

RULE 17

**SMOKING AND USE OF TOBACCO PRODUCTS PROHIBITED**

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## **RULE 17 - SMOKING AND USE OF TOBACCO PRODUCTS PROHIBITED**

### **17.1 Purpose:**

The purpose of this policy is to implement Chapter 386, Part II, Florida Statutes, known as the "Florida Clean Indoor Air Act" and to promote the health and safety of all employees by providing healthy working conditions and improving the air quality in the workplace.

### **17.2 Definitions:**

- A. "City Building" means any building or that portion of a building owned by or leased to the City of Sarasota and shall include but not be limited to: offices, rest rooms, indoor walkways, stairwells, entrances, passageways, break areas and work areas. The term "City Building" shall include to within twenty-five (25) feet of the outside of City Building entrances.
- B. "City Manager" means the City Manager of the City of Sarasota or his or her designee.
- C. "City Auditor and Clerk" means the City Auditor and Clerk of the City of Sarasota or his or her designee.
- A. "City Motor Vehicles" means motor vehicles owned by or leased to the City of Sarasota and shall include but not be limited to: cars, trucks, Parking Enforcement Scooters, refuse collection vehicles, dump trucks, street sweepers, enclosed tractors, enclosed transport vehicles, pickup trucks, vans and construction equipment.
- B. "Smoking or Smoke" means possession of a lighted tobacco product including, but not limited to, a lighted cigarette, lighted cigar or lighted pipe.
- C. "Use of Tobacco Products" means the use of unlighted tobacco products including, but not limited to, snuff and chewing tobacco.
- D. "Smoking and Tobacco Use Area" means an area designated by the City Manager or City Auditor and Clerk, for their respective employees, located outside and in the vicinity of a City Building more than twenty-five (25) feet from the entrance where the smoking and use of tobacco products is permitted by employees.

### **17.3 Prohibition:**

No employee may smoke or use tobacco products in any City Building or City Motor Vehicle. This prohibition shall become effective on November 18, 1991. The sole exception to this prohibition shall be for City Motor Vehicles permanently assigned to a particular employee for that employee's daily use who smokes or uses tobacco products only if:

- A. There are no passengers in the City Motor Vehicle other than the employee who is assigned to the City Motor Vehicle; or,
- B. All of the passengers in the City Motor Vehicle are smokers or users of tobacco products.

This exception shall not be interpreted to apply to a motor pool vehicle or any City Motor Vehicle used by various employees on a rotating basis.

**17.4 Designated Smoking and Tobacco Use Areas:**

The City Manager or City Auditor and Clerk, for their respective employees, shall implement the designation of any Smoking and Tobacco Use Areas no later than November 4, 1991, by posting notices at City Buildings. Said Areas may be changed or abolished upon the posting of notice by the City Manager or City Auditor and Clerk, for their respective employees, at least seven (7) days prior to the change. Although the City Manager or City Auditor and Clerk, for their respective employees, may designate a Smoking and Tobacco Use Area, no such designation shall be required.

**17.5 Notice:**

A copy of this Rule shall be furnished to any person requesting it and distributed to all current employees prior to November 18, 1991.

**17.6 Enforcement:**

Any employee who is found to have violated any provision of this Rule shall be subject to disciplinary action as authorized by Rule 7 of the Personnel Rules and Regulations. Reports of violations by employees should be made to the applicable Department Head who, in turn, will take the necessary action.

**17.7 Smoking and Tobacco Use Cessation Training:**

The Director of Human Resources shall be responsible for periodically making available smoking and tobacco use cessation training at no cost to employees.

**17.8 Applicability:**

The provisions of this Rule mandated by Chapter 386, Part II, Florida Statutes, shall be applied to all employees including those employees subject to collective bargaining agreements. Those provisions of this Rule not mandated by Chapter 386, Part II, Florida Statutes, shall be implemented by the City Manager or City Auditor and Clerk, for their respective employees, and as to those employees subject to collective bargaining agreements, consistent with the requirements of Chapter 447, Florida Statutes.