



TITLE		POLICY NUMBER	
Smoke-Free and Tobacco-Free Workplace Policy		DCS 02-10	
RESPONSIBLE AREA		EFFECTIVE DATE	REVISION
Business Operations		02/15/17	1

## **I. POLICY STATEMENT**

The Department of Child Safety is dedicated to providing a healthy and productive work environment for employees, clients, and visitors and promotes the health and wellbeing of its employees. The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke. The working environment should present no unnecessary risk of physical harm or discomfort from the use of tobacco products or environmental smoke. This policy ensures the right to a smoke-free and tobacco-free environment, and compliance with State and City ordinances within the State of Arizona for each employee and the public as they transact DCS business or receive service(s) from the Department.

## **II. APPLICABILITY**

This policy applies to DCS employees, volunteers, contractors, providers, vendors, customers, members of the public, and any person that enters a DCS-owned or DCS-leased facility or any vehicle owned, leased, or rented by the Department, or a personal vehicle used to transport DCS employees or clients.

## **III. AUTHORITY**

[Public Law 111-31](#)

Family Smoking Prevention and Tobacco Control Act

[A.A.C R9-2-101](#)

Smoke-Free Arizona

[A.A.C. R9-2-104](#)

Proprietor Responsibilities

[A.R.S. 36-601.01](#)

Smoke-Free Arizona Act

[DCS 04-18](#)

Attendance and Leave Policy

#### IV. DEFINITIONS

Building Liaison: The contact for facility and maintenance issues in DCS local offices.

DCS Business: Any duty, responsibility, or act undertaken by an employee, volunteer, contractor, provider, or vendor of DCS in relation to DCS' duties in [A.R.S. § 8-451](#).

Department or DCS: The Department of Child Safety.

Designated Smoking Area: An outdoor area which has been clearly identified as a smoking area, signifying that smoking is permitted. Designated smoking areas must be at least 20 feet from windows, entryways, vents, doorways, or other openings and must be designed to prevent smoke escaping from the designated smoking area into an enclosed area of a workplace, public place, or other areas where smoking is prohibited.

Electronic Cigarette (E-cigarette): Any battery-powered device that allows consumption of nicotine by way of a vaporized solution.

Employee: Any full-time, part-time, or temporary (paid and nonpaid) person who conducts DCS business. This includes volunteers and non-Department employees who may be doing work for the Department but are employed or contracted through an employment agency.

Reasonable Distance: In DCS-owned or DCS-leased facilities, smoking is not allowed within no less than 20 feet or more of entrances, windows, ventilation systems, posted smoke-free areas, and in any area that would allow smoke to invade a smoke-free area.

Smoking: Burning or vaporizing tobacco products or other substances in a cigarette, cigar, pipe, electronic cigarette, or by other means or equipment to inhale and exhale the smoke or vapor.

Tobacco Products: All tobacco-derived or tobacco-containing products, whether intended to be lit or not, which shall include, but are not limited to: cigarettes, clove

cigarettes (e.g., bidis and kreteks), electronic cigarettes, cigars and cigarillos, hookah smoked products, pipes, oral tobacco (e.g., spit and spitless smokeless pouches, chew, snuff), nasal tobacco (e.g. snus), and any other form of loose-leaf, smokeless tobacco. It also includes the use of unlit cigarettes, and any product intended to mimic tobacco products, contain tobacco flavoring, or deliver nicotine other than for the purpose of cessation.

Vehicle: Any DCS-owned, DCS-leased vehicle, or an employee's personally owned motor vehicle when the employee uses the vehicle to transport one or more persons on DCS business.

Workplace: All locations, either permanent or temporary, where DCS employees work, occupy, or represent DCS. This includes DCS-owned or DCS-leased facilities and buildings; customer, vendor, and provider premises; and any location where DCS-sponsored activities occur.

## **V. POLICY**

### **A. General Provisions**

1. The Department shall maintain a smoke-free and tobacco-free workplace. No smoking or other use of tobacco products is permitted in any part of DCS-owned or DCS-leased facilities or in any vehicle owned, leased, or rented by the Department, or a personal vehicle when the vehicle is used to transport one or more DCS employees or clients. This includes but is not limited to:
  - a. all enclosed common-use areas, including hallways, lobbies, private offices, meeting rooms, lunch rooms, rest rooms, and stairwells;
  - b. all enclosed parking garages, including underground parking structures. (Exception: Smoking is allowed in open-air areas of a garage unless posted as a smoke-free area.)
  - c. all outdoor locations, including but not limited to outdoor eating areas;
  - d. all DCS parking lots and within vehicles, including personal vehicles, whenever such vehicles are parked on DCS property;

- e. all DCS-owned and DCS-leased vehicles used by employees at all times; and
  - f. all personally owned vehicles used in the course of DCS business at all times when transporting other employees or clients for work-related reasons.
- 2. Designated smoking areas are assigned and monitored by Building Liaisons. The Department is not required to make accommodations for outdoor smoking areas.
- 3. Employees may smoke and use other tobacco products during break and lunch times only in designated smoking areas.
- 4. Supervisors have the right and responsibility to discuss with the employee and use appropriate disciplinary measures if the supervisor observes excessive time away from work for the purpose of smoking.
- 5. The Department understands that tobacco is a legal product, and further recognizes that as an employer, this workplace may not require that its employees refrain from tobacco use when not at work, and shall not discriminate against employees who use tobacco outside of employment.
- 6. All DCS employees shall abide by this policy in all respects while conducting DCS business, whether in a DCS-owned or DCS-leased premises or in any vehicle rented by the Department, or a personal vehicle used to transport DCS employees or clients.
- 7. Employees who violate this policy may be subject to discipline, up to and including dismissal.

