



1402 - SMOKING AND TOBACCO USE POLICY

I. POLICY

The purpose of this policy is to protect the health, comfort, and environment of City employees and the public by prohibiting employee smoking and the use of tobacco products in any City property (including any facility or vehicle owned or leased by the City of Newport News) or while the employee is on City time.

II. DEFINITIONS

A. Smoke or smoking

The act of lighting, carrying or holding of a lighted or smoldering pipe, cigar or cigarette of any kind, or any other lighted smoking equipment, or the lighting, burning, inhaling or exhaling of a pipe, cigar, or cigarette of any kind.

B. Electronic Cigarette Devices (e-cigarettes)

E-cigarettes are defined as devices that provide inhaled vapor solution, with or without their use of tobacco products (i.e., nicotine tablets).

C. Tobacco products

Tobacco products are defined as consumable products that contain tobacco, including chewing tobacco and other smokeless tobacco. Herbal tobacco substitutes such as consumable tobacco-free and nicotine-free products, used in the same manner as chewing and smokeless tobacco, are considered tobacco products under this policy.

III. SIGNS

Signs shall be posted as appropriate to advise that smoking is prohibited. Posting in a department is the responsibility of each department director or designated representative. Posting in common areas is the responsibility of the Building Services Division, Department of Public Works. The Building Services Division is also responsible for providing standard signs to be used by all City departments.

IV. DESIGNATED SMOKING AND TOBACCO USE AREAS

Designated smoking and tobacco use areas for large facilities will be identified by the City. Said areas will be located a minimum of 25 feet away from entrances. Designated smoking and tobacco use areas may be used by employees to smoke, use electronic cigarette devices or tobacco products only during unpaid breaks (e.g., lunch breaks).

V. PERMITTED USE OF TOBACCO

Employees are permitted to smoke, use electronic cigarette devices or tobacco products or herbal tobacco substitute products only during unpaid breaks (e.g., lunch breaks), but not in City buildings, facilities or vehicles.

VI. STANDARDS

Departments are expected to enforce this policy throughout buildings and facilities or the portions of the buildings and facilities under their control.

VII. SPECIAL PROVISIONS

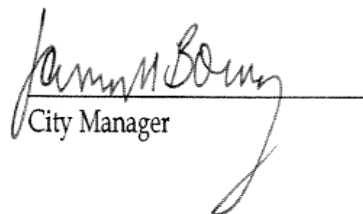
In accordance with Section 1008, Public Safety Non-Tobacco Use Policy, employees hired or rehired after August 1, 2002 who are entitled to protection under the heart/lung/cancer presumption contained in Virginia State Code, are prohibited from using tobacco products on or off the job as a condition of their continued employment with the City. Those public safety employees hired prior to August 1, 2002, and grandfathered from Section 1008 are still subject to the provisions of this policy while on duty and on City time.

This policy shall not be interpreted or construed to permit smoking in areas where it is otherwise prohibited or restricted by other applicable laws or regulations. Nor shall it be interpreted or construed to prohibit use of an approved product (e.g. nicotine patch and nicotine gum) while participating in a smoking cessation therapy or program.

In any situation where the preferences of smokers and non-smokers are in direct conflict, the preferences of non-smokers will prevail. In the event of any conflict between this policy and any departmental policy or regulation, this policy will control.

Supersedes/Amends: 1402, 9/01/06

Approved:


City Manager