

LOS ANGELES COMMUNITY COLLEGES
OFFICE OF THE CHANCELLOR
ADMINISTRATIVE REGULATIONS

INDEX NUMBER B-6

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| REFERENCE: Board Rules 2419, 9804, 101800 | TOPIC: Smoking/Non Smoking |
| ISSUE DATE: January 10, 1986 | INITIATED BY: Business Services |
| CHANGES: Sections 1,3,4,5,6; Sections 2,3,4,6 | DATE OF CHANGES: March, 1999; January, 2004 |

1. **INTRODUCTION**

Smoking of any form of tobacco is a health hazard and may be a cause of material annoyance, inconvenience, and discomfort to those District personnel who may be present in confined spaces. It is the intent of the Board of Trustees of the Los Angeles Community College District to regulate, or delegate to the College Presidents to regulate, as appropriate, the smoking of tobacco, plant or processed substance in the District's buildings, offices, and enclosed spaces through the District.

2. **DEFINITIONS**

The following words and phrases, whenever used in this regulation shall be construed as hereinafter set out, unless it shall be apparent from the context that they have a different meaning.

- a. Employer shall mean the District who employs the services of the employee.
- b. Employee shall mean any person who is employed by the District (employer) in consideration for monetary compensation.
- c. Volunteers shall mean any person designated by the Board of Trustees as a volunteer under Board Rule 101800.
- d. Place of employment shall mean any enclosed area under the control of the employer (District) which employees normally frequent during the course of employment, including but not limited to work areas, employee lounges, conference rooms, and employee cafeterias.

- e. "SMOKE" or "SMOKING" shall include carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lit smoking equipment, or the lighting or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.
- f. Public Building shall mean a building owned and occupied or leased and occupied by the District.

3. **PROHIBITION**

It shall be a violation of Board of Trustees Board Rules, Labor Code section 6404.5 and/or Government Code section 7597 to smoke in the following places:

- a. Inside a public building or an outdoor area within twenty (20) feet of a main exit, entrance or operable window of a public building;
- b. In a passenger vehicle owned by the District;
- c. All enclosed places of employment, as discussed in Section 4, below;
- d. Those places of the District open to the public for the primary purpose of classroom activities, or assisting students in matters related to their status as students;
- e. Those places of the District open to the public for the primary purpose of exhibiting any motion picture, stage production or similar performance, including indoor sport events, other than the area which serves as a lobby, if designated as "SMOKING AREA";
- f. Those places designated by a College President on his/her campus.

4. **SMOKING IN EMPLOYEE AREAS PROHIBITED**

- a. Pursuant to Labor Code section 6404.5, smoking shall be prohibited in all enclosed places of employment, which includes, but is not limited to, the following places:
 - 1. Any location where a District employee is working.
 - 2. Restrooms, elevators and first aid stations where employees or volunteers are normally treated for illnesses or injuries.
 - 3. Employee cafeterias, lunchrooms and lounges.

- b. All areas for either "SMOKING" or "NON SMOKING" shall be clearly marked and posted.
- c. Where smoking is prohibited throughout a building or structure, a sign stating "Smoking is prohibited except in designated areas" shall be posted at each entrance to the building or structure.
- d. The District's "SMOKING POLICY" shall be communicated to all current employees and to all new employees at their time of entry into employment with the District.

5. **SMOKING IN AREAS NOT DESIGNATED AS EMPLOYEE AREAS**

The responsibility for the designation of smoking or non smoking areas (except those prohibited areas) shall be the responsibility of the Chancellor at the District Office and the College Presidents at their respective campuses, or their designees. Subject to pre-existing collective bargaining agreements, nothing in this procedure shall be construed to limit either the Chancellor or a College President from declaring certain or all locations under his/her jurisdiction a non smoking area.

6. **PENALTIES**

- a. Any District employee who knowingly violates the rules pertaining to SMOKING or NON SMOKING may be subject to disciplinary action pursuant to the policies of the Board of Trustees.
- b. A member of the public or volunteer who knowingly violates the rules pertaining to SMOKING and NON SMOKING may lose his/her right to remain on the premises. (Penal Code Section 626.4)
- c. A student of the colleges who knowingly violates the rules pertaining to SMOKING and NON SMOKING shall be subject to the student disciplinary regulations. (See Board Rule 9804)
- d. A College President or designee may refer violations of the rules pertaining to smoking and non smoking to campus law enforcement for criminal prosecution.