

RESOLUTION _____-2016

**A RESOLUTION AMENDING A POLICY OF THE SEDGWICK COUNTY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Board of County Commissioners has prepared and published a manual of personnel policies and procedures to govern County employment entitled "Sedgwick County Personnel Policies and Procedures Manual"; and

WHEREAS, the Board of County Commissioners has determined the need to amend a Policy in the Sedgwick County Personnel Policy and Procedures Manual; and

WHEREAS, the Board of County Commissioners of Sedgwick County has the authority to establish personnel policies and procedures pursuant to K.S.A. 19-212.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that an amendment, as attached, to the Sedgwick County Personnel Policy and Procedures is approved and effective immediately.

SECTION 1. POLICY TO BE AMENDED:

4.309 Smoking/E-Cigarettes/Vaping

Commissioners present and voting were:

DAVID M. UNRUH	_____
TIM R. NORTON	_____
KARL PETERJOHN	_____
RICHARD RANZAU	_____
JAMES M. HOWELL	_____

Dated this _____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


ATTEST:

KELLY B. ARNOLD, County Clerk

JAMES M. HOWELL, Chairman
Commissioner, Fifth District

RICHARD RANZAU, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:



Patricia J. Parker
Assistant County Counselor

DAVID M. UNRUH
Commissioner, First District

TIM R. NORTON
Commissioner, Second District

KARL PETERJOHN
Commissioner, Third District



CHAPTER: Equal Employment Opportunity Policy

SUBJECT: Smoking/E-Cigarettes/Vaping

POLICY NUMBER: 4.309

PAGES:2

RELATED POLICIES: 4.500 4.502 4.501 4.800

ENABLING RESOLUTION: 78-1991; 248-1991; 70-07

REVISION DATE(S): 2/92 03/07 01/16

DEPARTMENT OF PRIMARY RESPONSIBILITY: HUMAN RESOURCES

SPECIAL NOTES: This Policy/Procedures Manual does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this Manual at any time subject only to approval by the Board of County Commissioners and the Governing Body of Sedgwick County Fire District Number One.

I. Purpose

The purpose of this policy is to insure that Sedgwick County conforms to the requirements of smoke-free legislation. Sedgwick County citizens and Sedgwick County employees will be provided environments that prevent exposure of employees, citizens and visitors to the harmful effects of second hand tobacco smoke. It is important each department maintains a professional image and are respectful to all persons.

II. Policy

- A. Employees, citizens and visitors will be prohibited from smoking in County owned, occupied or leased buildings, and within 25 feet of exterior doors, operable windows and air intake vents of such buildings. Employees, citizens and visitors will also be prohibited from smoking in other areas that are clearly designated as "no-smoking."
- B. In rare circumstances it may be necessary for the respective building or facility managers to establish a designated smoking area in a non air-conditioned outdoor, clearly marked area within the 25 foot outdoor smoking prohibition area. Smoking will be permitted in such an area. Prior to designating such a smoking area, the respective facility manager shall acquire the approval of his or her chain of supervision up through Assistant County Manager.
- C. Employees, citizens and visitors located in buildings leased by the County shall be required to follow this policy unless such buildings' leases provide for smoking areas on their premises, in which case such employees may smoke as allowed by the lease provisions.
- D. Smoking in County owned or leased vehicles and equipment is prohibited except where there is a reasonable law enforcement purpose to do so.
- E. Sedgwick County acknowledges that some employees and customers may wish to make

use of electronic cigarettes (“e-cigarettes”) in the workplace, particularly as an aid to giving up smoking. As e-cigarettes are not tobacco products and fall outside the scope of smoke-free legislation, their use will be allowed in certain designated areas inside the workplace provided they are odorless. These designated areas will be determined by departments and approved by their Division Head or Elected Official. Each department is required to communicate to their employees the areas designated for the use of e-cigarettes inside the workplace.

Any department that wishes to prohibit or restrict the use of e-cigarettes and other vaping products inside the workplace must develop guidelines outlining the business need related to the prohibition. These Departmental guidelines must be approved by Division Heads or Elected Officials. If business needs dictate vaping to be restricted or prohibited within a department and an employee who “vapes” or uses e-cigarettes asks for an exception of location, the department is to designate an acceptable location for the use of e-cigarettes or vaping. Should the employee’s request be denied, the employee is encouraged to contact the Employee Relations Officer in Human Resources within 10 business days to request an evaluation of the exception and assistance with facilitating a resolution. If no resolution can be reached, the County Manager will make the final decision on the matter.

III. Definitions

“Smoking” is defined as: possessing any lighted cigarette, cigar, pipe or other lighted tobacco product.

“e-cigarette” is an electronic device, having a cartridge with a heater that is used by an individual to vaporize a liquid containing nicotine.

“Vaping” is defined as “to inhale and exhale the vapor produced by an electronic cigarette or similar device.”

“Building” is defined as any enclosed, heated or air-conditioned structure.

IV. Procedures

- A. Employees who violate this Policy will be subject to progressive disciplinary actions as set out in Policy Numbers 4.500 “Termination” and 4.501 “Discipline.”