he/she may be subject to discipline as well as a fitness for duty /physical fitness evaluation to determine the officer's ability to perform essential job functions.

Consistent with the requirements of job-relatedness and business necessity, the City shall have the option at any time to refer an officer for a fitness for duty/physical fitness evaluation. The fitness for duty evaluation will be performed by the City Physician or Nurse Practitioner or some other health-care provider selected and paid for by the City.

Termination for failure to meet the body fat requirements shall not be considered a disability for purposes of retirement under the City of Roanoke Pension Plan.

MANDATED ANNUAL CHECK FOR WEIGHT AND TOBACCO USE

The officer shall be required to submit the following: (1) a urine nicotine screen performed randomly for use of any tobacco products, and (2) annual weight/percent body fat check for compliance with the weight requirements.

MANDATORY PHYSICALS

Public safety physical examinations are required in order to assist officers in maintaining their health, and identify early abnormal findings and/or risk factors that may lead to premature death or disability.

Effective, 08/11/07, the frequency of the mandated physicals, with the exception of the HazMat physicals, will be every 3 years for firefighters/EMT and the law enforcement personnel, and with the following additions:

Annually- over 40

Health Questionnaire
Blood pressure
Height and weight
Complete Blood work and Urinalysis
Random nicotine screening

Additional testing or evaluation possible based upon annual chart review

Annually- under 40

Health Questionnaire
Blood pressure
Height and weight
Random nicotine screening

Additional testing or evaluation possible based upon annual chart review

In addition to mandatory physicals regardless of age, a department manager or supervisor may require any public safety officer to be given a physical should there be a concern regarding the officer's ability to perform the essential functions of his/her job.

Any officer who is identified by the City Physician or Nurse Practitioner to have an abnormal finding(s) and/or any significant health risk factor may be referred by the City Physician or Nurse Practitioner to a specialist for further medical evaluation.

During the period of "further medical evaluation" the City Physician or Nurse Practitioner may place the officer off work or assign the officer to modified duty, subject to approval of the department head. The City of Roanoke will pay for the cost of referrals made by the City Physician or Nurse Practitioner. If the City Physician or Nurse Practitioner has referred the officer to a specialist the specialist's report and recommendations must be reviewed and evaluation by the City Physician and/or Nurse Practitioner. Any officer who is evaluated by the City Physician or Nurse Practitioner and/or referred for further medical evaluation and is diagnosed with a medical condition that requires further medical treatment shall comply with any treatment recommendations made by either the City Physician or Nurse Practitioner, a specialist and/or personal physician in order to return to duty.

Failure of any public safety officer to correct or improve the medical condition or finding, if it is correctable, or to adhere to any prescribed treatment recommendations may result in disciplinary action up to and including termination.

The officer shall be required bi-annually or annually to submit to a physical examination to ensure the officer is in compliance with the treatment recommendations and in control of the diagnosed medical condition(s).

Special Conditions Agreement

OTHER CONDITIONS

The conditions, requirements and standards established by these Special Conditions are in addition to the conditions, standards, requirements imposed upon general employees of the City. An officer shall comply with all provisions and resolutions of City Council, Personnel Operating Procedures and other regulations of the City and all department regulations and policies.

DURATION OF SPECIAL CONDITIONS

The City is committed to reviewing its personnel policies, procedures, Special Conditions, standards and benefits continually. The Special Conditions, standards and requirements set out in this document are subject to change by the City at any time. An officer shall, upon establishment of revised Special Conditions be required to comply with such revised Special Conditions and will be advised by mail in writing and by the provision of a copy of the revised Special Conditions to the officer at least ninety (90) days prior to the effective date of the revised Special Conditions. During that ninety (90) day period, the officer is required to continue to comply with the current Special Conditions.

UNDERSTANDING

I certify that I have read and that I understand these Special Conditions applicable to the position for which I have applied. I agree to abide by and comply with such Special Conditions.

Signature of Applicant/Employee

Date

Social Security Number

Department