

4-C)

INTEROFFICE CORRESPONDENCE

TO: Jim O'Connor, City Manager
FROM: Pat Kincman, Risk/Safety Adm.
VIA: Lynne George, HR Director
DATE: December 31, 2012
SUBJECT: Personnel Rules – Appendix G (attached)

I am requesting that the captioned amendment to the current Personnel Rules be placed on the January 8, 2013 Council agenda for approval.

The Tobacco Usage Policy has been developed to comply with the Florida Statutes section 386.201 (Florida Clean Indoor Air Act) and to insure a healthy workplace environment.

This addendum has been edited by the City Attorney, Wayne Coment. Wayne is currently in the process of composing a resolution that will be presented at the January 8th Council meeting.

Please advise if there are any questions concerning this matter.

RESOLUTION NO. 2013 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, ADOPTING A TOBACCO USAGE POLICY AS PART OF THE CITY OF VERO BEACH PERSONNEL RULES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Vero Beach, Florida, (“City Council”) desires to provide and maintain a safe, comfortable, healthy, and productive work environment for all City of Vero Beach employees, elected and appointed officials, volunteers, and interns; and

WHEREAS, in furtherance of such goals, the City Council finds that it is in the best interest of the City and persons working in and visiting City buildings and facilities and operating City vehicles to prohibit the use of tobacco and tobacco products except in specifically designated tobacco usage areas and to accordingly adopt a tobacco usage policy as provided for in this Resolution; and

WHEREAS, the “Tobacco Usage Policy” attached and incorporated herein as “Appendix G” establishes such a policy that provides for designation of tobacco free and tobacco use areas and provides for assistance and accountability for compliance with the policy,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, AS FOLLOWS:

1. The “Tobacco Usage Policy” attached hereto as “Appendix G” and incorporated herein is hereby adopted by the City Council and shall be incorporated as part of the City of Vero Beach Personnel Rules.
2. This Resolution shall become effective upon adoption by the City Council.

This Resolution was heard on the _____ day of _____ 2013, at which time it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote:

Mayor A. Craig Fletcher _____
Vice Mayor Tracy M. Carroll _____
Councilmember Pilar E. Turner _____
Councilmember Jay Kramer _____
Councilmember Richard G. Winger _____

ATTEST:

CITY OF VERO BEACH, FLORIDA:

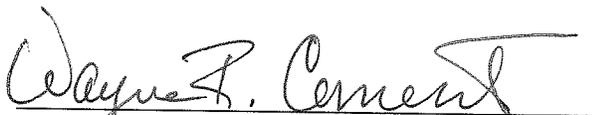
Tammy K. Vock
City Clerk

A. Craig Fletcher
Mayor

[SEAL]

Approved as to form and legal sufficiency:

Approved as conforming to municipal policy:



Wayne R. Coment
City Attorney

James R. O'Connor
City Manager

Approved as to technical requirements:

Lynne A. George
Human Resources Director

APPENDIX G
TOBACCO USAGE POLICY

AUTHORITY

This Tobacco Usage Policy (hereinafter “Policy”) has been developed and implemented in compliance with the City of Vero Beach Code of Ordinances, the City of Vero Beach Personnel Rules and Regulations, and the Florida Clean Indoor Air Act (section 386.201, Florida Statutes, *et seq.*).

PURPOSE

The purpose of this Policy is to:

- Provide and maintain a safe, comfortable, healthy, and productive work environment for all City of Vero Beach employees, elected and appointed officials, volunteers, and interns;
- Provide for the use of tobacco and tobacco products only in those certain areas specifically designated for tobacco use;
- Establish a procedure for designating those areas where tobacco use is prohibited and where it is permitted; and
- Hold those persons to whom this policy applies accountable for violations of this policy.

POLICY STATEMENT

The City of Vero Beach is committed to promoting the safety, health, and wellbeing of its employees, elected and appointed officials, volunteers, and interns by providing and maintaining a safe and healthy workplace. To that end, it is the policy of the City of Vero Beach that any use of tobacco or tobacco products in any City building, structure, facility, or vehicle is strictly prohibited except in specifically designated areas.

