



Smith County Personnel Policy

TITLE: NO SMOKING / NO TOBACCO USE POLICY

I. PURPOSE

Smith County acknowledges that there are studies by the Surgeon General of the United States, the National Academy of Sciences, and other health organizations which link passive exposure to tobacco smoke, referred to as secondhand smoke, to a variety of negative health conditions. Smith County also recognizes that tobacco use is one of the most preventable causes of life-threatening diseases; therefore it is Smith County's responsibility to establish a tobacco-free work environment for our employees. Smith County further acknowledges that there are studies by the U.S. Food and Drug Administration finding detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze, in samples of electronic nicotine delivery systems (ENDS), commonly referred to as electronic cigarettes. Smith County recognizes that e-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

The objective of this policy is to promote the health and well-being of Smith County employees and the public we serve.

II. POLICY

- A. Smith County adopts this policy prohibiting smoking or use of any Tobacco Products on Smith County Premises, as defined below.
- B. Employees who violate this policy, including employees of elected officials are subject to appropriate disciplinary action. The disciplinary actions for employees of the Smith County Commissioners Court shall be as follows:

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- a. A written formal warning for the first and second violations;
 - b. On the third violation, the employee can either be suspended for five (5) work days with no pay, or the employee can be terminated.
- C. This policy applies to all Smith County employees, regardless of position and includes all temporary and part-time employees.
- D. This policy shall become effective as of April 15, 2014. Employees who are employed as of the effective date will be notified of changes in this policy. Employees will also be informed of Smith County's Tobacco Cessation Programs, when available.

III. DEFINITIONS

- A. **Smith County Premises:** Except for premises that are otherwise specifically excluded herein below, Smith County Premises shall mean and include all Smith County Offices; all buildings leased or owned by Smith County; the attached protective coverings, the entrances, exits or other parts of such buildings; interior spaces of Smith County owned or rented vehicles; and all exterior properties owned or leased by Smith County, including the grounds, parking lots and garages that are situated on Smith County property.
- B. **Smith County Offices:** Any enclosed area which employees normally frequent during the course of employment, including but not limited to work areas, employee lounges, employee restrooms, conference rooms, and private offices.
- C. **Tobacco Use:** Tobacco Use shall mean and include the lighting, holding, carrying of, inhaling and exhaling of the smoke, vapor, or other byproduct of a Tobacco Product, which includes but is not limited to the carrying or holding of a lighted or otherwise activated pipe, cigar, cigarette, electronic nicotine delivery systems (ENDS), electronic cigarettes, or any other lighted smoking equipment or device. Tobacco Use shall also mean the oral use of any type of Tobacco Product.
- D. **Tobacco Product:** The product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a Tobacco Product. Tobacco Product includes but is not limited to cigarettes, cigars, pipes, water pipes (hookah), bidis, kreteks, electronic nicotine delivery systems (ENDS), electronic cigarettes, smokeless tobacco, snuff, and chewing tobacco.

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IV. RESERVATION OF RIGHTS

Smith County reserves the right to interpret, suspend, cancel or dispute, with or without notice, all or any part of this policy or procedures discussed herein. Employees will be notified before implementation of any change. Nothing in this policy alters an employee's at-will employment status and shall not constitute or be deemed a contract or promise of employment at any time for any or no reason, without notice, and Smith County retains the right to terminate any employee at any time, for any reason, with or without notice.

V. OTHER LAWS AND REGULATIONS

The provisions of this policy shall apply in addition to, and shall be subordinate to any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Unenforceable provisions of this policy, as imposed by applicable law, shall be deemed to be deleted.

VI. EXCLUDED PREMISES

The only excluded premises from this policy shall be county roads within Smith County, sidewalks that are adjacent to public streets or sidewalks that are not owned by Smith County.

VI. TOBACCO USE BY THE PUBLIC

Except for premises that are otherwise specifically excluded herein above, smoking or the use of any Tobacco Product by any member of the public shall also be strictly prohibited on Smith County Premises. Signs will be posted on all Smith County Premises that explain the policy. This policy will also be posted on Smith County's website.

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