



CITY OF NEWPORT NEWS PERSONNEL ADMINISTRATIVE MANUAL

Effective: 10/01/07

SECTION 1008	SUBJECT PUBLIC SAFETY NON-TOBACCO USE POLICY
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I. PURPOSE

The purpose of this policy is to reduce and prevent premature death and disability due to respiratory disease, heart disease and hypertension that are related to tobacco use and cardiovascular risk factors.

II. COVERAGE

This policy covers employees hired or rehired on or after August 1, 2002 who are entitled to protection under the heart/lung/cancer presumption contained in the Virginia State Code. The jobs covered under the presumption include sworn Police Officers, sworn Fire Marshals, and uniformed Firefighters, Firefighter/Specialists and Firefighter/Medics including officers of all ranks, and positions.

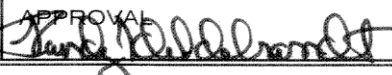
III. SPECIAL CONDITIONS OF EMPLOYMENT

As a condition of employment, employees covered under this policy shall:

- Sign an acknowledgment as a condition of their initial and continued employment that they refrain from any on or off the job use of tobacco products and nicotine substitutes.
- Not smoke or use any tobacco products, including, but not limited to, cigarettes, cigars, chewing tobacco, snuff or any other lighted smoking equipment on or off the job while employed by the City.
- Complete any physician monitored smoking cessation program currently attending and be nicotine free within 30 calendar days of employment.
- Be subject to reasonable suspicion urine nicotine screening. Reasonable suspicion exists when it is based on specific, articulable facts, and reasonable inferences drawn from those facts. Circumstances which may constitute a basis for concluding that reasonable suspicion exists include, but are not limited to:
 - statement(s) made by the employee
 - the odor or possession of tobacco products or nicotine substitutes on the employee
 - information provided by a reliable and credible source

AMENDS/SUPERSEDES
SECTION 1008, 8/01/02

REFERENCES

APPROVAL




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- observation of the use of any tobacco product or nicotine substitute
- Not refuse to be screened for nicotine when reasonable suspicion exists that any tobacco product or nicotine substitutes have been used in violation of this policy.

Employees working covert assignments and while acting under proper and specific direction from a supervisor may be given permission to use tobacco products while in contact with a citizen.

IV. REASONABLE SUSPICION URINE NICOTINE SCREENING

- Arrangements for urine nicotine screening shall be conducted under the supervision of the Department of Human Resources.
- The screening will be administered by the City's Medical Review Officer (MRO) when reasonable suspicion exists that a violation of the policy has occurred.
- Nicotine screening utilizes a split sample urine specimen.
- All screenings shall be conducted in a manner respectful to the employee.
- Urine samples shall be provided in private restrooms or enclosures and shall not be observed unless the collector observes behavior that indicates an attempt to tamper with a specimen.
- Both urine specimens will be forwarded to the laboratory by the collector. The urine specimens shall be handled so as to preserve and protect the test sample and shall be processed on a custody and control form so as to account for its transfer from one individual custodian to another. The results of the test shall be forwarded to the MRO by the laboratory performing the test.
- Employees whose test results are positive will be interviewed by the MRO to provide the employee an opportunity to explain the reason(s) for the positive test. The MRO shall make the final determination whether to report a positive or a negative reading.
- The MRO will not report a positive test if the employee has been employed for 30 calendar days or less and is currently attending a physician monitored smoking cessation program and is using nicotine substitutes to avoid cravings.

AMENDS/SUPERSEDES SECTION 1008, 8/01/02	REFERENCES	APPROVAL 
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- The MRO will report all screening results to the Department of Human Resources who will then notify the employee's department.

V. RESPONSIBILITIES

- Employees will be held responsible for complying with the provisions of this policy.
- Department Heads are responsible for ensuring compliance with the provisions of this policy.

VI. NON-COMPLIANCE

Use of tobacco product(s) or nicotine substitute(s) in violation of this policy shall subject employee to the following:

- Any violation of policy during the employment probationary period will be grounds for immediate dismissal.
- After the employment probationary period, a violation of policy will require, as a condition of employment, that employee seek immediate counseling and treatment through the Employee Assistance Program (EAP). Employee will be required to authorize the EAP to release information concerning attendance and successful completion of counseling and treatment to the department.
- Should a second violation occur within the following 24-month period from the date of the first violation, employee will be required to complete a tobacco cessation program approved by the City at his/her expense within 90 days of the violation.
- A third violation within the 24-month period from the date of the first violation will result in the employee's dismissal.
- An employee who subsequently violates policy following the 24-month period will be required to complete a tobacco cessation program approved by the City at his/her expense within 90 days of the violation.
- Any violation following the above occurrences will result in the employee's dismissal.

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AMENDS/SUPERSEDES SECTION 1008, 8/01/02	REFERENCES	APPROVAL 
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