

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE NON-UNIFORMED
EMPLOYEES' POLICY AND PROCEDURE MANUAL; AND
FOR OTHER PURPOSES.**

WHEREAS, Ordinance No. 7690 adopted by the City Council on February 28, 2005, codified by reference as §2-151 of the North Little Rock Municipal Code, established policies and procedures for non-uniformed employees ("Personnel Manual"), which has subsequently been amended by Ordinance Nos. 8115, 8249, 8258, 8393, 8516, 8525, 8584, 8710 and 8713; and

WHEREAS, there is a need to revise the policy on Smoking and Tobacco Use in the Policy and Procedure Manual.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the Policies and Procedure Manual for Non-Uniformed Employees of the City of North Little Rock adopted pursuant to Ordinance No. 7690 (codified by reference as § 2-151 of the North Little Rock Municipal Code), and amended pursuant to Ordinance Nos. 8115, 8249, 8258, 8393, 8516, 8525, 8584, 8710 and 8713 is hereby amended as follows:

Policy No. 5-003: Smoking and Tobacco Use is hereby revised as shown in Exhibit "A" attached hereto and incorporated herein by reference.

Editor's Note: Edited text in exhibit is denoted as follows: Added text by underline; deleted text by ~~strikethrough~~.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the City Council has determined that the interests of the City and City employees can best be served by the adoption of the above amendment to the Policies and Procedure Manual for Non-Uniformed Employees of the City of North Little Rock; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:




Mayor Joe A. Smith

ATTEST:

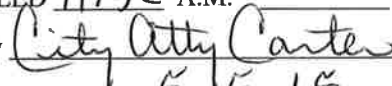
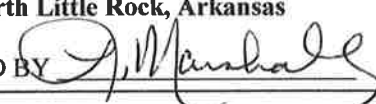
Diane Whitbey, City Clerk

APPROVED AS TO FORM:



C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	11:32	A.M.	_____	P.M.
By				
DATE	5-5-15			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY				



SMOKING AND TOBACCO USE

The health and safety of all employees is of great importance. Compliance with city ordinances, and state or federal occupational safety and health regulations concerning employees' exposure to smoke or fumes in the workplace is mandatory. Employees who do not smoke are entitled to a smoke-free work environment. As an employer, it is the City's responsibility to provide limitations on smoking while on or off duty, on city property to ensure that non-smokers suffer no injury from side-stream smoking or air pollution from tobacco products, and that all employees enjoy a healthy and comfortable working environment.

Smoking and the use of smokeless tobacco products is prohibited. The City prohibits smoking in any North Little Rock City buildings, within twenty (20) feet of any entry/exit door of a City building and in City vehicles. Smoking shall be confined to outdoor areas within twenty (20) feet of all city entrances.

Employees shall not smoke or use smokeless tobacco products when interacting directly with the citizens on official business.

Department heads may establish outdoor smoking areas. All materials used for smoking in this area, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers. Department hHeads will ensure periodic cleanup of the designated smoking area. If the designated smoking area is not properly maintained (for example, if cigarette butts or other smokeless tobacco materials are found on the ground), it can be eliminated at the discretion of management or other decision-making body.

Ordinance 6288 passed by the City Council on 1/23/89, includes the following provisions:

- ~~Smoking in North Little Rock City buildings is hereby prohibited, except in designated smoking areas.~~
- ~~A fine not to exceed twenty-five (\$25.00) to be levied against violators of this section.~~

~~Executive Order 2003-02 issued by Mayor Patrick H. Hays on December 8, 2003, further prohibits the use of tobacco (smoking or chewing) by operators and/or passengers in any vehicle owned by the City of North Little Rock.~~

Definitions

The term, **North Little Rock City buildings**, shall be defined as those structures solely owned or leased by the City and exclusively occupied by North Little Rock City employees.

The term, North Little Rock City vehicles, shall be defined as any vehicle owned lease or operated by the City.

The term "**smoking**" shall mean a lighted cigar, cigarette, pipe or other lit/electronic vapor (e.g. e-cigarette) tobacco product.

The term smokeless tobacco This term shall also include and prohibit the use of any tobacco product, chewing tobacco, skoal, snuff, etc. be it chewed, dipped, or in any way placed in direct contact with the mouth.

~~The term "designated smoking area" shall be those areas specifically designated by the City meeting the following standards:~~

- ~~Each building occupied by North Little Rock City employees shall have a designated smoking area, preferably outside the building.~~
- ~~Any areas inside a building shall meet all fire department regulations and be an enclosed area with a closed door and adequate ventilation to prevent smoke, odors or fumes from entering other areas of the building.~~
- ~~If no such enclosed area is available in the building, then smoking shall only be allowed outside of the building.~~
- ~~Outside designated smoking areas shall not include areas in or adjacent to entrances and exits to buildings where persons entering or leaving the buildings are exposed to smoke and fumes.~~

Parks Facilities

Pursuant to Parks & Recreation Commission policy, smoking is also prohibited in outdoor athletic complexes.

Employee Responsibility

Employees who smoke or use tobacco products must familiarize themselves with those areas on City premises where smoking is either permitted or prohibited. Employees are to contact the Department head with any questions regarding the smoking policy. Smoking in non-smoking areas will not be tolerated.

Complaints regarding violations of this policy may be filed with the department head or with the Safety Director.

Department Head Responsibility

~~According to City ordinance, Department heads are responsible for ensuring compliance with this policy designating smoking and non-smoking areas in their departments according to City Ordinance and for enforcing same. As mentioned above, Smoking must~~
Department heads are responsible for ensuring that non-smokers have a smoke-free work environment. Complaints from employees regarding non-compliance with this policy exposure to smoke and fumes are to be taken seriously as they may lead to on-the-job health-related problems. Corrective action is required if necessary to stop the exposure.