

POLICY

SUBJECT: Smoking Policy
NUMBER: MGT-626-16
APPLICABLE TO: All DJS Employees

APPROVED: _____ /signature on original/
Sam Abed, Secretary
DATE: _____ 10/6/16

I. POLICY

Smoking or any use of tobacco products or electronic cigarettes is strictly prohibited in all Department of Juvenile Services (DJS or Department) and privately-operated office buildings, facilities and grounds, except in areas designated for smoking. This policy applies to all employees, youth, visitors and volunteers in DJS office buildings or facilities and private contractors working with our youth.

II. AUTHORITY

- A. Governor's Executive Order 01.01.1992.20
- B. MD. CODE ANN., HEALTH – GEN. §24-504
- C. MD. CODE ANN., HUM. SRVCS §9-203
- D. MD. CODE ANN., LAB. & EMPL. §5-608
- E. COMAR 09.12.23.00

III. DIRECTIVES/POLICIES RESCINDED

- A. Smoking Policy, 01.12.24R

IV. FAILURE TO COMPLY

Failure to comply with the Department's policy and procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed.

VI. REVISION HISTORY

DESCRIPTION OF REVISION	DATE OF REVISION
Revised policy issued. New procedures added to <ul style="list-style-type: none">• prohibit smoking of electronic cigarettes in DJS buildings;• to allow employees to smoke outside the building but on the grounds of DJS operated or privately operated facilities in a designated area for smoking	10/6/16

PROCEDURES

SUBJECT: Smoking Policy
NUMBER: MGT-626-16
APPLICABLE TO: All DJS Employees

APPROVED: _____ /signature on original/
Lynette Holmes, Deputy Secretary
DATE: _____ 9/13/16

I. PURPOSE

To promote a healthy and safe environment for all youth in DJS care, and DJS employees, volunteers and visitors in DJS office buildings, facilities and grounds, and privately-operated office buildings, facilities and grounds.

II. PROCEDURES

- A. To protect the health and safety of youth in the Department's care and comply with the State regulations prohibiting smoking, staff shall adhere to the following procedures:
1. Smoking or any use of tobacco products or electronic cigarettes is prohibited in all DJS office buildings, facilities and grounds, both State-operated and owned, and privately-operated office buildings, facilities and programs, **except in areas designated for smoking**. The Facility Administrator or Superintendent, Regional Director or Secretary or designee shall designate an area outside the building or facility for smoking and ensure each area designated for smoking has a receptacle in which cigarettes or other tobacco products can be safely discarded. A Facility Administrator shall ensure the designated smoking area is not within the secure perimeter of the facility and, where possible, not within the view of youth.
 2. Smoking or any use of tobacco products or electronic cigarettes is prohibited in all state cars.
 3. Employees, volunteers, and visitors to any DJS-operated or privately-operated facility or program shall not smoke or use any tobacco products or electronic cigarettes in the presence of youth in DJS custody.
 4. All DJS personnel share in the responsibility for adhering to and enforcing this policy and have the responsibility for bringing it to the attention of

visitors.

5. An employee who fails to comply with this policy shall:
 - a. For a first offense, be directed to the personnel unit for counseling and referral to the State Wellness Program;
 - b. For a second offense, be required to attend a smoking cessation program offered through the employee's health care plan with the State of MD or through one of the smoking cessation resources suggested by DBM. (See suggested smoking cessation resources here:
<http://www.dbm.maryland.gov/benefits/Pages/SmokingCessationPrograms.aspx>);
 - c. For a third offense, receive a written reprimand; and
 - d. For a fourth or subsequent offense, be disciplined in accordance with State progressive discipline procedures.
6. Each office and facility shall provide information on programs that are available to help people stop smoking to DJS staff and youth in DJS custody. (See smoking cessation resources at DBM site here:
<http://www.dbm.maryland.gov/benefits/Pages/SmokingCessationPrograms.aspx>)

- B. The Department shall establish a Smoking Policy Implementation Committee (Committee) to consist of designated staff from the Attorney General, Human Resources, and Health units, the Deputy Secretaries' Offices, and the Collective Bargaining units to review the policy annually and resolve problems with implementation of the policy.
 1. In the development of specific guidelines or the resolution of specific problems relating to the State's nonsmoking policy, the Committee shall give priority to the needs of nonsmokers.
 2. Employee or client concerns about their treatment under this policy or problems arising from the implementation of this policy shall be resolved by the DJS Human Resource Unit designee with the advice and assistance of the Committee.

III. RESPONSIBILITY

Facility Administrators, Regional Directors, and Supervisors are responsible for implementation and compliance with this procedure.

IV. INTERPRETATION

The Deputy Secretary of Support Services shall be responsible for interpreting and granting any exceptions to these procedures.

V. LOCAL OPERATING PROCEDURES REQUIRED

Yes

VI. DIRECTIVES/POLICIES REFERENCED

No policies referenced.

VII. APPENDICES

None



DJS POLICY AND STANDARD OPERATING PROCEDURES

Statement of Receipt and Acknowledgment of Review and Understanding

SUBJECT: Smoking Policy
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APPLICABLE TO: All DJS Employees

I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE

PRINTED NAME

DATE

SEND THE ORIGINAL, SIGNED COPY TO VERNELL JAMES IN THE DJS OFFICE OF HUMAN RESOURCES FOR PLACMENT IN YOUR PERSONNEL FILE.