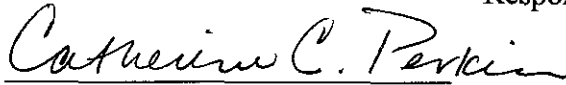


Standard Operating Procedure No.: 152-001(SIP)
Effective Date: 5/3/2007
Expiration Date: 11/3/2007
Responsible Division: Chief Legal Counsel



Catherine Cola Perkins
Acting Chief Legal Counsel

INTERIM STANDARD PROCEDURE

SMOKEFREE WORKPLACE

PURPOSE:

The Ohio Department of Transportation is committed to providing a smokefree working environment for its employees and the public. All ODOT employees and visitors doing business with ODOT shall comply with this Standard Operating Procedure (SOP).

This SOP shall be implemented by the following rules and regulations which may be changed from time to time.

REGULATIONS:

In accordance with Ohio Revised Code (ORC) Chapter 3794 "Smokefree Workplace Act," the Ohio Department of Transportation shall ensure that tobacco smoke does not enter any area, in which smoking is prohibited under this chapter, through entrances, air intakes, operable windows, or other means. This prohibition also applies to all state owned buildings and state owned vehicles.

The Ohio Department of Health or its designee will enforce this new law. The Ohio Department of Transportation, as well as employees and visitors who violate this SOP, may be fined by the Department of Health. These fines may range up to \$100.00 per violation. ODOT employees are also subject to progressive disciplinary action in accordance with Directive No. WR-101.

Employees and external visitors who violate the Smokefree Workplace Act will be personally liable to the enforcement agency for the amount of the fine.

AUTHORITY:

Ohio Administrative Code: Rules 3701-52-01 through 3701-52-09
Ohio Revised Code: Chapter 3794 Smokefree Workplace Act
ODOT's Policy No: 19-012 (P) Employee's Use of ODOT Provided Vehicles
ODOT's Directive No. WR-101

SCOPE:

This Standard Operating Procedure is applicable to all employees and visitors within the Ohio Department of Transportation and must be posted in all facilities.

BACKGROUND:

On December 7, 2006, Ohio's statewide smoking ban became effective. This ban prohibits smoking in public places and places of employment. The Ohio Department of Transportation is obligated and will comply with ORC Chapter 3794 "Ohio's Smokefree Workplace Act."

Smoking of any tobacco product is prohibited within 20 ft. of any entrance, air intake and operable window of an enclosed building owned and operated by the Ohio Department of Transportation.

DEFINITIONS:

Employee – A person who is employed by ODOT, or who contracts with ODOT or third party entity, or who otherwise performs services for ODOT for compensation or for no compensation.

Employer – Means the State of Ohio, Department of Transportation

Enforcement Agency – Means the Ohio Department of Health or its designee.

Enclosed Area – An area with a roof or other overhead covering of any kind and walls or side coverings of any kind regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.

Entrance – Any doorway through which pedestrians, including the public or employees enter a public place of employment.

ORC – Ohio Revised Code

Outdoor Patio – An area that is either: enclosed by no roof or other overhead covering and walls or side covering not more than two sides or has a roof or other overhead covering regardless of the number of walls or other side coverings.

Public Place – Means an enclosed area to which the public is invited or in which the public is permitted.

Smoking – Means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant.

Vehicle – Means an enclosed motor vehicle registered by the Ohio Department of Transportation.

RESPONSIBILITY:

All ODOT employees are responsible for understanding and complying with this SOP. Supervisors are responsible for enforcement and insuring their staff, visitors, and contractors are made aware of this SOP and that they comply with its requirements.

Violation of this SOP may lead to progressive disciplinary action against ODOT employees according to ODOT's Directive No. WR-101 and the implementation of fines to ODOT employees and visitors from the Ohio Department of Health or its designee.

All official letters reporting a violation that are received from the Ohio Department of Health or its designee concerning violations of ORC Chapter 3794 shall be sent to the Central Office Facility Manager or the District Facility Managers. The Facility Manager shall submit a response (a standard response letter is available on Chief Legal Counsel's "O" drive) to the Ohio Department of Health or its designee. The response shall be postmarked and sent to the Ohio Department of Health and a copy to the Office of Chief Legal Counsel within 30 days of receipt of notice of the report of a violation.

"No Smoking Signs" shall be posted by the Central Office Facility Manager at all Central Office locations. District Facility Managers are responsible for posting signs for their given district and outlying buildings.

Each Facility Manager shall develop a system to track and monitor all related complaints received. Subject information is to include complaint disposition and resolution.

COMPLAINTS:

An employee wishing to register a complaint with ODOT regarding an incident of non-compliance of this SOP shall fill out the attached complaint form and submit it to his/her supervisor. When the person committing the violation is identified, the supervisor shall forward the complaint to the supervisor of the employee indicated. The supervisor will discuss with their employee the alleged violation. Once notification is made, the supervisor will complete the disposition section of the Complaint Form and forward a copy to the offices of Health & Safety and Labor Relations. If no person is identified in the Complaint Form, the document should be forwarded to the respective Facility Manager for evaluation and disposition. If the complaint is not dealt with by the supervisor to the satisfaction of the complainant, the complainant should contact their ODOT Safety Representative. The Safety Representative will investigate the complaint through the appropriate levels.

An employee wishing to register a complaint to the Ohio Department of Health can report violations by calling 1-866-559-OHIO (6446) or send a written complaint to:

Attn: Smoking Complaints
Bureau of Environmental Health
Ohio Department of Health
246 N. High Street
Columbus, Ohio 43215

CRITERIA FOR DESIGNATING A SMOKING AREA:

Central Office: Smoking areas must be located at a distance greater than 20 ft. from any entrance, operable window, or air intake ventilation system at each Central Office complex (1600 W. Broad Street buildings, 1980 W. Broad Street and 2829 W. Dublin Granville Road Complex) and will be designated by the Central Office of Facilities Management and the Central Office Health & Safety Section.

Districts: Smoking areas must be located at a distance greater than 20 ft. from any entrance, operable window, or air intake ventilation system at each district complex and all ODOT Training Sites will be designated by the District Facility Manager and the District Safety Representative.

PROCEDURES FOR DESIGNATING A SMOKING AREA:

A site survey will be conducted at every ODOT location to determine appropriate smoking areas. Smoking areas must be identified by signage indicating that **SMOKING** is allowed in this area and in accordance with ORC Chapter 3794. Ashtrays will be placed at locations as deemed necessary by the Office of Facilities Management or District Facility Manager.

All signs for areas identified as "Smoking" shall meet all the criteria as prescribed in ORC Chapter 3794, and posted for ease of identification.

Central Office Facility Manager will post all signage at Central Office locations and District Facility Managers will post all signage in their districts.

The Central Office Facility Manager and the District Facility Manager may erect an outdoor patio to accommodate the needs of employees and members of the general public who smoke. Requests to erect an outdoor patio should be coordinated with the Office of Facility Management or District Facility Manager.

TRAINING:

Training will be limited to the time needed for employees to familiarize themselves with this SOP. ODOT is committed to update employees as this procedure changes and/or will provide "Official" notification.

FISCAL ANALYSIS:

Each district is responsible for funding the purchase of signs, patios, etc. Budgeting will vary depending on each districts need.