SCOPE OF COVERAGE

This Policy applies to all City of Vero Beach employees, elected and appointed officials, volunteers, and interns. This Policy covers all City buildings, structures, and facilities whether occupied or vacant and all City vehicles, whether owned or leased.

GENERAL PROHIBITION

- A. Except in specifically designated areas or as otherwise stated in this Policy, the use of tobacco and tobacco products is prohibited in any City building, structure, or facility and in any City vehicle.

- B. Due to safety requirements, smoking is prohibited in the proximity of flammable or combustible materials.

PROCEDURES FOR DESIGNATION OF TOBACCO-FREE AREAS AND USE AREAS

A. DESIGNATION OF TOBACCO FREE AREAS.

Each department head or designee, in coordination with the Risk and Safety Administrator, shall establish and clearly designate tobacco free areas by appropriate signage. Signs shall be posted in all City buildings, structures, facilities, and vehicles advising of the prohibition on the use of tobacco and tobacco products pursuant to this Policy.

B. DESIGNATION OF TOBACCO USAGE AREAS.

Each department head or designee, in coordination with the Risk and Safety Administrator, shall establish and clearly designate permissible tobacco usage areas by appropriate signage. Such designated tobacco usage areas shall be located at least 25 feet from all building, structure, or facility entrances and common areas, shall be easily accessible, and shall contain proper tobacco disposal receptacles.

POLICY COMPLIANCE ASSISTANCE

The Risk and Safety Administrator will make available on request information on the adverse effects of the use of tobacco and tobacco products and the positive effects of smoking cessation. Employees that participate in City health insurance coverage may also have available the City's Employee Assistance Program for formal tobacco-cessation support.

ENFORCEMENT; VIOLATIONS

1. The Risk and Safety Administrator, in conjunction with each department head or designee, will ensure that this Policy is properly enforced.
2. Each department head will ensure that individuals in their department are provided a copy of the Policy and the Acknowledgment of Tobacco Usage Policy (hereinafter "Acknowledgment").
3. It is the responsibility of each employee and others subject to this Policy to sign the Acknowledgment, indicating that such individual has read and understands the Policy. The executed Acknowledgment shall be returned by the individual to their department head.

4. Violations of this Policy can result in disciplinary action up to and including termination as outlined in Section 18.10 of the Personnel Rules.
5. Persons subject to this Policy shall also be advised that the Florida Indoor Air Act (section 385.204, Florida Statutes) can also apply to the use of tobacco at City of Vero Beach facilities and a violation can subject them to prosecution for noncriminal penalties of up to \$100 for the first violation and up to \$500 for each subsequent violation.

The City of Vero Beach Tobacco Usage Policy is effective as of _____ 2013.

**ACKNOWLEDGMENT OF
TOBACCO USAGE POLICY**

I have been provided a copy of and read or had read to me the City of Vero Beach Tobacco Usage Policy and I fully understand the terms of such Policy.

I understand and acknowledge that any violation of this Policy by me can subject me to disciplinary action up to and including termination in accordance with Section 18.10 of the City of Vero Beach Personnel Rules. I understand and acknowledge that the Florida Indoor Air Act (section 385.204, Florida Statutes) can also apply to the use of tobacco at City of Vero Beach facilities and a violation can subject me to prosecution for noncriminal penalties of up to \$100 for the first violation and up to \$500 for each subsequent violation.

I understand and acknowledge that information on the adverse effects of the use of tobacco and tobacco products and the positive effects of smoking cessation are available to me on request from the City Risk and Safety Administrator and that I may also have available to me the City's Employee Assistance Program for formal tobacco-cessation support if I participate in City health insurance coverage.

I recognize and acknowledge that the City of Vero Beach reserves the right to make changes to this Policy as may be required by law.

Employee Name (Please Print)

Employee Signature

Date