

 <p style="text-align: center;">Massachusetts Department Of Correction <b>POLICY</b></p>	Effective Date 11/23/2020	Responsible Division Deputy Commissioner, Administration
	Annual Review Date 11/29/2021	
Policy Name  103 DOC 203 EMPLOYEE SMOKING	M.G.L. Reference: M.G.L. c. 270 § 22; M.G.L. c. 27 § 2.	
	DOC Policy Reference:	
	ACA/PREA Standards: 5-ACI-3B-04	
Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Inmate Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Staff
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Location: Department's Central Policy File Each Institution's Policy File	
<p><b>PURPOSE:</b> The purpose of the 103 DOC 203 is to establish a uniform employee smoking policy within the Department of Correction ("Department").</p> <p><b>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</b> Deputy Commissioner of Administration Executive Director of the Division of Human Resources Superintendents Division Heads</p> <p><b>CANCELLATION:</b> 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.</p> <p><b>SEVERABILITY CLAUSE:</b> 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.</p>		

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**203.01**            **DEFINITION**

Tobacco Products: Shall include but not be limited to cigarettes, cigarette papers, cigars, pipes, pipe tobacco, snuff, chewing tobacco, and electronic cigarettes.

Contraband: Any item(s) not allowed on institution grounds. Generally, any item not expressly allowed is considered contraband.

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**

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