

THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN
RESOLUTION NO: 19-06

A RESOLUTION concerning

Revisions to the Policies and Procedures Handbook for Employees of The City of Frederick to expand the Smoke-Free Workplace Policy by changing the definition of smoking to include the use of an "electronic smoking device", and by applying the prohibition to include non-City owned facilities that house City employees.

WHEREAS, on June 2, 2011, the Board of Aldermen adopted Resolution No. 11-14, adopting a new Policies and Procedures Handbook for Employees of The City of Frederick ("Handbook"); and

WHEREAS, on November 3, 2011, the Board of Aldermen adopted Resolution No. 11-20, amending the Handbook to clarify the City's shift differential policy and to eliminate the sick leave bank policy; and

WHEREAS, on January 19, 2012, the Board of Aldermen adopted Resolution No. 12-03, amending the Handbook to adopt a compassionate leave donation policy; and

WHEREAS, on October 18, 2012, the Board of Aldermen adopted Resolution No. 12-35, amending the Handbook to provide the Manager of Human Resources with certain authority regarding the starting salaries of new employees; and

WHEREAS, on May 2, 2013, the Board of Aldermen adopted Resolution No. 13-17, amending the Handbook to revise the policy regarding employment of family members; and

WHEREAS, on August 15, 2013, the Board of Aldermen adopted Resolution No. 13-28, amending the Handbook to revise certain provisions regarding retirement and post-employment benefits; and

WHEREAS, on October 3, 2013, the Board of Aldermen adopted Resolution No. 13-31, amending the Handbook to clarify that certain provisions regarding retirement and post-employment benefits are subject to future revisions by the Board of Aldermen; and

WHEREAS, on October 3, 2013, the Board of Aldermen adopted Resolution No. 13-34, amending the Handbook to include certain information concerning an employee's rights to reasonable accommodations and leave for a disability caused or contributed to by pregnancy; and

WHEREAS, on November 20, 2014, the Board of Aldermen adopted Resolution No. 14-24, amending the Handbook to prohibit discrimination in employment based on gender identity; and

WHEREAS, on December 1, 2016, the Board of Aldermen adopted Resolution No. 16-20, amending the Handbook to revise the Employee Compensation Section regarding promotions; and

WHEREAS, on May 3, 2018, the Board of Aldermen adopted Resolution No. 18-12, amending the Handbook to comply with the Maryland Healthy Working Families Act, and to remove "prior salary history" and "prior criminal convictions: from City employment applications; and

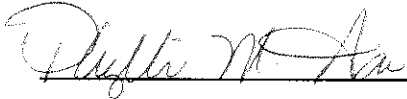
WHEREAS, the Board of Aldermen desires to protect the public health, comfort and environment of residents and users of City facilities by limiting exposures to environmental smoke and other harmful vapors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that the Policies and Procedures Handbook for Employees of The City of Frederick be amended by revising the Section as shown on Exhibit A attached hereto and incorporated herein by this reference.

AND BE IT FURTHER RESOLVED that except as amended by this Resolution, the Policies and Procedures Handbook for Employees of The City of Frederick remains as adopted on June 2, 2011 and subsequently amended by the Board of Aldermen.


ADOPTED AND APPROVED THIS 2nd DAY OF MAY, 2019.

WITNESS




_____ **Michael C. O'Connor, Mayor**

APPROVED FOR LEGAL SUFFICIENCY:


_____ **City Attorney**

Section: GENERAL STANDARDS OF CONDUCT	Page: 1 of 1
Title: Smoke-Free Workplace Policy	Approved: May 2, 2019

The City of Frederick desires to protect the public health, comfort and environment of employees, residents, and users of City facilities by limiting exposures to environmental smoke and other harmful vapors.

Smoking by employees is prohibited:

- in an indoor place of employment;
- in any City owned vehicle;
- in any private vehicle when the employee uses it in the course of employment and more than one employee occupies the vehicle; and
- within a 25-foot perimeter of any entrance or exit to all facilities within which City employees have permanent offices.

The following terms are defined for the purpose of implementing this policy:

Indoor Place of Employment: Includes, but is not limited to, an indoor work area, an employee lounge, a restroom, a classroom, a cafeteria, a hallway, a stairwell, a conference room, and an assembly room.

Electronic smoking device means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. "Electronic smoking device" does not include any product specifically approved by the United States Food and Drug Administration for the use in the mitigation, treatment, or prevention of disease.

Smoking means "Smoking" means igniting, inhaling, exhaling, burning, vaping, operating, or carrying any lighted cigar, cigarette, pipe, hookah, electronic smoking device, tobacco product, or any other combustible substance including marijuana.

Employees are expected to properly dispose of all tobacco products.