

Company Name: _____ Dept: _____ Location: _____ Date: _____

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SMOKING IN THE WORKPLACE

Most employers are aware that Labor Code Section 6404.5 does not allow smoking of tobacco products in enclosed spaces in the workplace. There are 14 exemptions in the state smoking law, one of which is for warehouse facilities. If a warehouse is larger than 100,000 square feet and there are 20 or fewer full-time employees working at the facility, smoking is allowed. Otherwise, no smoking! State law permits smoking for employers with a total of five or fewer employees if *all* the following conditions are met:

- The smoking area is not accessible to minors.
- All employees entering the smoking area consent to permit smoking. Coercion to obtain consent is strictly forbidden.
- Air from the smoking must be exhausted directly to the outside and not re-circulated to other parts of the building.

If an individual office is part of a larger office complex (that is, building), it is considered an enclosed space in a place of employment. Even if there is an exhaust fan, state law does not allow smoking.

There is, however, some confusion about smoking **outside** the workplace. Even though the Labor Code does not address smoking outside the workplace, rumor has taken the place of fact and many employers want to know how many feet from the entrance smoking is permitted. Unless your city or county has a smoking ordinance that specifies a distance from entrances, there is no specific distance from the entrance that smoking is prohibited. Common courtesy would seem to require that smokers not smoke so close to the entrance that smoke is introduced into the workplace.

California law clearly states that an employer who permits any non-employee (a client, for example) access to the place of employment, must post clear and prominent signs that state "No Smoking" at each entrance; or where smoking *is* permitted in the building, post a sign stating "Smoking is prohibited except in designated areas."

Meeting Conducted By:

Print Name

Signature

Meeting Attended By:

Document Filing Reference

Notes & Suggestions