

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 136.00

EFFECTIVE DATE: 23 July 2025

SUBJECT: TOBACCO-FREE WORKPLACE

POLICY DIRECTIVE

PURPOSE:

To provide policy and procedure ensuring a tobacco-free environment within the buildings and vehicles owned, leased or operated by the Division of Corrections and Rehabilitation and to institute designated areas for tobacco usage.

REFERENCE:

Division of Personnel Policy DOP-P1 Smoking Restrictions in the Workplace; ACA Expected Practice 5-ALDF-1A-20; and National Commission on Correctional Health Care (NCCHC) §§P-B-01, J-B-01, and Y-B-01.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DCR Policy Directive 136.00, dated 25 September 2020.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation. This Policy is available for general distribution and is to be included in the Personnel Policy Manual.

DEFINITIONS:

Tobacco or Tobacco Products: For the purposes of this Policy, shall include cigarettes, cigars, dissolvables, hookah tobacco, nicotine gels, pipe tobacco, roll-your-own tobacco; smokeless tobacco products including dip, snuff, snus, and chewing tobacco; vapes, e-cigs, hookah pens, and other electronic nicotine delivery systems.

Employee: For the purposes of this Policy, this includes but it is not limited to full time, part-time, temporary, probationary, and permanent status employees of the State of West Virginia; contractors and their employees; and volunteers.

POLICY:

- I. The Division of Corrections and Rehabilitation (DCR) ensures that all places of employment maintain a tobacco-free environment and make both employees and the public aware of their responsibility to ensure the smoke-free environment.
 - A. All State-owned, State-leased, or State-operated office buildings and facilities and vehicles shall be tobacco-free in accordance with this Policy.
 - B. Smoking at work sites by employees and the public is prohibited to limit the exposure of individuals to the harmful effects of secondhand smoke.
 - C. Anytime there is a conflict between the rights of tobacco users and non-tobacco users, the health of the general public and employees shall be protected by minimizing exposure to secondhand smoke.
 - D. "No Tobacco Usage" signs shall be posted at every entrance to and exit from buildings and facilities or other areas where tobacco usage is prohibited.
 - E. Receptacles should be placed outside all buildings to encourage persons to extinguish and properly dispose of tobacco products before entering.
- II. Superintendents, and as appropriate other work unit directors and supervisors, shall take steps to ensure that designated tobacco-usage areas are established in accordance with this Policy and applicable local regulations.
 - A. Unless local boards of health establish more restrictive regulations, tobacco-usage areas shall be greater than fifteen (15) feet from any entrance, exit, operable window, or ventilation intake that is commonly used by employees and/or the general public.
 1. Entrances and exits are not limited to the actual doors.
 2. Entrances and exits are the established arrival and/or departure areas and routes leading thereto, including sidewalks and the entire length of accessible ramps or stairs.
 - B. Steps should be taken to ensure that designated tobacco-usage areas for staff are as far away from inmate/resident living areas as possible.
 - C. Ashtrays and other tobacco receptacles should not be in tobacco-free places or where inmates/residents have unsupervised access.

- D. Employees who desire to use tobacco may do so during their scheduled or any other authorized break period provided they use an outdoor designated tobacco use area and do not exceed their allotted break time to do so.
 - E. Smokeless tobacco shall also only be used during authorized break periods at outdoor designated tobacco use areas.
 - F. Employees engaged in out-of-doors work activities are prohibited from using tobacco unless they are in a designated tobacco use area and on an approved break.
- III. Tobacco restrictions shall be enforced at all conferences, meetings, and training sessions conducted by the DCR and shall be consistent with all other provisions of this Policy.
- A. All non-State entities using facilities owned, leased, or operated by the State must conform to this policy.
 - B. No employees shall be required to subject themselves to the exposure of secondhand smoke in conferences or other gatherings that are conducted outside of State government.
 - 1. Employees may ask the person in charge of such training/meeting to require a smoke-free environment.
 - 2. If the person in charge fails to enforce smoking restrictions, the employee(s) may return to their regular place of employment and report the incident to his or her supervisor and the individual who scheduled his or her attendance at the training/meeting and file an incident report.
- IV. Employees who violate this policy shall be subject to appropriate disciplinary action. Such disciplinary action shall be based on violation of this policy and not imposed in a discriminatory manner as a result of the employee's status as a tobacco user.
- V. This policy does not supersede any State agency policy, local ordinances or federal and State statutes that are more restrictive and applicable to State places of employment.

ATTACHMENT(S):

None.

APPROVED SIGNATURE: _____

David L. Kelly, Commissioner

Date