

---

# CITY OF KETTERING — ADMINISTRATIVE POLICIES

## PERSONNEL POLICIES & PROCEDURES

05/09

---

### Policy No. 406: Smoking Policy

#### A. General Provisions

1. Ohio law requires employers to provide a Smoke-Free Workplace and environment. The requirements of this policy are either mandated by, or consistent with, that law.
2. Ohio law prohibits smoking in all “public places” or “places of employment” that are enclosed areas under the direct or indirect control of the employer.

#### B. No Smoking Areas and Designation of Outdoor Smoking Permitted Areas

##### 1. No Smoking Areas

Smoking is prohibited in all “public places” and “places of employment” that are enclosed areas under the direct or indirect control of the City Manager. Under Ohio law, this prohibition applies without regard to the time of day or the presence of other employees, volunteers or visitors. These prohibited smoking areas include, but are not limited to:

- a. Common areas, such as: all offices; near all facility entrances and exits; lobbies; lounges; waiting areas; utility rooms; production and storage areas; lunch rooms; copier rooms; reception areas; locker rooms; restrooms; stairwells; hallways; warehouses; elevators and garage bays.
- b. Council chambers, classrooms, conference rooms and meeting rooms.
- c. Within 30 feet of facility entrances and exits, window openings, vents and other such openings.

---

# CITY OF KETTERING — ADMINISTRATIVE POLICIES

## PERSONNEL POLICIES & PROCEDURES

05/09

---

- d. In City owned vehicles. The Ohio Department of Health, under the provisions of the Ohio Administrative Code Chapter on “Smoking Prohibitions,” has defined a “Vehicle” as meaning the following: “An enclosed motor vehicle registered by the Ohio bureau of motor vehicles when it is occupied by one or more non-smoking persons at the same time and while used for business purposes; a motor vehicle registered by the Ohio bureau of motor vehicles that is part of a motor pool and shared by non-smoking employees; a motor vehicle registered by the Ohio bureau of motor vehicles that is used for public mass transit . . .”.
- e. Any area in which a fire or other safety hazard exists, such as: around gas pumps; in vehicle/equipment areas where flammable vapors are present; in boiler rooms; or in storage rooms where combustibles are present.

### 2. Outdoor Smoking Permitted Areas

The decision to provide or not provide designated smoking areas outside City facilities is at the discretion of the City Manager, who has the ultimate authority for administering this Policy. Department Directors and/or administrators in charge of City facilities may, however, develop outdoor smoking policies not inconsistent with this one. Such policies that provide for outside “smoking permitted” areas shall be approved by the City Manager, in a manner consistent with Policy No. 1001: Policy Modifications. These areas must meet the following criteria:

- a. The area must be at least 30 feet from entrances, exits and openings to facilities;
- b. Non-smokers do not have to pass through this area to get to another area;
- c. The area has been determined as suitable as an outdoor “smoking permitted” area by Department Directors and/or administrators in charge of a facility; and

---

## CITY OF KETTERING — ADMINISTRATIVE POLICIES

### PERSONNEL POLICIES & PROCEDURES

05/09

---

d. There are no other safety concerns.

#### C. Communications, Signs, Handling of Complaints and Removal of Ashtrays

1. Department Directors and/or administrators in charge of City facilities shall notify their staff of any departmental smoking policies applicable to facilities and vehicles under their control.
2. The City will post “No Smoking” signs, consistent with the requirements of the Ohio Revised Code Section 3794.06, which shall contain the phone number (866) 559-6446 for reporting unresolved violations to the Ohio Department of Health’s Smoke-Free Workplace enforcement office.
3. Smoking-related concerns, disputes and complaints that occur should be communicated to Department Directors and/or administrators in charge of the facilities and/or vehicles in question.
4. Unresolved disputes may be appealed through Policy No. 702: Administrative Grievance Procedure or reported to the Ohio Department of Health’s Smoke-Free Workplace enforcement office by calling (866) 559-6446. If a satisfactory arrangement cannot be made by all parties, then the area in question may be designated as a “No Smoking” area by the City Manager.

---

## CITY OF KETTERING — ADMINISTRATIVE POLICIES

### PERSONNEL POLICIES & PROCEDURES

05/09


---

The City Manager hereby delegates the appropriate responsibility and authority to administer this Policy to the City's Assistant City Managers and Department Directors.

Approved:

5/15/09

Date



Mark Schwieterman  
City Manager

Issued:

5/15/09

Date



Richard L. Strader  
Director of Human Resources