

Asheville Police Department Policy Manual

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Introduction

The purpose of this policy is to provide guidelines for the department's physical fitness program. The department recognizes that the physical fitness status of sworn employees is vital to job task performance. The department's physical fitness program is intended to enhance officer and public safety and improve officers' quality of life and wellness.

Policy Statement

It is the policy of the Asheville Police Department (APD) to ensure that employees maintain a level of fitness that permits them to carry out their duties and responsibilities effectively. The department's physical fitness program ensures officers meet the minimum physical fitness standards set by the North Carolina Criminal Justice Education & Training Standards Division while promoting their health and well-being.

Definitions

Certified Physical Fitness Instructor: a department employee who is an instructor certified through the North Carolina Criminal Justice Education & Training and Standards Commission (NC CJETSC) as a Physical Fitness Instructor.

Duty Performance Standard: the POPAT time that specified sworn employees are required to meet or to continue to make progress in accordance with the guidelines in this directive (9:00 chase/apprehension, 6:00 rescue).

North Carolina Police Officer Physical Abilities Test (POPAT): a timed, continuous sequence of actual and simulated job task events that measure basic individual abilities directly related to the essential job functions of a sworn police officer.

Minimum Performance Standard: the POPAT time that specified sworn employees are required to attain to maintain their sworn employment status while working towards improvement to meet the duty performance standard (15:00 chase/apprehension, 9:00 rescue).

Wellness Coordinator: the department member responsible for administering the department's physical fitness and wellness programming.

Rules and Procedures

2009.1 Program Administration

- A. The department's physical fitness program will be administered through the Training & Career Development Section, with the department's Wellness Coordinator as the primary administrator of the program.
- B. The Training & Career Development Section and Wellness Coordinator will be responsible for scheduling all physical fitness testing, re-testing, and make-up tests, and ensuring individual results are recorded.
- C. All records pertaining to physical fitness assessments will be confidential. Physical fitness performance and scores may be used anonymously in aggregate data to assess the overall fitness of the department.

2009.2 Physical Performance Standards

- A. Sworn police officers hired after July 1, 2023, must complete the North Carolina Police Officer Physical Abilities Test (POPAT) and are required to meet the department's physical performance requirements as outlined in this policy. [22.2.3 a]

- B. The specified sworn employees are required to complete the POPAT course at least once annually (each year before the anniversary of their hire date) in a time of no more than 9:00 minutes for the chase/apprehension portion and no more than 6:00 minutes for the rescue portion.
 - 1. Employees who complete the course in 9:00 or faster for the chase/apprehension portion or 6:00 or faster for the rescue portion are deemed to have met the department's duty performance standard.
 - 2. Employees who complete the course between 9:01 and 15:00 for the chase/apprehension portion or between 6:01 and 9:00 for the rescue portion are deemed to have met the department's minimum performance standard but not to have met the department's duty performance standard and therefore require improvement; see section [2009.4](#).
 - 3. Employees who complete the course in 15:01 or slower for the chase/apprehension portion, or 9:01 or slower for the rescue portion, or who do not complete the course are deemed to have not met the department's minimum performance standard and will require improvement before returning to active duty; see section [2009.5](#).
- C. Criteria of the department's physical fitness program may be changed to comply with standards and fitness recommendations by the NC CJETSC.
- D. Sworn officers in specialized assignments may be required to perform essential job functions that are more strenuous than those of officers in non-specialized assignments. At the discretion of the Chief of Police or designee, alternate testing protocols may be established for officers in specialized assignments related to selection processes, training, or annual physical fitness testing, see [Policy 2103 - Specialized Assignments](#).
- E. Officers and employees not required to meet the physical fitness requirements as a condition of employment are still encouraged to participate in the department's fitness program.

2009.3 Physical Performance Testing [22.2.3 c]

- A. Prior to participation in physical fitness testing sessions, officers must complete the annual required physical assessment for the department's wellness program, see [Policy 2010 - Wellness Program](#).

- B. Officers are responsible for ensuring they complete the required physical fitness testing before the anniversary of their hire date each year. The department's Wellness Coordinator will provide at least quarterly testing sessions for officers.
- C. Physical performance testing must be administered by at least one certified physical fitness instructor. [22.2.3 b]
- D. Officers participating in physical fitness testing must wear the appropriate attire and duty gear as directed by the Wellness Coordinator or certified fitness instructor.
- E. Officers will be required to complete all phases of the POPAT course to receive an official time and complete the POPAT in the sequence in which the course is set up.
- F. A fitness instructor may stop the participant if there is a concern for the officer's physical well-being.
- G. Any officer may stop during the test for physical reasons such as an injury, shortness of breath, or other acute medical problems. Emergency medical attention may be provided as necessary, or officers may seek appropriate medical treatment from the City of Asheville Health Services or other available medical facilities.
 - 1. In these cases, the officer will complete another attempt at physical fitness testing only when medically cleared to do so.
 - 2. Medical stoppage of an attempt will not count as a failure to meet the physical fitness standard.
- H. Any officer who meets the required physical fitness standards but wishes to improve their performance will be allowed one (1) voluntary re-test per annual testing period.
 - 1. The voluntary re-test must occur on an existing scheduled testing date (additional testing sessions will not be scheduled solely for voluntary re-testing).
 - 2. Employees completing a voluntary re-test will be allowed to use the faster of their two scores in official records.

