

## **SMOKING POLICY:**

### **SECTION I : AUTHORITY:**

The Town of Windham is required under RSA 155:45-49 and New Hampshire Code of Administrative Rules to develop a smoking policy, implement that policy and devise a method of resolving complaints resulting from noncompliance of this policy. RSA 155:47(1) states "the person in charge shall effectively segregate smoking in all enclosed public places. In places where it is not possible to effectively segregate smoking, smoking shall be totally prohibited."

### **SECTION II : BACKGROUND AND PURPOSE:**

The U.S. Surgeon General has named smoking "Public Health Enemy 1" in light of its role as the leading cause of premature death and disability in our country. Research has shown that nonsmokers with chronic heart or lung disease can experience severe distress when exposed to sufficient concentrations of secondhand smoke. Many allergic individuals, and even the majority of healthy nonsmokers, report discomfort when exposed to secondhand smoke on the job. Furthermore, recent medical studies indicate that long-term exposure to involuntary smoking may increase nonsmokers' risks of developing severe lung disease.

The Town of Windham is committed to providing a healthy, comfortable and productive work environment for our employees. This goal can be achieved only through ongoing efforts to protect nonsmokers and to help employees adjust to restrictions on smoking. Effective September 18, 1989, smoking is prohibited throughout Town facilities except in designated smoking areas identified by "Smoking Permitted" signs.

### **SECTION III : DEFINITIONS:**

- A) "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe.
- B) "Town Facility" means any enclosed, indoor area which is owned or controlled by the Town or supported by tax revenues including, but not limited to, offices and other work areas, waiting areas, elevators, hallways, restrooms, polling places, and rooms in which a public meeting, hearing or other official proceeding open to the public is in progress.
- C) "Contiguous Portion of a Town Facility" means any indoor area which is enclosed by walls extending from floor to ceiling and which may contain doors and/or windows (e.g. a room).
- D) "Effectively Segregate Smoking" means to designate areas where smoking is permitted and areas where smoking is prohibited so that smoke from the smoking areas does not cause harm, discomfort, or annoyance to persons in the no smoking areas.
- E) "Person in Charge" means the person responsible for the operation of the building and the person responsible for the department occupying the building or portion thereof.

- F) “Designated No Smoking Area” means an area which is posted with “No Smoking” signs in a building, facility, room, or group of rooms and in which smoking is not allowed, at the designation of and by the authority of the person in charge of the facility.
- G) “Designated Smoking-Permitted Area” means an area within a building, facility, room, or group of rooms and in which is smoking allowed, and is so posted and which is effectively segregated from no smoking areas.
- H) “Town Vehicle” means all vehicles owned or leased by the Town of Windham.

**SECTION IV : NON-NEGOTIABLE, SMOKING-PROHIBITED AREAS:**

- A) Any areas in which a fire of safety hazard exists.
- B) Common areas, including, but not limited to, hallways, stairwells, lobbies, waiting rooms, copier rooms, computer rooms, public service areas, kitchens, employee break rooms, and restrooms.
- C) Classrooms, conference rooms, meeting rooms (a short smoking break may be provided during meetings lasting longer than one hour, if requested by smokers).
- D) Any area not specifically designated “smoking permitted”.
- E) All Town vehicles.

**SECTION V : NEGOTIABLE AREAS:**

- A) Private offices may be designated “smoking permitted” or “no smoking” by the occupant, provided the smoker refrains from smoking when visited by a nonsmoker.
- B) The person in charge of their building shall insure that any smoking area in their facility is effectively segregated from any non-smoking area. The building, facility area, group of rooms, or room for which the person in charge is responsible shall be considered “effectively segregated” if the following conditions are met:
  - 1. A contiguous portion of the Town facility, including any seating arrangements, shall measure a minimum of 200 square feet, and at least one of the following two (2) contingencies shall exist:
    - a) There is a continuous, physical barrier such as a wall, partition, or furnishing at least 56 inches in height to separate the non-smoking area from a smoking-permitted area. The barrier may contain doors or portals for exit and entry: or

- b) There is a space of at least four (4) feet in width to separate the smoking-permitted and non-smoking areas. This space may be either an unoccupied area or a section of seating area replacing a buffer zone in which smoking is not permitted, but which itself is not part of the no-smoking designated area.

C) Additional comments:

- 1. In buildings where ventilation systems are in place, areas designated as smoking areas shall be located, where possible, proximate to exhaust vents.
- 2. In areas where smokers and non-smokers work together, supervisors should make a reasonable effort to separate smokers from non-smokers.
- 3. In places where it is not possible to effectively segregate smoking, smoking shall be totally prohibited.
- 4. If one employee, who works in a designated smoking area, requests that the area be non-smoking, then the designation of that area shall become non-smoking.

**SECTION VI : IMPLEMENTATION AND COMPLIANCE:**

The person in charge of each facility shall be responsible for the implementation and enforcement of this policy. This responsibility shall extend to:

- A) Insuring that appropriate signs are displayed indicating that the facility is a no-smoking facility, or identifying any expressly approved designated smoking areas.
- B) Insuring that containers are provided at the entrance of each facility for the extinguishing of cigarettes, cigars, or pipes.
- C) The review of complaints having to do with this policy and its enforcement.

**SECTION VII : INSURING COMPLIANCE:**

The person in charge shall:

- A) Orient all appropriate staff and others who habitually use the facility as to the smoking requirements of the facility;
- B) Instruct appropriate personnel to assist in insuring compliance by asking those who smoke in a no-smoking designated area to refrain from doing so, and to direct smokers to a smoking-permitted area, if appropriate.

**SECTION VIII : NON-COMPLIANCE:**

The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and nonsmokers. In the event of a conflict, employees are encouraged to work out a compromise among themselves. If this effort proves unsuccessful, the situation should be brought to the attention of the appropriate Department Head. The Department Head's decision may be appealed to the Board of

Selectmen. If a compromise cannot be reached, the right of the nonsmoker to protect his or her health and comfort must prevail over an employee's desire to smoke.

If a grievance relative to non-compliance with RSA 155 cannot be resolved through the internal process as outlined above, the complainant may contact the Director of the New Hampshire Public Health Services at 1 800 852-3345, EXT 4551.

**SECTION IX : AMENDMENTS:**

This policy may, from time to time, be amended by a majority vote of the Board of Selectmen, at a regularly scheduled Selectmen's meeting.

**SECTION X : ADOPTION:**

This policy shall be construed as being the official smoking policy of the Town of Windham, and has been adopted by the Board of Selectmen on this 11th day of September, 1989.

**Frederic H. Noyles**  
**Elizabeth A. Dunn**  
**Galen A. Stearns**  
**Daniel J. Quinlan**  
**Charles E. McMahon**  
Board of Selectmen

**Re-codified and affirmed by the Board of Selectmen - May 11, 1998**

**Charles E. McMahon**  
**Douglass L. Barker**  
**Carolyn B. Webber**  
**Margaret M. Crisler**  
**Galen A. Stearns**  
Board of Selectmen

**Amended by the Board of Selectmen - November 9, 1998**