

Town of Berlin

Police Officer and Fire Fighter Non-smoking policy

The following is a copy of the Massachusetts Pension Reform Act of 1987, Chapter 41 Section 117:

Newly-hired public safety officers to be non-smokers. Persons hired after January 1, 1988 as municipal police officers or firefighters, State Police officers, MBTA, MDC, Capitol, or Public Works Building police, corrections officers, Registry of Motor Vehicle examiners and investigators with police powers, and Logan airport fire personnel to be non-smokers as condition of hiring and of continued employment. Department of Personnel Administration (DPA) to promulgate regulations for implementation of non-smoker provisions. (§5, 6, 11, 117, 120, 123, 125)

Date: ____ / ____ / ____

"I understand that I am prohibited by law from smoking tobacco products, at any time, as long as I am employed by the Town of Berlin as a ____ Police Officer ____ Fire Fighter, regardless of rank, and that I must be terminated if I smoke."

Please Print name

Signature

Witness:

Please Print name

Signature

POST-APPOINTMENT SMOKING PROHIBITION

QUESTIONS AND ANSWERS ON THE SMOKING PROHIBITION FOR MUNICIPAL POLICE AND FIRE DEPARTMENTS:

1. What is the authority for the smoking prohibition?

The rule has been adopted under the authority of the Pension Reform Act, Ch. 697 of the Acts of 1987. Section 117 of the Act adds the following to Chapter 41 of the General Laws:

"Section 101A. Subsequent to January first, nineteen hundred and eighty-eight, no person who smokes any tobacco product shall be eligible for appointment as a police officer or firefighter in a city or town and no person so appointed after said date shall continue in such officer or position if such person thereafter smokes any tobacco products. The personnel administrator shall promulgate regulations for the implementation of this section."

2. Who is covered by the smoking prohibition?

The prohibition applies to appointments from an eligible list established from examinations given after January 1, 1988

Candidates appointed prior to the coverage date are "grandfathered" with respect to the prohibition.

Note that this includes ALL personnel REGARDLESS of statue: provisional, temporary or permanent; full-time, part-time, intermittent or reserve.

3. What happens when a police officers or fire fighter is promoted?

If an candidate covered by the prohibition is promoted to a higher rank, he or she continues to be covered by the rule. If the candidate has been "grandfathered," promotion does not bring him or her under the prohibition, even if the promotion occurs after January 1, 1988. The narrow exception is that a "grandfathered" candidate promoted to the position of "chief" through an open competitive exam WILL BE COVERED, since the promotion is treated as an original appointment.

4. What conduct is prohibited?

Candidates to whom the prohibition applies may not, subsequent to appointment, smoke any tobacco product at any time whatsoever. This includes cigars, cigarettes, pipes or any other tobacco product; and includes time when the candidate is on duty, off duty, on sick leave, vacation, leave of absence, and any and all other status.

5. Who enforces the rule?

The appointing authority is responsible for enforcement of the smoking prohibition.

6. What happens if a covered candidate violates the rule?