City of Winder Personnel Policy Manual
Title: Tobacco/Smoking Use
Date Issued: 02/2020
Policy: 100

Mayor

City Administrator

100.10 **Purpose**

The City of Winder is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. As such, the following policy has been adopted and applies to all employees and regulates smoking in all buildings and vehicles under the City's purview.

100.11 **Definitions**

A. The terms "**smoke/smoking**" shall be synonymous and represent the use of all tobacco/nicotine use to include but is not limited to: any tobacco/nicotine product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

B. Vaping - the action or practice of inhaling and exhaling the vapor produced by an electronic cigarette or similar device. Using an e-cigarette is known as "vaping".

100.12 **Applicability**

A. This policy applies to all full-time/part-time City employees, interns and volunteers.

B. Employees are responsible to inform visitors and contractors of this policy when in a City vehicle or facility.

C. All vaping and/or electronic or mechanical devices with fillable components shall comply with all regulatory laws and are subject to inspection by a direct supervisor or the employee's designated Department Head when brought onto City property.

D. Signs will be posted in prominent places on City property to notify the public that smoking or use of tobacco/nicotine products are prohibited in accordance with City policy and/or state law. The City Administrator shall work with the appropriate Department Head to determine the need and/or location of all applicable signs.

100.13 **Prohibited areas and use**

A. It shall be a violation of City policy for any employee to smoke in any building or facility or portion of a building or facility, leased, operated, occupied, managed or controlled by the City of Winder.

B. Employees are prohibited from smoking products while performing their job or any essential duties relating to their position or acting on behalf of the City.

C. Employees are prohibited from smoking at all City events.

D. All permitted use shall be taken at times not to interfere with the performance of the job.

E. Employees are prohibited from using any smoking device or products while in direct contact with the public.

F. Employees and passengers are not permitted to use any smoking products in any vehicle owned or leased by the City or within ten (10) feet of a City vehicle.

100.14 **Permitted Areas**

A. Smoking is only permitted in designated areas on City property which is noted as thirty feet from any public entrance or ten feet from any employee entrance to a City facility.

B. Employees shall deposit all cigarette butts in the appropriate receptacles. Department Heads or designee should ensure that a fire-resistant receptacle is available to deposit butts and other litter produced around a City facility. Employees leaving their cigarette butts or spitting chew on the ground or in improper places (on City property) may lose their privileges and are subject to disciplinary actions.

100.15 **Permitted Use**

A. Nothing in this policy prohibits smoking when off-duty provided the employee is not representing the City and is not within a City facility or vehicle.

B. Employees are permitted to smoke, use electronic cigarette devices or tobacco products during unpaid breaks (e.g., lunch breaks).

1. Employees assigned to a 2,184 hour annual police department schedule and working a 12-hour shift are deemed to have a meal break as designated by department policy and are permitted to smoke in designated areas during this period.

2. Employees assigned to a 2,756 hour annual fire department schedule and working a 24-hour shift are deemed to have a meal break as designated by department policy and are permitted to smoke in designated areas during these periods.

C. No additional breaks shall be provided to any employee for the purpose of smoking.

D. This policy does not prohibit nicotine patches, gum, or like product when used in accordance with the manufactures guidelines.

E. Employees who choose to smoke do so at their own risk. Prolonged use of tobacco/nicotine may interfere with the ability to perform essential job duties or requirements of the job.

F. Smoking and tobacco use are not a guaranteed right and if granted may be revoked or suspended based on the employee's Department Head or City Administrator's discretion.

100.16 **Off-duty while in uniform**

Employees are permitted to smoke while off-duty; however, while in uniform employees are considered to be representing the City and should continue to follow this policy.

100.17 **Smoking cessation opportunities**

Employees who would like to take the opportunity to quit smoking or dependency on tobacco/nicotine are invited to participate in smoking cessation programs offered through the City or the Employee Assistance Program (EAP).

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100.10 **Purpose**

In order to provide employees with a relatively smoke free workplace as well as to permit smoking by individuals who desire to do so, the City of Winder has adopted a policy on the designation of smoking areas. The success of the policy will depend upon the consideration and cooperation of smokers and non-smokers. Smokers need to consider nonsmokers health concerns and comfort, and nonsmokers need to consider the comforts and rights of smokers. This policy regulates smoking in all buildings under the City's purview and in all City-owned or leased vehicles.

100.11 **Use of Tobacco**

Use of tobacco shall mean the inhaling, exhaling, burning or carrying of lighted pipe, cigar, cigarettes or other combustible tobacco products or similar substances as well as the use of simulated tobacco products. The use of tobacco also includes chew, dips or others forms of smokeless tobacco.

100.12 **Prohibited Areas and Use**

A. It shall be a violation of City policy for any employee to use tobacco in any building or facility or portion of a building or facility, leased, operated, occupied, managed or controlled by the City of Winder.

B. Employees are prohibited from using tobacco products while in uniform, on or off duty at any of the following locations: (1) City Hall; (2) Community Center; (3) Cultural Arts/Lanier Tech; (4) Barrow County Court House; and (5) any property owned by the Barrow County School System. This includes all associated parking areas.

C. Employees are prohibited from using tobacco products while performing their job or any essential duties relating to their position.

D. Employees are prohibited from using any tobacco product while in direct contact with the public.

E. Employees and passengers are not permitted to use any tobacco products in any vehicle owned or leased by the City (This includes chewing tobacco).

F. Lit tobacco shall not be used around any dry debris, flammable materials, or within ten (10) feet of a City vehicle.

100.13 **Tobacco Breaks**

A. Each Department Head shall establish internal guidelines for the length and frequency of tobacco breaks during a normal work period. Tobacco users shall not be entitled to any additional breaks not afforded to non-tobacco users.

B. All breaks shall be taken at times not to interfere with the performance of the job.

C. A tobacco break is not a guaranteed right and may be revoked or suspended based on the employee's Department Head or City Administrator's discretion.

100.14 **Permitted Areas and Use**

A. For those employees that use tobacco and are assigned an administrative position, a designated area will be established on the outside of the City's buildings.

B. City employees shall not use tobacco products within twenty feet (20') of any entrance to a City building.

C. Employees shall deposit all cigarette butts in the appropriate trash receptacle. Department Heads or designee should ensure that a fire resistant receptacle is available to deposit butts and other litter produced around a City facility. Employees leaving their cigarette butts or spitting chew on the ground or in improper places (on City property) may lose their tobacco privileges and subject to disciplinary actions.

D. The Department Head may establish procedures for tobacco use on a job site or while working on public roadways as long as it does not violate any provisions of this policy.