



**ADMINISTRATIVE
COMMUNICATIONS SYSTEM
U.S. DEPARTMENT OF EDUCATION**

DEPARTMENTAL DIRECTIVE

OM:2-103

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Distribution:
All U.S. Department of Education employees

Approved by: /s/
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Smoking Policy

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For technical questions regarding this directive, please contact the Safety and Occupational Health Specialist on 202-401-1301.

Supersedes OM:2-103 “Smoking Policy” dated 08/22/2003.

I. Purpose

It is the policy of the U.S. Department of Education (ED) to establish a smoke-free environment for its employees and members of the public visiting or using ED's facilities. This directive implements the requirements of General Services Administration (GSA) regulations on smoking and the provisions of Memoranda of Understanding (MOU) between ED and the American Federation of Government Employees, [American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and National Council of Department of Education Locals, dated May 8, 1987, April 6, 1992, and March 1, 1999.

II. Policy

In recognition of the health hazard of passive smoke to non-smokers, smoking in space occupied by ED is not permitted. All interior spaces occupied by ED in Headquarters and in the Regions are designated as smoke-free environments. This also includes Attached / Interior / Lower Level parking garages.

III. Authorization

Title 41, Part 101-20.105-3 of the Code of Federal Regulations and Executive Order 13058, Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace, authorize the executive branch to "protect Federal employees and the public from exposure to tobacco smoke in the Federal workplace."

IV. Applicability

This directive applies to all ED employees in Headquarters and in the Regions, and to all non-employees who are visiting or working on ED's premises. Applicable provisions of the negotiated collective bargaining agreement will be applied in conjunction with this directive for bargaining unit employees.

V. Definitions

- A. ***Designated Smoking Areas.*** Areas designated for smoking on property owned or leased by ED that are available for use by any of ED's employees, non-ED employees, or visitors in the vicinity. Such areas will be designated with signs reading "Designated Smoking Area."
- B. ***Non-smoking Areas.*** All ED-occupied spaces.

VI. Responsibilities

- A. **The Assistant Secretary for Management and/or designee** coordinates and implements ED's policy.

- B. **The Director**, Facilities and Management Services (FMS), Office of Management (OM), works through GSA to ensure that signs clearly identify designated smoking areas and non-smoking areas, maintains and makes available information on smoking cessation programs, and serves as an agent of the Assistant Secretary for Management to implement this directive.
- C. **The Director, Security Services (SS)**, OM, co-maintains this directive with FMS, respective GSA Building Management and Facility Lessor's Offices and assists in regulatory compliance of this directive, and serves as an agent of the Assistant Secretary for Management to implement this directive.
- D. **Supervisors** ensure implementation of, and compliance with, this directive with respect to their office areas, space occupied by ED, and employees they supervise.

VII. Arrangement for Smokers

- A. FMS has information on smoking cessation programs. Supervisors will cooperate with employee efforts to stop smoking by granting appropriate leave and/or approving other schedule changes to allow attendance at smoking cessation programs. Decisions to grant leave or schedule changes shall be made in accordance with existing guidelines. Cessation programs offered by other Federal agencies, open to ED employees, and held in the immediate vicinity of the employee's work site, will be considered to be "on-site."
- B. Supervisors shall not coerce employees to attend cessation programs.
- C. Supervisors will allow smoking breaks in context with other employee breaks and the requirement to cover the office and ensure that customer service is maintained.

VIII. Designation of Smoking Areas

- A. Clearly displayed signs will identify all smoking and (non-smoking) areas.
- B. The Director, FMS, will use ED Announcements to notify employees of (newly negotiated) designated smoking areas.

IX. Enforcement

Employees must comply with the requirements of this policy.

Failure to do so may result in disciplinary action in accordance with Personnel Manual Instruction 751-1, Discipline. Repeated offenses may result in serious formal disciplinary action (e.g., an official letter of reprimand; suspension; etc.). Supervisors shall take appropriate action to ensure compliance with this directive, GSA regulations,

and the MOU. Supervisors should consult with their local Human Resources Services Office or the Headquarters Employees Relations Team for advice and assistance prior to initiating disciplinary action resulting from enforcement of this policy.

Employees must not attempt to personally enforce this policy by confronting others whom they do not supervise. Employees who believe that this directive is being violated should report to their immediate supervisor or, if he or she is not available, to the next line supervisor or the Security Services.

In the absence of specific smoking designation areas, all employees will adhere to the Presidential Executive Order 13058, August 9, 1997 regarding smoking in and around Federal (and Federally occupied) facilities. The Order states, "The smoking of tobacco products is thus prohibited in all interior space owned, rented, or leased by the executive branch of the Federal Government and in any outdoor areas under executive branch control in front of air intake ducts." However, there is a subsequent policy under GSA (and prior ED policy) that states there will be no smoking or carrying of lighted tobacco products within twenty-five feet of any main entrance or handicap accessible ramp/facility to a structure.