

City of Hickory Tobacco/e-cigarette Policy

The City of Hickory is committed to providing a healthy environment for its employees and visitors. The City recognizes that tobacco use, in any form, is a health, safety, and environmental hazard.

According to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation. Tobacco is a recognized carcinogen in humans, and health risks associated with the use of tobacco products include myocardial infarction, stroke, and adverse reproductive outcomes.

On January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places and Certain Places of Employment, North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local government vehicles or in public places." In addition, North Carolina General Statute 160A-174 grants a city general police power to regulate acts or conditions that are detrimental to the health, safety or welfare of its citizens.

As a strong proponent of healthy lifestyles, and in an effort to provide a safe and healthy workplace in all City facilities for employees and for the visiting public, the City of Hickory is implementing a tobacco/e-cigarette policy beginning July 1, 2015. This policy is enacted pursuant to North Carolina General Statutes 130A-498 and 160A-174.

I. Definitions

- A. Tobacco product.
Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to cigarettes; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cutting and sweepings of tobacco; and other kinds and forms of tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
- B. E-cigarette.
A device containing a nicotine-based liquid that is vaporized and inhaled used to simulate the experience of smoking tobacco.
- C. City building.
Any building owned, leased, or otherwise occupied by the City of Hickory where city employees carry out work duties.
- D. City Vehicle.
Any vehicle owned, leased or otherwise controlled by the City of Hickory and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official City of Hickory business.
- E. Employee.
A person who is employed by the City of Hickory including full-time, part-time, and seasonal.
- F. Grounds.
City-owned employee parking lots, and city grounds immediately surrounding city owned buildings.

II. Areas in which the Use of Tobacco Products is prohibited (smoking and the use of all tobacco products and e-cigarettes as defined in Section (I) (A))

- A. In any building owned, leased, or occupied as herein defined by the City of Hickory.
- B. In any vehicle owned, leased or controlled by the City of Hickory.
- C. City-owned employee parking lots and city grounds immediately surrounding city owned buildings.
- D. City parks and recreational facilities including grounds and parking areas.

III. Tobacco products and e-cigarette use will be permitted in designated areas only.

IV. Implementation of Policy

- A. The City shall post signs that clearly state that the use of tobacco products and e-cigarettes is strictly prohibited except in designated areas. If there is no designated area, then the sign(s) will state that tobacco and e-cigarette use is prohibited.
- B. The signs shall be clearly legible and conspicuously posted.
- C. Signs shall be posted at each entrance to City of Hickory buildings and in other locations within the building to inform employees and the public of the prohibition.
- D. Signs are to be posted in all City of Hickory vehicles in areas visible to passengers, provided that their placement does not interfere with the safe operation of the vehicle. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.
- E. Signs are to be posted on City of Hickory city owned parking lots and grounds immediately surrounding buildings to inform employees and the public of the policy.

V. Enforcement

- A. The monitoring and enforcement of this policy as applied to City employees is the responsibility of the department head and/or supervisor. This policy shall be treated like any other workplace practice policy and all infractions shall be addressed quickly and directly. If inappropriate behavior continues, the department head and/or supervisor shall use the progressive discipline process to address the behavior.
- B. Employees who are found in violation of this policy will be subject to disciplinary action up to and including dismissal. The consequences will be in accordance with personnel policies and may include verbal or written warning, suspension or dismissal.
- C. Visitors who are in violation of this policy shall be asked to cease and refrain from using tobacco products by the person in charge of the area. Failure to cease smoking or using tobacco products will result in being asked to leave City premises. Failure to leave City premises may result in law enforcement action.
- D. This policy applies to the following City of Hickory buildings and campuses:
 - Julian Whitener Municipal Building and adjacent grounds and parking lots
 - Patrick Beaver Memorial Library and adjacent grounds and parking lots
 - Ridgeview Library and adjacent grounds and parking lots
 - All City of Hickory Fire Stations and adjacent grounds and parking lots
 - Police Headquarters and adjacent grounds and parking lots
 - All City of Hickory Maintenance Buildings and adjacent grounds and parking lots
 - All City of Hickory Public Works facilities and adjacent grounds and parking lots
 - All City of Hickory Public Utilities buildings, plants and campuses
 - All City of Hickory parking lots designated for employee parking
 - City of Hickory Airport terminal, FBO, designated City employee parking, and the entryway to the airport terminal
 - City parks and recreational facilities including grounds and parking areas
 - All City of Hickory vehicles as stated in Section (II) (B)

VI. Education

- A. The City of Hickory Office of Communications shall engage in a public awareness campaign to explain and clarify the purposes and requirements of this policy to City of Hickory citizens and media.
- B. The City of Hickory Human Resources Department shall engage in an educational campaign to explain and clarify the purposes and requirements of this policy to City employees.
- C. The City of Hickory Human Resources Department is committed to providing support to all City of Hickory employees and to assist with finding smoking cessation classes, materials and nicotine replacement therapies. In-house classes will also be offered to employees free of charge, providing they complete the tobacco cessation classes offered. Every effort will be made to fully support City of Hickory employees who wish to cease use of tobacco products.

Adherence to the policy cited above is the responsibility of all City of Hickory employees. Contractors, volunteers and other service providers must also comply with this policy while on City of Hickory as defined in this policy. Any person who observes violations of the policy may report these violations to the supervisor of the employee in question.

This policy is effective on:

July 1, 2015

Date


Mick Berry, City Manager