

CITY OF GROVE **TOBACCO USE POLICY**

I. POLICY:

This policy is to ensure the establishment of a Tobacco Use Policy.

- A. The provisions of this policy shall apply to all employees of the City and applicants for positions with the City.
- B. The City of Grove shall apply this policy in a manner consistent with State and Federal laws.

II. PURPOSE

- A. Set consistent guidelines for tobacco use.
- B. The City of Grove has the power and authority to take disciplinary action in accordance with the provisions of this policy.

III. STATEMENT OF INTENT

In addition to the provisions stated in the Tobacco Use Policy of the City of Grove, and in accordance with the requirement placed on the City by the provisions of the Smoking in Public Places and Indoor Workplace Act all employees and applicants are hereby notified as follows:

- A. Smoking, the use of snuff, chewing tobacco or any other form of tobacco is prohibited on Public Property or in any Vehicle.
- B. Employees who violate this policy will be subject to disciplinary action up to and including termination.
- C. Applicants who violate this policy will not be considered for hire.
- D. Zero tolerance is enforced for violation of the Tobacco Use Policy.

IV. TOBACCO-FREE WORKPLACE

The City of Grove shall provide tobacco free working environment to enhance the ability of city employees to provide, safe, productive and efficient services to the community.

The City of Grove will provide Tobacco-Free Awareness information to all employees including:

- A. Inform employees of dangers of tobacco in workplace.
- B. Inform employees of the City's policy of maintaining a tobacco free workplace.
- C. Provide available sources for counseling, rehabilitation and employee assistance for tobacco use problems.

- D. Knowledge of penalties, which may be imposed, on employees who do not comply with a tobacco-free workplace.
- E. Every employee shall be provided a copy of the Tobacco Use Policy.
- F. Employees as a condition of employment shall:
 - a. Abide by the terms of the Tobacco Use Policy.
- G. The City of Grove, Oklahoma, will make a good faith effort to continue to maintain a tobacco-free workplace through implementation of the provisions of the Tobacco Use Policy of the City of Grove, Oklahoma.

V. DEFINITIONS:

Electronic Smoking Device means an electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. Electronic smoking device includes any device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and electronic hookah, or any other product name or descriptor.

Meeting: means a meeting as defined in the Oklahoma Open Meeting Act.

Public body: means a public body as defined in the Oklahoma Open Meeting Act.

Public Property means all buildings, land and other properties, or portions thereof, owned or operated by the City of Grove, Grove Municipal Services Authority or other authorities to which the City of Grove is the beneficiary.

Smoking means the carrying by a person of a lighted cigar, cigarette, pipe, electronic smoking device or vaping device.

Tobacco product means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, smokeless tobacco, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. "Tobacco Product" does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Vaping means utilizing a Propylene Glycol or Vegetable Glycerin based liquid, mixed with small amounts of nicotine and food grade flavoring that then get vaporized in a small battery powered atomizer, Simulating the experience of

smoking. The vapor created is inhaled and exhaled much like cigarette smoke hence the term "VAPING" as opposed to "SMOKING"

Vehicle shall mean any vehicle or equipment owned or leased by the City of Grove, Grove Municipal Services Authority or other authorities to which the City of Grove is the beneficiary.

Workplace: means any and all properties owned or leased by the City of Grove and Grove Municipal Services Authority, including buildings, and vehicles. A workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such workplace at any given time, whether or not work is being performed.

VI. USE OF TOBACCO PROHIBITED

- A. Smoking or the use of tobacco is prohibited in a workplace, in any vehicle, on public property or at a meeting of a public body.

VII. RESPONSIBILITY OF THE CITY OF GROVE

- A. Grounds for disciplinary action or denial of employment:
 - a. Failing or refusing to comply with this policy.
- B. Measurements to prevent the use of tobacco:
 - a. Post signs at entrances to places where the use of tobacco is prohibited which state that the use of tobacco is prohibited or that the indoor environment is free of tobacco use.
 - b. Advise tobacco users to refrain from using tobacco upon observation of anyone violating this policy.
 - c. A copy of this policy shall be provided to each employee and applicant for employment, who shall sign and date the attached receipt of the Tobacco Use Policy. This form shall be competent evidence in any subsequent proceedings that the applicant has received notice of the provisions of this policy. A refusal by any applicant to execute this form shall constitute grounds for denial of employment.
- C. Disciplinary action:
 - a. Shall be independent of all other proceedings. Disciplinary action may be undertaken pursuant to this policy and shall constitute an independent administrative action against the employee and shall not be depended upon or controlled in any manner by other civil, administrative or criminal proceedings, which are or may be instituted against the employee.

VIII. EMPLOYEE RESPONSIBILITIES

- A. As a condition of employment, it is the responsibility of every employee to adhere to the requirements and provisions of this policy.

IX. APPEAL RIGHTS

- A. An employee who receives formal discipline for violations of the provisions of this policy including but not limited to dismissal, suspension without pay, demotion, reduction in pay is entitled to the appeal rights as set out in the Personnel Manual.

PASSED AND APPROVED BY THE MAYOR AND COUNCIL ON THIS 7th DAY OF
January, 2014.

CITY CLERK

MAYOR

Consent Agreement

I _____ received a copy of the City of Grove Tobacco Use Policy

This Consent Agreement certifies that I received a copy of the City of Grove Tobacco Use Policy, adopted and approved by the Mayor and Council on the 7th day of January, 2014. I understand violation of this policy shall result in disciplinary action up to and including termination.

Employee Signature

Date