

MASSACHUSETTS DEPARTMENT OF CORRECTION

EMPLOYEE SMOKING

103 DOC 203

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MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION: ADMINISTRATION
TITLE: EMPLOYEE SMOKING	NUMBER: 103 DOC 203

PURPOSE: The purpose of the 103 DOC 203.00 is to establish a uniform employee smoking policy within the Department of Correction ("Department").

REFERENCE: M.G.L. c. 270 § 22.
M.G.L. c. 27 § 2.

APPLICABILITY: Staff PUBLIC ACCESS: Yes

LOCATION: Department's Central Policy File
Each Institution's Policy File

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:

- Deputy Commissioner of the Administrative Services Division
- Assistant Deputy Commissioner, Administration
- Superintendents
- Division Heads

EFFECTIVE DATE: 05/25/2012

CANCELLATION: 103 DOC 203 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules or regulations regarding employee smoking which are not consistent with this policy.

SEVERABILITY CLAUSE: If any article, section, subsection, sentence, clause or phrase of 103 DOC 203 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of this policy.

203.01 Definition

1. Tobacco Products: Shall include but not be limited to cigarettes, cigarette papers, cigars, pipes, pipe tobacco, snuff, chewing tobacco.
2. Contraband: Any item(s) not allowed on institution grounds. Generally, any item not expressly allowed is considered contraband.
3. Employee: A full-time or regular part-time bargaining unit, managerial, or confidential employee of the Department. For the purpose of this policy, employees shall include: all vendors, volunteers, interns and contractors.

203.02 Employee Smoking

1. The use or possession of all tobacco products by employees is prohibited on Department property or where the Department has work sites as well as in all Department vehicles. This prohibition does not apply to the otherwise lawful possession of tobacco products in an employee's personal motor vehicle in the parking lot of a Department institution or their use while entering or exiting such a parking lot.
2. Tobacco products and/or associated paraphernalia shall be secured in personal vehicles and shall be considered contraband within Department institutions, and in all Department vehicles.

203.03 Enforcement

1. Employees in covered positions who smoke any tobacco product are subject to discipline in accordance with M.G.L. c. 27, § 2.