

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: \_\_\_\_\_

Meeting Type: Regular

Meeting Date: Feb 12, 2015

Action Requested By: Human Resources

Agenda Type: Ordinance

Subject Matter:

Ordinance to amend Section 20 of Ordinance 04-315, Personnel Policies and Procedures, for modification to the Smoking Policy.

Exact Wording for the Agenda:

Ordinance to amend Section 20 of Ordinance 04-315, Personnel Policies and Procedures, for modification to the Smoking Policy.

**Note: If amendment, Please state title and number of the original**

Item to be considered for: Introduction

Unanimous Consent Required: Yes

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

This action is requested to modify the Smoking Policy.

Associated Cost: \_\_\_\_\_

Budgeted Item: \_\_\_\_\_

MAYOR RECOMMENDS OR CONCURS: \_\_\_\_\_

Department Head: \_\_\_\_\_



Date: 2/2/15

**ORDINANCE NO. 15-\_\_\_\_\_**

**BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, that Section 20 of Ordinance No. 04-315 (Personnel Policies and Procedures Manual), as adopted and approved on December 16, 2004, as amended, is hereby further amended as follows:

**SECTION 20 SMOKING AND TOBACCO USE POLICY**

**20.1 PURPOSE**

The purpose of this policy is to provide a healthful environment for each and every municipal employee, as well as for visitors to a municipal workplace. Furthermore, the City of Huntsville desires to comply with all applicable federal, state and local regulations regarding smoking and tobacco use in the workplace and to provide a work environment that promotes productivity and the well-being of its employees.

**20.2 POLICY**

(A) Smoking or the use of any tobacco product is prohibited in all buildings and facilities owned, operated, or controlled by the City of Huntsville or an agency of the City of Huntsville.

(B) Smoking or the use of any tobacco product is prohibited in all vehicles owned or operated by the City of Huntsville.

**20.3 DEFINITIONS**

(A) 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.

(B) 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, certain dissolvables, gels, smokeless tobacco, snuff, and chewing tobacco.

**20.4 RESPONSIBILITY OF EMPLOYEES**

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of all employees. All employees share in the responsibility for adhering to and enforcing the policy. Any conflicts should be brought to the attention of the appropriate supervisory personnel and, if necessary, referred to the Department Head and/or Human Resources for a final decision within the guidelines of this policy.

**20.5 DISCIPLINE**

Any employee who willfully fails, or refuses, to follow this policy shall be subject to disciplinary action in accordance with Section 13 of the Personnel Policies and Procedures of the City of Huntsville.

**20.6 ASSISTANCE FOR TOBACCO USERS**

Employees may contact the City of Huntsville Health & Wellness Center and/or the Human Resources Department for more information regarding the effects of tobacco use and the availability of tobacco cessation programs.

**20.7 RETALIATION PROHIBITED**

No employee of the City of Huntsville shall harass or otherwise discriminate or retaliate against any other City employee who seeks to enforce the terms of this policy.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama