

CITY OF HAMILTON, OHIO

No. 404

ADMINISTRATIVE DIRECTIVE

Effective Date: 4-10-17

Supersedes No. 404 dated 03/04/94, 2/2/93,
12/7/06, 3/7/16

Approved by: Joshua A. Smith,
City Manager

SUBJECT: SMOKING, TOBACCO AND E-CIGARETTE POLICY

PURPOSE: The purpose of this Directive is primarily to provide a professional, safe, and comfortable workplace for all City of Hamilton employees, and secondarily to comply with the provisions of Ohio Revised Code Chapter 3794, which are mandatory, and its state-wide prohibition of smoking in all public places and places of employment as defined by that law.

1. Definitions.

- a. "Employee" means a person who is employed by, contracts with, or otherwise provides services to the City of Hamilton, with or without compensation.
- b. "Place of employment" means any area, whether enclosed or open, area which is under the direct or indirect control of the City of Hamilton that the City's employees use for work, or any other purpose, including but not limited to, offices, meeting rooms, sales, operations and storage areas, restrooms, stairways, hallways, warehouses, garages, parking lots and vehicles. The areas as described above are places of employment without regard to the time of day or the presence of employees.
- c. "Public place" means any City-owned, rented, or leased, enclosed or open area incorporating or part of a City facility, City park area, or any other City premises to which the public is invited or in which the public is permitted.
- d. "Visitor" to public City facilities or related areas, means a person who may or may not be a City resident but who for whatever reason is present at such public places as defined above, including but not limited to persons who contract with the City or third parties who otherwise perform services.
- e. "Use of tobacco" means all uses of tobacco, including inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, alternative nicotine product, other lighted smoking device or papers for burning tobacco, or any other plant; chewing tobacco snuff, or any other matter or substances that contain tobacco.
- f. "Alternative nicotine product" means an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any other means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

2. Policy.

- a. There shall be no smoking, tobacco use or e-cigarette use in, on, or around any place of employment or public places as defined above in Section 1, to include all city-owned or leased vehicles, and on all outside property or grounds owned, rented or leased by the City of Hamilton, and in all areas directly adjacent to the entrances and/or exits of any City public facilities. Property under the direct or indirect control of the City of Hamilton, including, Place of employment, for purposes of this policy, includes but is not limited to, the Municipal Building, Police Station(s), Police Firing Range, all Fire Stations, Golf Clubhouses, Electric

Power Plant, Water and Wastewater Treatment Plants, the City Garage, associated parking lots, and the like. **For purposes of this Administrative Directive, “property” place of employment is also defined to include all City vehicles.**

- b. There shall be no smoking, tobacco use, or e-cigarette use by employees during work hours unless the employee is on an approved break or lunch period and is not in, on, or around any place of employment or public place as defined by this Administrative Directive.
- c. This No Smoking Policy will be enforced in the same manner and degree as other work rules. Appropriate signs will be displayed, and ashtrays will be removed from all places of employment ~~City property~~.
- d. Any employee failing or refusing to comply with any aspect of this policy will be subject to discipline, up to and including dismissal.

3. Communication.

- a. Employees and visitors will be informed of the tobacco-free workplace environment policy through signs of sufficient size and type for visibility posted in City facilities/places and City vehicles.
- b. “No Tobacco Use” signs and/or international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be conspicuously posted in every public City facility/places/parks and City places of employment where tobacco use is prohibited by this policy, including at each entrance to the public place, City facility, or park. However, the absence of any such sign shall not relieve employees of their obligations under this administrative directive.
- c. Signs shall be of sufficient size to be clearly legible to a person of normal vision throughout the areas they are intended to mark.
- d. All employees, contractors, and visitors to such City places are expected to comply with this policy.
- e. Individuals are encouraged and empowered to respectfully inform others about this policy in an ongoing effort to support individuals to be tobacco-free, improve individual health, and encourage a culture of compliance.

4. Enforcement

- a. The success of this policy depends upon the thoughtfulness, consideration, and cooperation of tobacco users and non-tobacco users. Supervisors, employees and visitors share the responsibility for adhering to and enforcing the policy.
- b. Concerns about tobacco use by visitors whether residents or others should be respectfully addressed the moment they appear to occur.
- c. All violations shall be reported to City management of the particular City facility involved.
- d. Any violation of this policy by City of Hamilton employees will be handled through the standard disciplinary process. This approach involves a series of disciplinary actions that may become progressively more severe if an employee commits repeated violations.
- e. No person shall tamper with, deface, or remove any posted sign that prohibits use of tobacco.
- f. Lack of intent to violate a provision of this policy shall not be a defense to a violation.
- g. No person nor the City as employer shall in any manner retaliate against an individual for exercising any right, including reporting a violation, or performing any obligation under this policy.

- h. The City's enforcement of this policy is in addition to any other enforcement provisions, penalties or remedies otherwise authorized for such violations under State law or any Hamilton municipal ordinance.

- 5. Cessation of Tobacco Use and Support for Employees**
 - a. Employees have resources available through their health insurance to help them quit. They can access those via the employee portal.