

CHAPTER 8: SMOKE-FREE WORK ENVIRONMENT

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§ 11-801 PURPOSE AND FINDINGS.

The City Council does hereby find that:

(A) In December, 1986, the United States Surgeon General produced evidence supporting the fact that passive smoke increases the non-smokers' risk of developing diseases related to cigarette smoke;

(B) The New Jersey Supreme Court held in 1986 that it is the employer's responsibility to provide a healthy environment and the non-smoker has the right to work in a healthy environment; and

(C) Statistics suggest that cities spend about \$4,600 more a year to keep a smoker on the payroll than a non-smoker. This estimate includes lost productivity; damages from cigarette burns; accidents resulting from loss of attention, eye irritation or coughing; lost time due to increased chances of illness and early death; medical care; absenteeism; and increased fire insurance.

(1989 Code, § 11-701)

§ 11-802 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Crossville, Tennessee.

CITY BUILDINGS. All buildings owned and/or operated by the city.

CITY COUNCIL. The City Council of the City of Crossville, Tennessee.

EMPLOYEE. Any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

EMPLOYER. Any person who employs the services of an individual person.

PERSON. Any individual person, firm, partnership, association, corporation, company, organization or legal entity of any kind.

SMOKING. Inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any other weed or plant.

(1989 Code, § 11-702, modified)

§ 11-803 PROHIBITION OF SMOKING IN CITY BUILDINGS.

No person, including any member of the public or employee of the city, shall be permitted to smoke in any city-owned or operated building. Employees will step out of the building to smoke. Future building additions may provide a properly ventilated room for smoking at the discretion of the City Council.

(1989 Code, § 11-703)

§ 11-804 REGULATION OF SMOKING IN CITY BUILDINGS.

(A) Violations to this policy will be reported to the City Manager or appropriate department head. All violations by employees will be recorded in an employee's personnel record and will include the name of those reporting the violation.

(B) After five violations in one month or ten in one year, the matter will be brought before the Personnel Board.

(1989 Code, § 11-704)

§ 11-805 PENALTIES.

(A) The Personnel Board may recommend dismissal or other appropriate disciplinary action for any employee brought before it.

(B) Employees and non-employees will be asked to cease smoking. If they fail to heed the request, they will be issued a citation. The charge may be disposed of by the payment of a fine of \$5 within ten days of the violation; provided, he or she waives his or her right to a judicial hearing. If no fine is paid, the violation is deemed a misdemeanor and subject to further action through City Court.

(1989 Code, § 11-705)

§ 11-806 NON-RETALIATION.

No person or employer shall discharge, refuse to hire or, in any manner, retaliate against any employee or applicant for employment because the employee or applicant exercises any rights afforded by this chapter.

(1989 Code, § 11-706)

§ 11-807 SMOKING ON THE GROUNDS OF A HOSPITAL.

Pursuant to the authority granted in T.C.A. § 39-17-1551, smoking is prohibited on the grounds of a hospital or in the public areas immediately outside of a hospital building and its entrances, including public sidewalks. To insure patient safety, this prohibition extends to a distance of up to 50 feet from any entrance to hospital facilities.

(Ord. 1336, passed 10-24-2011)