

11/29/84

Memorandum 85-3

Subject: State Policy on Smoking

State law requires each state department to either adopt the existing State Personnel Board policy on smoking or adopt their own policy. Attached is a copy of the state law and a copy of the State Personnel Board Smoking Policy. We are in compliance with all aspects of the State Personnel Board Policy except that the Commission needs to adopt a policy with respect to our formal meetings. Does the Commission wish to adopt the State Personnel Board policy or its own policy?

Respectfully submitted,

John H. DeMouilly
Executive Secretary

Assembly Bill No. 2980

CHAPTER 756

An act to add Section 19262 to the Government Code, relating to state government.

[Approved by Governor September 7, 1982. Filed with Secretary of State September 8, 1982.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2980, Bates. State government: smoking policy.

Existing law does not require state departments to regulate smoking policies in their departments.

This bill would require each state department to either adopt the existing policy of the State Personnel Board on smoking, or adopt their own policy on smoking which addresses specified items.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows:

(1) A recent study completed by the Department of Consumer Affairs has found that tobacco smoke is a major contributor to indoor air pollution.

(2) Numerous studies have shown involuntary smoking to be a significant health hazard for several populations, including elderly people, individuals with cardiovascular disease, and individuals with impaired pulmonary (respiratory) function, including asthmatics and those with obstructive airway disease.

(3) Health hazards induced by involuntary smoking include lung cancer, respiratory infection, increased episodes of decreased exercise tolerance, decreased pulmonary function, bronchoconstriction, and bronchospasm.

(4) Nonsmokers with allergies, respiratory diseases, and those who suffer other ill effects of breathing secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of reactions to secondhand smoke.

SEC. 2. Section 19262 is added to the Government Code, to read:

19262. Each state department shall either adopt the existing policy of the State Personnel Board on smoking, or adopt their own policy on smoking which addresses the rights of nonsmokers to a smoke-free environment in formal meetings, informal meetings, and work stations, and which allows for administration of the policy and for the resolution of conflicts regarding the policy.

Nothing in this section shall require the building of partitions between smokers and nonsmokers.

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STATE PERSONNEL BOARD

PERSONNEL

SMOKING POLICY

POLICY

6800

Formal Meetings

Smoking is not permitted during formal meetings. Individuals responsible for conduct of formal meetings will, if possible, arrange for breaks at least every two hours to accommodate those who smoke. A formal meeting is defined as an assembly of two or more persons by prior announcement for the purpose of conducting business; therefore, QAPs are included within the definition. If the formal meeting is very small (3-4) and everyone agrees, an exception to the policy may be made; however, smoking should not be permitted during QAPs in consideration of the candidates.

Informal Meetings

During informal meetings (gatherings of two or more persons in the course of daily work), smokers should accord their companions the courtesy of inquiring if other persons present object to smoking and refrain from doing so if an objection is voiced.

RESPONSIBILITIES

6805

Work Stations

Each supervisor is to discuss the smoking situation with each employee and pursue the following options in an effort to accommodate everyone's needs. Designation of specific well-ventilated smoking areas, designation of no smoking areas, rearrangement of office layout to separate smokers and nonsmokers, establishment of "smoke breaks" in lieu of standard breaks. As new employees join a unit, they are to be similarly accommodated. Each employee is encouraged to identify their individual working space as a "no smoking" area by posting an appropriate sign.

Administration
of the Policy

The Personnel Officer is designated to oversee implementation of this policy and will establish periodic review procedures to ensure conformity. Management Services Division staff is available to assist with physical rearrangement, etc.

STATE PERSONNEL BOARD

PERSONNEL

SMOKING POLICY

CONFLICT RESOLUTION

6810

When conflict occurs in the implementation of this policy, the Chief, Management Services Division, and either the Executive Officer or Assistant Executive Officer will determine the course of action in consultation with the concerned section supervisor and the section staff, if they desire to be included. Both a smoker and nonsmoker will participate in the decision process. As with any policy in an area as personal as this, a good deal of "give and take" helps it work. Flexibility and consideration of the needs of both smokers and nonsmokers should provide for resolution of most problems.