

201-011: SMOKE-FREE WORKPLACE POLICY

1. Purpose

The Board of Selectmen, in compliance with Massachusetts General Laws Chapter 270, Section 22, hereby establishes the following policy to promote and require smoke-free workplaces.

2. Smoking Prohibitions

It is prohibited for any persons including employees, volunteers, customers, and visitors to smoke in the following work areas:

All areas inside all buildings owned or controlled by the Town of Walpole including but not limited to, the town office building, the senior center, all recreation department offices, meeting spaces and function/activity areas including Turners Pond Lodge and East Walpole Community Center (former E.W. library, The Marathon House, Schools, the fire stations, the police department, the library, all public works buildings (including garages), all water & wastewater treatment plants, public works pumping and well stations, and any other enclosed work space where employees perform services for compensation for the town such as polling places and rooms used for public meetings in locations not owned by the town. Additionally, it is prohibited to smoke inside any town owned or leased vehicle of any kind, at any time. This includes all automobiles, senior buses/vans, trucks, police cruisers, all fire/ambulance/rescue vehicles, all public works vehicles and machinery including heavy equipment and any other enclosed vehicles employees may use.

3. Enforcement

The Town Administrator or his/her designee has overall responsibility for enforcing the smoke-free workplace law. Questions, complaints or reports of violations should be directed to the Town Administrator or the Assistant Town Administrator, who will answer any questions and promptly investigate the complaint and take remedial action. Appropriate remedial action depends on the type of offense, the existence of any prior incidents, and the effectiveness or lack thereof of any prior remedial steps.

Generally, remedial action consists of advising the offending employee, volunteer or visitor to promptly extinguish their cigarette, cigar or pipe or leave the premises. The offending employee, volunteer or visitor will receive a copy of the smoke-free workplace policy.

Employees who are found to violate the smoke-free workplace policy will be disciplined following principles of progressive discipline. Additionally, potential consequences for employees or other persons who smoke in a place where smoking is prohibited and violate the Massachusetts Smoke-Free Workplace Law, include a civil penalty of \$100 for each violation. The Massachusetts Department of Public Health is the enforcement agency charged with promulgating regulations to implement collection and reporting of fines.

Any person may register a complaint to initiate an investigation and enforcement action with the Town Administrator, Assistant Town Administrator, Walpole Board of Health or the Massachusetts Department of Public Health.

4. Prohibition Against Retaliation

It is prohibited by law to discriminate or retaliate in any manner against a person for making a complaint of a violation of the smoke-free workplace law or for furnishing information concerning a violation, to a person, entity or organization, or to an enforcement authority. An employee who retaliates or discriminates against any person or persons for making a complaint under this Policy or for furnishing information concerning a violation of the Smoke-Free Workplace Law or this Policy shall be disciplined up to and including discharged.

5. Smoking Areas

Designated smoking areas or smoking rooms are not permitted. However, employees may go outside to smoke during their morning and afternoon break periods. No extra break periods are permitted for smokers in addition to regular break periods afforded non-smokers. Smoking is not permitted in outside areas where "no smoking" signs are posted such as near refueling stations or other areas where open fire is prohibited by any other by-law, fire or health or safety regulation, nor within ten (10) feet of any public building so as to prevent any secondhand smoke from reentering said building. Smoking is not permitted while performing any work-related job duties for which the employee is compensated.

6. Employee Support

The Town of Walpole is sensitive to the withdrawal symptoms of nicotine addiction and supports employees in their efforts to quit smoking. Employees who smoke and want to quit or know someone who wants to quit should call the Try-To-Stop Tobacco Resource Center at 1-800-TRY-TO-STOP

(1-800-879-8678) for free helpful information, or visit their website at www.trytostop.org.

Employees may also contact any of the following for assistance:

- a. Your Primary Care Physician
- b. Your Health Insurance Provider
- c. The American Lung Association (www.lungusa.org)
- d. The American Cancer Society (www.cancer.org)
- e. The Town's Employee Assistance Program (contact Personnel)