#### B. Signage

- 1. Signage shall be clearly and conspicuously posted on each lobby entrance door of all owned and leased facilities and posted prominently on all owned and leased vehicles in order to:
  - a. Notify all persons entering the facility or vehicle that smoking is prohibited;
  - b. Specify the Smoke-Free Arizona Act ([A.R.S. § 36-601.01](#)) legal citation.

2. Building Liaisons shall ensure that appropriate signage is posted in all DCS facilities.
3. Signage is available from the Arizona Department of Health Services (ADHS) [Smoke Free Arizona Program](#).

C. Complaints

Employees may direct complaints concerning violations of this policy to the facility's Building Liaison. Additionally, employees may elevate facility complaints to the Office of Real Estate (ORE) and vehicle complaints to Fleet Management.

D. Communication

1. The Department shall post signs in appropriate areas throughout DCS facilities notifying employees and visitors that smoking is prohibited.
2. The Department shall issue an email communication to all employees notifying them of these requirements.

E. Smoking Cessation Program

The State of Arizona is committed to providing support to all employees who wish to stop using tobacco products and ensuring, to the extent possible, that employees have access to a variety of resources and assistance, including counseling. For employees enrolled in a State of Arizona Group Health Plan, the program offers tobacco cessation prescription medications at no charge, health coaching, and motivational tools through the [State Employee Tobacco Cessation Program](#).

## VI. PROCEDURES

A. Smoking and Tobacco Use in DCS Facilities and Vehicles

1. Smoking and the use of other tobacco products, including e-cigarettes and smokeless tobacco, is prohibited in any part of DCS-owned or DCS-leased facilities or in any vehicle owned or rented by the Department, or any private vehicle used to transport DCS employees or clients.
2. The Location Building Liaison (BL) shall assign and monitor the

designated smoking areas for each facility.

3. Employees may smoke during break and lunch times only in designated smoking areas.
  - a. No additional breaks beyond those allowed under the Attendance and Leave ([DCS 04-18](#)) policy may be taken for the purpose of smoking, using tobacco, or partaking of similar products.
  - b. Supervisors shall monitor work schedules to ensure that employees do not abuse breaks or take excessive time away from work for the purpose of smoking. Supervisors shall discuss violations with employees and use appropriate disciplinary measures when employees are found to be abusing break privileges or taking excessive time off work to smoke.
  - c. Employees choosing to smoke or use tobacco in designated areas shall properly dispose of all smoking and tobacco litter in the receptacles provided. Littering with the remains of tobacco products or any other disposable product is prohibited.
4. Anyone found to be violating this Smoke-Free and Tobacco-Free Workplace policy will be informed of the policy and asked to comply by discarding the smoking or tobacco product.
  - a. An employee refusing to comply with the policy may be subject to appropriate disciplinary action up to and including dismissal.
  - b. A visitor refusing to comply will be asked to leave the facility or vehicle and shall not be allowed to conduct business in the DCS facility, DCS vehicle, or private vehicle being used for transporting employees or clients.

## B. Signage

1. Responsibilities
  - a. The Office of Real Estate is responsible for the installation and maintenance of signage in DCS facilities. ORE will assist the Building Liaison to install appropriate signage in all DCS facilities.
  - b. Fleet Management is responsible for the placement of signage in DCS-owned vehicles.

## 2. Placement

- a. Signage of no smaller than four inches by six inches must be placed appropriately on entrances to and exits from facilities and in parking garages. The signs shall indicate the following:
  - i. the international no smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) or the words “No Smoking”;
  - ii. the telephone number for making complaints (1-877-4 AZNOSMOKE, 1-877-429-6676);
  - iii. the Web site address [smokefreearizona@azdhs.gov](mailto:smokefreearizona@azdhs.gov) for making complaints; and
  - iv. a citation to [A.R.S. § 36-601.01](#).
- b. Signage of no smaller than two inches by three inches with the requirements identified in VI.B.2.a above must be placed prominently on all DCS-owned vehicles.
- c. Signage is available from the ADHS [Smoke-Free Arizona Program](#).

## C. Complaints

1. Complaints concerning violations of the Department’s no smoking policy should first be directed to the Building Liaison assigned to the facility.
2. Facility complaints may also be raised to the ORE Risk Management at (602) 542-3185 for resolution.
3. Vehicle complaints may also be raised to the Fleet Management at [+DCS Fleet Management](#).
4. Anonymous complaints or violations may also be reported to (877) 4-AZNOSMOKE or (877) 429-6676, or Arizona Department of Health.

## D. Communication

The Department shall notify employees of this policy through:

1. signs posted in appropriate areas throughout DCS facilities;
2. DCS Intranet; and
3. e-mail communication to all employees (e.g., policy notification).

E. Smoking Cessation Program

The Arizona Department of Administration [Tobacco Cessation Program](#) is available to DCS benefit-eligible employees.

1. To enroll in the program, employees must call 1-844-208-8780.
2. To obtain tobacco cessation prescriptions and over-the-counter medications at no cost, employees must obtain a prescription from their physician or other authorized medical health care practitioner, take the prescription to the pharmacy, and present their State of Arizona Group Health Plan insurance card.