

**PHOENIX FIRE DEPARTMENT**  
**VOLUME 1 – Operations Manual**  
**SMOKING ORDINANCE**  
**MP105.15 09/18 - R**

**PURPOSE**

In 2007, the Smoke-Free Arizona Act (“Act”) went into effect. The Act prohibits smoking in all public places and places of employment with only a few limited exceptions. Failure to comply with the Act may result in the imposition of penalties against individuals and the City. As a result, it is important for all employees to be familiar with the requirements and to understand their rights under the Act. E-cigarettes are not subject to the Smoke-Free Arizona Act; however, given their impact to the work environment, the City limits the use of e-cigarettes by employees in the workplace.

The City of Phoenix supports a smoke-free and vapor-free workplace. The creation of smoke-free and vapor-free workplaces is sound economic policy and provides the maximum level of employee health and safety. The purpose of this MP is to provide general smoking guidelines for City employees, in accordance with AR 2.63.

**POLICY**

The Phoenix Fire Department fully supports the concept that all members have a right to work in facilities that are free of pollution, which may affect their health and comfort. Because evidence indicates that smoking presents severe hazards to health, the department is opposed to smoking and supports activities, which encourage department members to stop smoking. In support of this commitment.

**DEFINITIONS**

For the purposes of this AR, the following definitions apply:

**Designated Smoking Area.** Any area where smoking is specifically permitted by the City or department.

**Drift.** The physical movement of tobacco smoke or vapor from an e-cigarette, regardless of cause, into any area where smoking is prohibited.

**E-cigarette.** A device which produces a vapor, rather than cigarette smoke, which the user inhales to provide a similar feel to tobacco smoking. These devices may also be known as personal vaporizers (PVs) or electronic nicotine delivery systems (ENDS). This definition does not include metered-dose inhalers (MDIs), such as those used for asthma or chronic obstructive pulmonary disease.

**Entrance.** A doorway in a building or facility that is used by an individual for ingress and egress to the outdoors. It excludes an emergency exit.

**Places of Employment.** An enclosed area under the control of the City of Phoenix that City employees normally frequent during the course of employment, including, but not limited to, City buildings, City vehicles and equipment, work areas, auditoriums, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, cafeterias, hallways, stairs, elevators, and private offices. Smoking and vaping is prohibited in City vehicles and equipment regardless of whether the occupant area is enclosed.

**Smoke-Free Zone.** A distance of at least 20 feet in all directions measured from each outer edge of an entrance, an open window, or a ventilation system of an enclosed building or facility.

**Smoking.** Inhaling, exhaling, burning, carrying or possessing any **lighted** tobacco product or vapor-producing product, including cigars, cigarettes, e-cigarettes, hookahs, pipe tobacco and any other lighted tobacco product or vapor-producing product.

**Vapor.** An aerosol produced from a liquid which is emitted from an e-cigarette.

### **GENERAL GUIDELINES**

Smoking and vaping are prohibited in all places of employment, including City buildings, City vehicles, work areas, auditoriums, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, cafeterias, hallways, stairs, elevators, and private offices. In addition, a smoke-free zone of at least 20 feet must be maintained around all entrances, open windows, and ventilation systems of an enclosed building or facility.

In the interest of the health and safety of its employees, the City may also declare that smoking and vaping are prohibited in other areas, including outdoor areas. As described below, all designated no-smoking areas should be clearly marked with the appropriate signs.

Smoking and vaping are permitted outdoors during employee breaks and lunch periods. To help avoid confusion as to where smoking and vaping are allowed, departments are encouraged to create designated smoking areas. Designated smoking areas will be located outdoors at least 20 feet away measured in all directions from each outer edge of an entrance, an open window, or a ventilation system of an enclosed building or facility.

Any employee observed smoking or vaping in a no-smoking area or allowing his or her smoke or vapor to drift into a smoke-free zone, may be subject to disciplinary action. An employee smoking or vaping in an area where smoking is prohibited shall stop smoking or vaping immediately when asked to do so. This is true regardless of whether the employee is asked to stop smoking or vaping by a supervisor, co-worker, or a member of the public.

### **PROGRAM MANAGEMENT**

City employees have the right to a smoke-free and vapor-free work environment. Any employee who has reason to believe a potential violation of this AR has occurred shall report the facts and circumstances to his/her immediate supervisor and/or Human Resources Liaison as soon as practicable. The department will be responsible for investigating the allegations and taking any appropriate action.

City employees are also encouraged to be proactive by reporting potential violations of the Smoke-Free Arizona Act committed by members of the public in or near City buildings or facilities. The employee should report the incident to his/her immediate supervisor and/or Human Resources Liaison. The department will be responsible for investigating the allegations and taking any appropriate action. Unless specifically instructed, employees should not confront members of the public.

In the event an employee receives a complaint from a resident regarding potential violations of the Smoke-Free Arizona Act committed by a City department, facility, or employee, the employee should document the information provided by the resident. The employee should report the facts and circumstances to his/her immediate supervisor as soon as practicable. In addition, the employee should explain to the resident that, although the City will attempt to address the resident's concerns, the Arizona Department of Health Services is the agency authorized to enforce the Smoke-Free Arizona Act. The employee should also provide the resident with the telephone number and/or website designated by the Arizona Department of Health Services for making complaints.

Employees should direct complaints regarding smoking to their immediate supervisor. Supervisors shall work with their Battalion Chief or Section Head to resolve complaints.

Employees should attempt to resolve potential violations of the Smoke-Free Arizona Act with their department prior to contacting the Arizona Department of Health Services.

The telephone number designated by the Arizona Department of Health Services for making complaints: 1-877-4-AZNOSMOKE (1-877-429-6676);

The website designated by the Arizona Department of Health Services for making complaints: [www.smokefreearizona.org](http://www.smokefreearizona.org).

No employee shall be terminated or retaliated against as a result of his or her complaint about smoking in the workplace