

Smoking in the Workplace

Number: J-7

Revision:

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1.0 POLICY

In accordance with the ordinances of New Hanover County, which includes Carolina Beach, the Town of Carolina Beach maintains smoke and tobacco-free grounds, buildings, vehicles and workplaces. No smoking or other use of tobacco products (including non-lighted products and e-cigarettes) is permitted on the grounds, at or around the buildings or in vehicles owned, leased or rented by the Town.

2.0 PURPOSE

This policy has been established to protect and promote the health and well-being of employees and visitors. Tobacco use has been linked to preventable premature deaths in the United States. The regulation and control of smoking or using tobacco products on the grounds, at and around the buildings and/or in the vehicles owned, leased or rented by the Town of Carolina Beach is a matter of vital concern, affecting the public health, safety and welfare of all persons employed by or transacting business with the town.

3.0 SCOPE

This policy applies to all employees, contractors, vendors and citizens on Town owned, leased or rented grounds, property, buildings or vehicles.

4.0 DEFINITIONS

- 4.1 **Smoking** - means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, plant, herbs, or other lighted smoking equipment. Smoke or smoking also includes products containing or delivering nicotine intended or expected for human consumption, or any part of such a product such as snuff or chewing tobacco.
- 4.2 **E-Cigarettes or Electronic Cigarette** – Any electronic oral device that employs a mechanical heating element, battery or electronic circuit regardless of shape or size that can be used to heat a liquid nicotine solution or any other substance, and the use of inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.
- 4.3 **Town Building** – A building owned, leased as lessor, or the area leased as lessee and occupied by the Town of Carolina Beach.
- 4.4 **Town Grounds** – An unenclosed area owned, leased, or occupied by the Town, excepting where smoking and e-cigarette use is expressly permitted by the Town within designated areas.
- 4.5 **Town Vehicle** – A passenger carrying vehicle owned, leased, or otherwise controlled by the Town, and assigned permanently or temporarily to their employees, agencies, institutions, or facilities for official town business and public conveyances available to the general public.
- 4.6 **Employee** – A person who is employed by the Town; or who contracts with the Town; a third person who performs services for the Town; or who otherwise performs services for the Town with or without compensation.

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

5.0 ORGANIZATIONAL RULES

- 5.1 No smoking or other use of tobacco products (including non-lighted products and e-cigarettes) is permitted on the grounds, at or around the buildings or in vehicles owned, leased or rented by the Town. The Town Manager may designate a specific smoking area on Town owned, leased or rented property or land.
- 5.2 Private Offices and enclosed areas - Smoking in a private office or other enclosed areas is prohibited.

6.0 PROCEDURES

- 6.1 All employees are expected to abide by this policy while at work, whether on Town grounds, buildings, work locations, at a citizen's home or land, or while in transit between work locations or assignments. Employees off duty, but in a town uniform or in a town vehicle area also must comply with this policy.
- 6.2 Enforcement – This policy is enforceable by law. Failure to comply with the law may result in warnings and penalties. A citation may be issued by a sworn law enforcement officer. In addition to any penalties issued by law enforcement, employees who violates this policy may be subject to disciplinary action consistent with the Town's policy on Corrective Action. Each Department Director is responsible for enforcing this policy for the employees in their respective departments. Repeated violations will be handled under existing disciplinary procedures as insubordination. Managers who fail to carry out their responsibilities in this policy are also subject to corrective action. See **Policy on Corrective Action**.
- 6.3 Nothing in this policy alters existing rules regarding break periods.
- 6.4 Any reports of questionable practices or violations shall be taken seriously and referred to the Town Manager or his designee for resolution. Retaliatory actions against a complainant will not be condoned by the Town and should be reported to the Human Resources Director.

7.0 APPENDIX, APPENDICES

None