2009.4 Failure to Meet the Duty Performance Standard

- A. Officers who fail to achieve the duty performance standard but meet the minimum performance standard will be allowed to remain on active duty but will be

expected to demonstrate improvement toward meeting the duty performance standard.

1. Upon an officer's first failure to meet the duty performance standard, the officer must meet with the Wellness Coordinator or certified physical fitness instructor to develop a plan to support improvement toward meeting the duty performance standard.
 2. There will not be any disciplinary action for an officer's first failure to meet the duty performance standard on any required POPAT test in any annual testing session.
 3. The Wellness Coordinator or Training & Career Development Section will notify the officer's chain of command upon a failure to meet the duty performance standard.
- B. Upon a failure to meet the duty performance standard, the officer will be required to retest on a recurring basis until they can meet the standard.
1. The primary purpose of recurring testing is to encourage continuous improvement by the officer toward meeting the duty performance standard.
 2. The Training & Career Development Section will provide the officer with a notice of retesting that will outline the officer's performance goals for re-testing and reaching the duty performance standard.
- C. The first re-test will occur within forty-five (45) days of the initial unsuccessful test. Each subsequent re-test will occur within forty-five (45) days of the prior re-test. The officer will be scheduled for a re-test as close to the forty-five (45) day window as schedules allow.
1. The officer may request a re-test sooner than their scheduled date at any time during the forty-five (45) day cycle.
 2. The officer will only be allowed one (1) re-test per forty-five (45) day cycle. Once the re-test occurs, the next forty-five (45) day cycle, if necessary, will begin.
 3. The officer is expected to show improvement toward meeting the duty performance standard with each retest.
- D. If the officer meets the duty performance standard on a re-test, that score will be recorded as their annual POPAT time, and no further testing will be required related to the original test.

- E. If the officer does not meet the duty performance standard on a re-test, they must continue with recurring testing.
- F. If the officer fails to meet the required performance time on a retest, the officer will be subject to disciplinary action.
 - 1. The first failure to meet the required performance time during a re-testing session will result in a coaching session with the officer's supervisor.
 - 2. A second failure to meet the required performance time during a re-testing session will result in the officer being issued a documented verbal warning.
 - 3. A third failure to meet the required performance time during a re-testing will result in the officer being issued a first written warning.
 - 4. A fourth failure to meet the required performance time during a re-testing will result in the officer being issued a second written warning and the officer's employment status being reviewed by the Chief of Police.
- G. In the event that an officer has been allowed a total of four (4) re-tests, or a total maximum of six (6) months, and has not met the duty performance standard (regardless of any improvement or lack thereof toward the standard), the Chief of Police may initiate disciplinary action to include demotion or termination.

2009.5 Failure to Meet the Minimum Performance Standard

- A. If an officer does not meet the minimum performance standard on any test or retest, the Training & Career Development Section will notify the officer's chain of command.
- B. Any officer not meeting the minimum performance standard will be referred for a mandatory medical examination and fitness evaluation. The purpose of this referral is to identify any possible health concerns prohibiting the officer from meeting the performance standards.
- C. Failure to meet the minimum performance standard will be considered unsatisfactory job performance.
 - 1. The officer will be notified in writing of their failure to meet the minimum performance standard. This notice will advise the officers of their relief of duty and their re-testing requirements.

2. Within the first thirty (30) days after failing to meet the minimum performance standard, the officer must complete a medical evaluation, physical fitness evaluation, and retest.
 3. If the officer meets the minimum performance standard within thirty (30) days, procedures for meeting the duty standard ([2009.4](#)) will be followed. Employees who do not meet the minimum performance standard without a medical exemption within thirty (30) days will be suspended from duty until they can meet the minimum performance standard time. Any suspension will be handled in accordance with City policy and the following guidelines:
 - a. Officers may use earned leave for the first thirty (30) days of suspension.
 - b. The officer will be placed on unpaid leave if they have not completed the course in the minimum performance standard or faster after the first thirty (30) days of suspension.
- D. The officer's first re-test must occur within no more than thirty (30) days of the initial unsuccessful test. Each subsequent re-test must occur within no more than thirty (30) days of the prior re-test.
1. The Training & Career Development Section will schedule the officer for a re-test as close to the thirty (30) day window as schedules allow.
 2. The officer may request a re-test sooner than their scheduled date at any time during the thirty (30) day cycle.
 3. The officer will be allowed to re-test as often as they wish, assuming the department can provide the necessary fitness instructors to conduct the re-test(s).
- E. Employees will be allowed a maximum of ninety (90) days from their first unsuccessful test to meet the minimum performance standard.
1. The officer's Division Commander will review the performance and progress of any officer who does not meet the minimum performance standard after ninety (90) days.
 2. The officer's Division Commander will recommend disciplinary action of at least suspension with the possibility of demotion or termination. The Chief of Police will make the final decision for any disciplinary action.

