


Approved:


Jerry Wray
Director

Policy No.: 152-001(P)
Effective: April 1, 2016
Responsible Office: Chief Legal
Counsel
Supersedes: Policy No. 152-001(P)
dated January 2, 2008

SMOKE FREE WORKPLACE POLICY

POLICY:

It is the policy of the Ohio Department of Transportation (ODOT) to ensure that all employees and visitors to the agency are provided with a smoke free working environment. ODOT's commitment to providing a smoke free working environment extends to all state owned buildings and state owned vehicles.

PURPOSE OF THE POLICY:

The purpose of this Policy is to set forth ODOT's commitment to ensure full compliance with Ohio Revised Code (ORC) Chapter 3794, also known as the Smoke Free Workplace Act (Act). ODOT expects every employee to be aware of, and comply with, this Policy. ODOT expects every supervisor to make sure staff, visitors and contractors are aware of, and comply with, this Policy.

In addition, this Policy sets forth the criteria used to designate a smoking area, provides guidance on what is considered a prohibited product, and establishes the process to follow for reporting possible violations of this Policy.

AUTHORITY:

Ohio Revised Code Chapter 3794: Smoke Free Workplace Act
Ohio Administrative Code §3701-52

SCOPE:

ODOT's Smoke Free Workplace Policy is applicable to all employees and visitors of the Ohio Department of Transportation and must be posted in all facilities.

FISCAL IMPACT:

The fiscal impact will vary from district to district.

DEFINITIONS:

Employee: A person who is employed by ODOT, or who contracts with ODOT or a third party entity, or who otherwise performs services for ODOT for compensation or for no compensation

Enforcement Agency: Ohio Department of Health or its designee

Enclosed Area: An area with a roof or other overhead covering of any kind, and walls or side coverings of any kind on all sides or on all sides but one, regardless of the presence of openings for ingress and egress

Entrance: Any doorway through which pedestrians, including the public or employees, enter a public place of employment

Public Place: An enclosed area to which the public is invited or in which the public is permitted

Vehicle: An enclosed motor vehicle registered to the Ohio Department of Transportation

PROCEDURE:

A. Designating a Smoking Area:

Smoking areas shall be located at a distance of 10 ft. or greater from any entrance, operable window or air intake ventilation system of each facility operated by ODOT.

Smoking areas shall be identified by signage indicating that **SMOKING** is allowed in the area and ashtrays will be placed at locations as deemed necessary by the Office of Facilities Management or District Facility Manager.

All signs for areas identified as “Smoking” shall meet all the criteria as prescribed in ORC Chapter 3794 and posted for ease of identification.

The Central Office Facility Manager will post all signage at Central Office locations and the District Facility Managers will post all signage in their districts.

For all Central Office locations, smoking areas will be designated by the Office of Facilities Management and the Office of Safety and “No Smoking Signs” shall be posted by the Central Office Facility Manager. For each district complex, rest areas, and all ODOT Training Sites, smoking areas will be designated by the District Facility Manager and the District Safety Representative. “No Smoking Signs” shall be posted by the District Facility Managers for their assigned district, rest areas, and outlying buildings.

B. Prohibited Products:

In furtherance of its commitment to provide a smoke free working environment, ODOT has designated the use of certain products to be prohibited in its facilities and vehicles pursuant to this Policy.

Prohibited products include, but are not limited to, the following:

- 1) Cigarettes;
- 2) Cigars/Cigarillos;
- 3) Tobacco Pipes;
- 4) Chewing Tobacco/Dip/Snuff/Snus;
- 5) Other forms of smokeless tobacco, including oral tobacco, and products that are tobacco-derived or contain tobacco;
- 6) Electronic cigarettes ("e-cigarettes"); and,
- 7) Any product intended to mimic tobacco products, containing tobacco flavoring, or delivering nicotine other than for the purpose of cessation.

C. Smoking Cessation:

Use of nicotine replacement therapy products or pharmacological aids (i.e. – patch, inhaler or lozenges) for the purpose of cessation are not prohibited under this Policy.

E-cigarettes are not considered a smoking cessation product for the purposes of this Policy until specifically listed and regulated as such by the United States Food and Drug Administration (FDA) or other federal agency, similar to other FDA-regulated inhalable nicotine products (e.g. – Nicotrol).

For more resources on tobacco cessation, employees may contact the Ohio Tobacco Quit Line at 1-800-QUIT-NOW (1-800-784-8669). Additional information may be obtained at: <http://www.healthy.ohio.gov/healthylife/tobc2/tobintro.aspx>.

D. Reporting Possible Violations:

An employee wishing to report a violation of this Policy internally shall fill out the Smoking Violation Complaint Form (Complaint Form) and submit it to his or her supervisor. When the person committing the violation is identified, the supervisor shall forward the Complaint Form to the supervisor of the employee indicated. The supervisor shall discuss the alleged violation with his or her employee. Once notification is made, the supervisor should complete the disposition section of the Complaint Form and forward a copy to the Division of Human Resources, Office of Safety. If the alleged violation is not dealt with by the supervisor to the satisfaction of the complainant, the employee should contact his or her Safety Representative. The Safety Representative will investigate the alleged violation through the appropriate levels. If no person is identified in the Complaint Form, the form should be forwarded to the respective Facility Manager for evaluation and disposition.

In lieu of filing an internal complaint, anyone may file a complaint with the Ohio Department of Health by mail, electronic mail or telephone at the following contact information:

Attn: Smoking Complaints
Bureau of Environmental Health
Ohio Department of Health
246 North High Street
Columbus, Ohio 43215
nosmoke@odh.ohio.gov
1-866-559-OHIO (6446)

All official letters reporting a violation that are received from the Ohio Department of Health or its designee concerning violations of ORC Chapter 3794 shall be sent to the Central Office Facility Manager or the District Facility Manager. The Facility Manager shall submit a response to the Ohio Department of Health or its designee. The response shall be postmarked and sent to the Ohio Department of Health and a copy to the Office of Chief Legal Counsel within 30 days of receipt of notice of the report of a violation.

Each Facility Manager shall develop a system to track and monitor all related complaints received. Subject information is to include complaint disposition and resolution.

TRAINING:

As part of the New Employee Orientation Program, employees are informed of ODOT's policies. ODOT will provide opportunities for training or otherwise provide notification to employees should changes to this Policy occur.

ENFORCEMENT:

Violation of this Policy may result in fines, up to \$100.00 per violation, in accordance with ORC Chapter 3794. Employees and visitors who violate the Act shall be personally liable to pay the enforcement agency the amount of the fine.

ODOT employees who violate this Policy may be subject to progressive disciplinary action.