

RESOLUTION NO. R-97-93

ADOPTING SMOKING POLICY

Whereas, the U.S. Surgeon General and other health organizations have declared smoking to be a health hazard to smokers and non-smokers;

Now, Therefore, BE IT RESOLVED BY THE CITY COUNCIL OF GADSDEN, ALABAMA, that the following is adopted as the City of Gadsden Smoking Policy:

I. Statement of Policy

It is the policy of City to provide a safe and non-hazardous work environment for all employees, insofar as possible.

II. Accommodation of Smokers and Non-Smokers

An attempt will be made to reach a reasonable accommodation between the preferences of smoking and non-smoking employees. However, if a satisfactory accommodation cannot be reached, the preferences of non-smoking employees shall prevail for health, safety and welfare reasons.

III. Posting of Signs

A "No Smoking" sign shall be conspicuously posted at all entrances of all enclosed buildings owned and/or operated by the City. The signs shall state in substance the following:

"Smoking is prohibited throughout this building, except in designated smoking areas."

IV. Prohibited Smoking Areas

Smoking is prohibited in the following areas: hallways, lobbies, restrooms, mail rooms, conference rooms, elevators and rooms containing photocopying equipment, and any area in which a fire or safety hazard exists.

V. Common Work Areas

In areas where smokers and non-smokers work together, supervisors should make a reasonable effort to separate smokers from non-smokers. In doing so, supervisors should take into consideration air flow, ventilation, existing physical barriers that might be of help, and individual sensitivities of non-smokers.

VI. City Vehicles

No employees will smoke when in City vehicles with non-smokers.

VII. Permitted Smoking Areas

Smoking is permitted in private offices, employee lounges and eating areas. "Private Offices" are those offices which are occupied by only one employee. However, the employee must conspicuously post a "Designated Smoking Area" sign at the entrance to the office, in order to give notice to non-smokers. The occupant should refrain from smoking in his or her office when a non-smoking employee or visitor is present.

Where the private office in which smoking is permitted is so close to areas where smoking is prohibited that presently existing air ventilation and filtration systems do not

adequately permit the flow of smoke to the prohibited, no smoking shall be permitted in the private office unless and until there is adequate air ventilation and filtration system, the cost of which shall be borne solely by the smoking employee.

VIII. Procedure to Designate Smoking Areas

The procedures to designate a particular area as a smoking area, with the exception of private offices, shall be as follows:

- A. A request must be made to the director of the employee's department in writing.
- B. The Director must consent to the area in question being designated a smoking area.
- C. A "Designated Smoking Area" sign must be conspicuously posted.

IX. Prompt Compliance

All initial "No Smoking" and/or "Designated Smoking Area" signs shall be posted as soon as possible, and in no event later than October 1, 1993. Nothing in this policy prevents the addition of more "No Smoking" signs in the future.

X. "No Smoking" Departments Not Prohibited

Nothing in this policy requires a department to designate a smoking area. If the majority of employees within a department elects to totally ban smoking in the department, the department may totally ban smoking in the department. However, in no event shall a department be designated a smoking area in its entirety.

XI. Dispute Resolution

The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. If this effort proves unsuccessful, any complaints or disputes resulting from the implementation of this Smoking policy, or smoking on City property in general, should be directed to the Director in charge of that employee's department and/or to the City's Personnel Director. If a compromise cannot be reached, the right of a non-smoker to protect his or her health and comfort must prevail over an employee's desire to smoke.

XII. Retaliation Prohibited

No employee of the City shall harass or otherwise discriminate or retaliate against any other City employee who seeks to enforce the mandates of this policy and/or any municipal ordinance regulating smoking.

XIII. Notice

The City shall give notice to all employees of this policy by posting in each department of the City. A copy of the policy shall be made available to each new employee of the City by the Personnel Department.

I hereby certify that the above and foregoing was duly adopted by the City Council of Gadsden, Alabama, at a meeting held on May 4, 1993.


Martha A. Elrod, City Clerk