- F. If at any time during re-testing, the officer meets the minimum performance standards, the officer may return to duty, and the guidelines in 2009.4 will be followed until the officer meets the department's duty performance standards.

2009.6 Recurring Failures

- A. Recurring failures will be addressed case-by-case to determine the factors contributing to the failures. It is recognized that an officer's physical performance may suffer due to extenuating factors, and it may be necessary to repeat performance improvement processes. Generally, officers are prohibited from re-engaging in the progressive performance improvement processes repeatedly once they have met the department's duty performance standard.
- B. Recurring failures may subject officers to additional disciplinary action.

2009.7 Waivers and Exceptions for Testing

- A. Any officer who is absent from work on extended leave, extended training, approved workers' compensation leave, or who is on light duty and unable to participate in testing during the required timeframe may be granted a temporary waiver from physical fitness testing.
- B. The officer must complete missed testing sessions within thirty (30) days of returning to full duty.
- C. Officers who are in full duty status but have a short-term illness or injury that does not require light duty status but prohibits them from completing physical fitness testing must notify their immediate supervisor and the Training & Career Development Section of their condition.
 - 1. It is the officer's responsibility to obtain permission from Training & Career Development to schedule or attend another testing date.
 - 2. The officer may be required to provide documentation from a licensed physician or the City of Asheville Health Services describing their illness/condition and its impact on the officer's ability to complete the physical fitness testing.

2009.8 Assistance to Employees

- A. The department recognizes its obligation to aid employees who want to improve their physical fitness and/or have difficulty meeting the department's physical fitness standards.

- B. The department, primarily through the department's Wellness Coordinator, will support all employees by:
1. Providing referrals for health screening and fitness assessments, see [Policy 2010 - Wellness Program](#).
 2. Providing guidance in developing individual physical fitness training programs to include individual education and goal setting. [22.2.3 d]
 3. Allow access to department exercise equipment and on-duty workout time (see Section [2009.7](#)).
 4. Referring to employees to physical fitness programs and services offered by the City of Asheville and other local service providers.
 5. Providing ongoing support and evaluation of employees' physical fitness. [22.2.3 e]
- C. Consultations pertaining to fitness, health, and wellness issues for individual employees provided by the department's Wellness Coordinator will remain confidential.

2009.9 On-Duty Workout Time

- A. Department employees will be allotted up to six (6) hours per every two-week pay period for physical fitness activity while on duty. **On-duty physical fitness time is not guaranteed and is subject to the department's needs.**
1. Employees who work twelve (12) hour shifts will have a one (1) hour slot designated per 12-hour work shift for on-duty fitness. Physical fitness activity will not be authorized in the first and last thirty (30) minutes of a patrol shift.
 2. Employees who work seven-and-a-half (7.5), eight (8), or ten (10) hour shifts will be allotted the same amount of physical fitness time and will be limited to one (1) hour per shift.
- B. The allotted on-duty physical fitness time will be taken in one-hour slots and will not exceed the one (1) hour provided per shift. The one hour includes travel and showering/dressing time.
- C. All sworn officers are expected to arrive and leave for duty assignments in their approved uniform/attire, attend roll calls, and be available for calls for service at the beginning and end of each shift.

- D. Direct supervisors will be responsible for monitoring and approving all on-duty physical fitness time. Supervisors may provide designated time slots for physical fitness activity.
- E. Generally, no more than two (2) patrol officers should be authorized for on-duty workout time at any time.
- F. Officers must remain available for high-priority calls for service by cell phone or department radio. The officer's supervisor or designee may contact the officer and direct them to return to service at any point in their on-duty physical fitness time.
 - 1. Officers unable to utilize their designated on-duty physical fitness slot due to high-priority calls for service, call volume, training, or staffing shortages will forgo the time provided unless arrangements can be made within the same shift to provide the allotted time.
- G. Patrol officers must notify communications when they check in/out of service for physical fitness activity and provide their location.
- H. On-duty workouts must be conducted at a fitness facility (a health or recreational facility geared towards exercise, sports, and other physical activities) located within the City limits of Asheville. Under no circumstances will physical fitness activity be conducted at any residence.
- I. Officers are responsible for ensuring their weapons, vehicles, equipment, and uniforms are always secured during physical fitness activities.
- J. Overtime, compensatory time, or flex time for on-duty physical fitness activity is not authorized and must be completed on duty.
- K. Employees will report injuries occurring during on-duty workouts to a supervisor as soon as practicable and in compliance with all department and city procedures.

By order of:

A handwritten signature in black ink, appearing to read "David J. Zack". The signature is fluid and cursive, with the first name "David" and last name "Zack" clearly legible.

David Zack
Chief of Police