



Human Resources Department



Jolene Church/Human Resources Manager



CEO

NO-SMOKING POLICY

Policy #: AR-3011 **Origination Date:** July 18, 2007 **Revised Date:** March 23, 2018

i. PURPOSE

- 1.01 The California State Legislature has declared that regulation of smoking tobacco products in the workplace is a matter of statewide interest and concern. In addition, Proposition 64, approved by the voters in November 2016, prohibits smoking of cannabis or cannabis products (“marijuana”) in all locations where smoking tobacco is prohibited. Specifically, Labor Code §6404.5 and Health and Safety Code §§11362.3, 11362.785(a), 11362.79, prohibits the smoking of tobacco or cannabis products in all enclosed places of employment in the State with certain exceptions in order to reduce employee exposure to environmental tobacco and cannabis smoke and its harmful effects.
- 1.02 Santa Cruz Metropolitan Transit District (METRO) supports the State of California’s efforts in making workplaces throughout California smoke-free.
- 1.03 METRO is committed to providing a smoke-free environment for its employees and customers.

ii. APPLICABILITY

- 2.01 Every METRO employee, METRO’s contractors and members of the public must adhere to this policy relating to smoking of tobacco, cannabis, or other products while on METRO property, at bus stops or on METRO vehicles.
- 2.02 Following this policy does not relieve a METRO employee, contractor, or customer of complying with any applicable Federal or State law or regulation related to smoking.



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- 2.03 No METRO employee shall retaliate in any manner against a METRO employee, contractor or a member of the public for that person's exercise of his/her rights afforded by this regulation.

III. DEFINITIONS

- 3.01 **"Smoking"** refers to smoking or "vaping" cigars, cigarettes, electronic cigarettes, vaping devices, or pipes, and includes, but is not limited to, smoking or "vaping" any tobacco, cannabis, or other products.

IV. PROCEDURES

- 4.01 Smoking of tobacco, cannabis or other products is prohibited within any METRO leased or owned building or facility, including the elevators, stairwells, restrooms, and hallways.
- 4.02 Smoking of tobacco, cannabis, or other products is prohibited at METRO's bus stops (which encompasses the length of a 50 foot bus), and throughout all transit centers. (indoors and outdoors)
- 4.03 Smoking of tobacco, cannabis, or other products is prohibited in all METRO vehicles, owned or leased.
- 4.04 Smoking on METRO property within 25 feet of any METRO facilities' window or door is prohibited, regardless of whether the window or door is open or closed.
- 4.05 Smoking of tobacco, cannabis, or other products in or within 50 feet of any METRO fueling facility is prohibited.
- 4.06 This regulation shall not be interpreted or construed to permit smoking of tobacco, cannabis, or other products where it is otherwise restricted by other applicable federal, state and local laws



V. SMOKING ALLOWED

- 5.01 Smoking of tobacco products is allowed outdoors on METRO premises, provided that employees, contractors, and members of the public follow the restrictions set forth in Section IV of this policy.
- 5.02 Smoking of cannabis products on METRO premises is prohibited.
- 5.03 In areas where employees are allowed to smoke tobacco, employees will be required to dispose of tobacco or tobacco products in appropriate containers, and to ensure area is kept free of cigar and cigarette butts.
- 5.04 METRO will provide receptacles for the proper disposal of cigar and cigarette butts at each METRO facility.

VI. PROCEDURES

- 6.01 “No Smoking” signs or the international “no smoking” symbol (consisting of a pictorial presentation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted at every building or other place where smoking of tobacco or other products is regulated by this policy, including at each entrance of all METRO’s buildings and facilities. The Maintenance Manager or his/her designee shall be responsible for posting the required signage.
- 6.02 The Manager of Human Resources shall on an annual basis provide to each METRO employee educational materials on the benefits of not smoking.
- 6.03 Each Department Manager shall on an annual basis in January submit a report of smoking incidents occurring within his/her area of responsibility, which are in violation of this policy. The report shall recommend actions that will further METRO’s Non-Smoking Policy. The purpose of the reports shall be the alleviation of smoking in violation of this policy. The General Manager shall review and, if needed, implement additional actions in furtherance of the goals of this Policy at his/her discretion.



VII. CONSEQUENCES

- 7.01 Violation of this policy by an employee shall result in appropriate disciplinary action.
- 7.02 Violation of this policy by a customer shall result in appropriate action.
- 7.03 Any METRO employee or Security/Custodial Contractor who observes an individual smoking in violation of this policy may in the employee's discretion and in a courteous manner, ask the individual to stop smoking and at the earliest opportunity, shall report such observation to his/her immediate supervisors.
- 7.04 METRO employees or Security/Custodial Contractor who observe others to be in violation of this policy shall not engage in any violent or threatening conduct in order to stop an individual from acting in violation of this policy.
- 7.05 METRO may report violations of this policy to appropriate law enforcement for action pursuant to Penal Code §640.

Date	Action	Approved By
7/18/07	Formal adoption of policy.	Les White
8/03/09	Revise language in policy.	Les White

END OF POLICY