

ORDINANCE NO. 7884

AN ORDINANCE relating to smoking in the County workplace; prohibiting smoking in enclosed work areas; providing for smoking cessation classes; prescribing penalties for violators; and adding a new chapter to K.C.C. Title 12.

PREAMBLE:

King County has the duty to provide a healthful environment for the public and employees in its county facilities.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. The King County Council hereby makes the following legislative findings:

A. Authoritative experts including the U.S. Surgeon General and the National Academy of Sciences have concluded that nonsmokers may incur considerable health risk from the inhalation of cigarette smoke. According to the National Academy of Sciences, "public policy should clearly articulate that involuntary exposure to tobacco smoke has adverse health affects and ought to be minimized or avoided wherever possible.

B. Tobacco smoke coming off the burning end of a cigarette (side stream smoke) contains various substances which are irritants notably ammonia formaldehyde and acrolein, toxic gases such as carbon monoxide and hydrogen cyanide as well as numerous carcinogenic and mutagenic compounds. Side stream smoke is produced 94% of the total smoking time. Studies have shown some association between passive smoking and a broad variety of health problems, some of which may be disabling. Breathing smoke in the workplace can cause irritations of the eyes and nasal passages, headaches, coughing and respiratory problems of affected individuals. Studies have demonstrated long term exposure to indoor tobacco smoke at work produced small airway disfunctions

1 in nonsmokers equivalent to that found in individuals who had  
2 smoked up to ten cigarettes a day. A number of studies indicate  
3 that passive smoking is also associated with the increased risk  
4 of lung cancer.

5 C. For employees with preexisting health conditions, passive  
6 smoking can critically impair their ability to work. Recent  
7 court decisions have held employers responsible to employees to  
8 provide smoke free work environments or be held liable for  
9 documented discomfort, pain and illness caused to the employee by  
10 smoke in the workplace.

11 D. Since 1984, the county has by executive order and council  
12 motion prohibited smoking in public areas and limited employee  
13 smoking to designated areas, but the council finds such efforts  
14 to control smoking in county facilities have not eliminated the  
15 problems. A pattern of complaints has continued.

16 E. The county's air ventilation systems often simply remove  
17 the smoke from areas and recirculate it through the building;  
18 physical barriers separating smoking from non-smoking areas have  
19 proven inadequate. It has proven impossible to treat the  
20 conditions of each work area separately in isolation from its  
21 effects on other workers.

22 F. Based on an extensive review of the problems and  
23 alternatives, the King County Smoking Control Policy Committee  
24 has recommended a comprehensive and uniform ban to overcome the  
25 past problems.

26 G. Additional scientific studies regarding the comprehensive  
27 health problems from passive smoke in the work place are still  
28 necessary, however, based on available data it would be unwise  
29 and imprudent for the county to continue to allow chronic  
30 exposure to tobacco smoke in county facilities.

1 H. The council finds the provisions of this ordinance are a  
2 responsible and necessary action to protect the public health and  
3 the health of its employees from risk.

4 SECTION 2. Definitions.

5 A. "Smoking" shall mean and include inhaling, exhaling, or  
6 carrying any burning tobacco or other plant matter, including but  
7 not limited to cigarettes, cigars, or pipes.

8 B. "Enclosed Work Area" shall mean that area closed in by a  
9 roof and walls with at least one opening for ingress and egress,  
10 with the intended use primarily for and by officers and employees  
11 of King County while conducting county business in facilities  
12 which are owned, leased or rented by King County.

13 C. "Common Areas" shall mean that area enclosed by a roof  
14 and walls in facilities which are owned, leased or rented by the  
15 County, included but not limited to employee lounges, lunchrooms,  
16 stairways, elevators and restrooms.

17 SECTION 3. Smoking is prohibited in all county enclosed work  
18 and common areas, whether in enclosed individual or shared office  
19 spaces, and shall include all county vehicles, and shall apply to  
20 all persons who visit enclosed work and common areas, including  
21 all officers, employees, contractors, or visitors during all  
22 hours and all days of the year. This prohibition shall become  
23 effective on July 1, 1987.

24 A. Exemptions. The provisions of this section shall not  
25 apply to the King County Correctional Facility, nor the Cedar  
26 Hills Alcoholism Treatment Center, nor the Kingdome loges, until  
27 a plan for implementation has been developed for those facilities  
28 by a committee designated by the county executive. The  
29 implementation plans shall be completed by July 1, 1987.  
30 Implementation shall occur by January 4, 1988.

1 B. As part of the implementation plan, the county executive  
2 may issue and promulgate Executive Orders which will allow  
3 smoking in the County's correctional facility and the Cedar Hills  
4 Treatment Center in certain designated areas within these  
5 facilities.

6 C. Other Exceptions.

7 1. Should members of a collective bargaining unit  
8 determine that the smoking policy creates a situation with  
9 impacts peculiar to their particular bargaining unit, and impacts  
10 can be strictly limited to only members of their bargaining unit,  
11 an exception request may be submitted to the county's personnel  
12 manager, who will bargain in good faith with the collective  
13 bargaining representative regarding application of the county  
14 smoking policy. Provided that no exceptions will be authorized  
15 that result in exposing employees to unwelcome tobacco smoke in  
16 common or enclosed work areas.

17 2. Nonrepresented officers and employees who determine  
18 that the smoking policy creates a unique situation with an  
19 adverse impact on the employee while in his/her place of work and  
20 the impacts can be strictly limited to that individual, may  
21 submit an exception request to his/her department director, who  
22 shall submit the request, along with the director's  
23 recommendation, to the county's personnel manager. The personnel  
24 manager shall determine the feasibility of allowing an exception  
25 to the policy. Provided that no exceptions will be authorized  
26 that result in exposing employees to unwelcome tobacco smoke in  
27 common or enclosed work areas.

28 SECTION 4. Smoking Cessation Classes. For all county  
29 officers and employees who wish to quit smoking, the County will  
30 sponsor smoking cessation classes. It is intended that such  
31 classes would be available by January 1, 1987 or as soon  
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1 thereafter as is possible. The county shall establish the cost  
2 per person of providing the county-sponsored smoking cessation  
3 classes. Officers and employees may also choose to use an  
4 alternative to the county-sponsored smoking cessation classes.  
5 The county will reimburse officers and employees participating in  
6 and completing any alternative smoking cessation program in an  
7 amount equal to the county's per employee cost for the program it  
8 sponsors.

9 SECTION 5. Compliance. Enforcement shall be the  
10 responsibility of the elected county officials ultimately  
11 responsible for the conduct of county employees, within the  
12 respective executive, legislative and judicial branches of King  
13 County government. However, under no circumstances shall a  
14 violation of this ordinance constitute grounds for dismissal or  
15 suspension, if said violation is the sole basis for taking action  
16 against the employee. The primary objective of discipline with  
17 regard to the county's policy governing smoking in the work  
18 environment shall be to correct behavior in violation of said  
19 policy, not to punish or penalize employees who smoke.

20 INTRODUCED AND READ for the first time this 1st day  
21 of December, 1986.

22 PASSED this 15th day of December, 1986.

23 KING COUNTY COUNCIL  
24 KING COUNTY, WASHINGTON

25 Audrey Linger  
26 Chair

27 ATTEST:

28 Dorothy M. Owens  
Clerk of the Council

29 APPROVED this 24<sup>th</sup> day of December, 1986.

30 [Signature]  
31 King County Executive  
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