

ADMINISTRATIVE PERSONNEL POLICIES AND PROCEDURES Policy No. 406: Smoking Policy

A. General Provisions

1. Ohio law requires employers to provide a Smoke-Free and Vape-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 (the use of traditional tobacco products) and vaping (the use of electronic nicotine delivery systems or electronic smoking devices- known as e-cigarettes, e-cigars, e-hookahs, and e-pipes) are 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 all facility entrances and exits, windows, vents and other such openings.
- d. In City owned vehicles and equipment.
- 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 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 consistent with this policy. Policies that provide for outside “smoking permitted” areas shall be approved by the City Manager, according to 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
- 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.
- 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.

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:

11/29/2022
Date

Mark Schwieterman
Mark Schwieterman
City Manager

Issued:

11.30.22
Date

Jenny Smith
Jenny Smith
Director of Human Resources