DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

DEPARTMENTAL PERSONNEL MANUAL SYSTEM

DPM LETTER: 792-3 **DATE: March 19, 1998**

SUBJECT: Protection of Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace

1. **Purpose.** This letter implements the Department of Transportation's (DOT) policy concerning the protection of Federal employees and the public from exposure to tobacco smoke in the Federal workplace. Research into the effects of passive or "second-hand" smoke shows that exposure to passive smoke poses health risks to nonsmokers.

2. **Applicability.** This policy applies to buildings or portions of buildings that are owned, rented, or leased by DOT, or assigned to DOT by the General Services Administration (GSA). It does not apply to buildings that are:

   a. residential accommodations for persons on a temporary or permanent basis;

   b. portions of buildings provided in their entirety to non-Federal parties; or

   c. private sector or other non-Federal governmental units that serve as the permanent or intermittent duty station for one or more DOT employees.

3. **Cancellation.** This letter cancels:

   a. Departmental Personnel Manual (DPM) Bulletin No. 792-19, dated July 3, 1990; entitled "Implementation of Smoking Restrictions in Department of Transportation Controlled Facilities;" and

   b. DOT Notice 4330.2, dated July 9, 1990; entitled "Smoking Restrictions in the Nassif Building."

4. **Reference.** The policy provided herein implements Executive Order (E.O.) 13058, signed by President Clinton on August 9, 1997, entitled "Protecting Federal Employees and the Public From Exposure to Tobacco Smoke in the Federal Workplace" (62 FR 43451, August 13, 1997), to establish a smoke-free environment for Federal employees and members of the public visiting or using Federal facilities.

5. **Departmental Policy.** It is the policy of the Department of Transportation (DOT) to establish a smoke-free environment for Federal employees and members of the public visiting or using DOT facilities. The smoking of tobacco products is prohibited in all interior space that is owned, rented, or leased by or on behalf of DOT, and any outdoor areas under DOT control in front of air intake ducts.

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This policy and exceptions to it sets out minimum smoking restrictions; operating administrations may adopt more restrictive smoking policies at their discretion.

a. **Exceptions.** The DOT policy established by this directive is subject to the following exceptions:

(1) Designated Smoking Areas (DSA). The prohibition on tobacco smoking does not apply to designated smoking areas that are enclosed and exhausted directly to the outside and away from air intake ducts, and are maintained under negative pressure (with respect to surrounding spaces) sufficient to contain tobacco smoke within the designated area. Employees shall not be required to enter such areas during business hours while smoking is ongoing.

(2) Exceptions Granted by the DOT Secretary. Narrow exceptions to the prohibition on tobacco smoke may be granted by the Secretary when the exception is necessary to accomplish the agency's mission. Exceptions may be granted only by the Secretary. Requests for exceptions must be submitted in writing by the Head of the Operating Administration to the Secretary, through the Assistant Secretary for Administration. The request shall provide:

(a) specifics of the request and justification based on agency mission;

(b) any impact the exception, if granted, may have on non-smoking employees and the public; and

(c) cost information and justification of an expenditure of funds for structural and nonstructural changes required to construct a DSA, if any.

6. **Other Locations.** The operating administrations and other appropriate DOT elements shall evaluate the need to restrict smoking at doorways and in courtyards under DOT's control, and may restrict smoking in these areas to protect employees and the public from environmental tobacco smoke.

7. **Expenditure of Funds.** The expenditure of funds for structural and nonstructural changes to construct a DSA with separate ventilation to the outside is not encouraged. However, if it is deemed appropriate, the DOT element shall consider the most practical, cost beneficial alternative for meeting this need. The DOT elements are encouraged to consider DSA requirements during the planning and design stages of new building construction, or major renovation of existing buildings.

8. **Smoking Cessation.** The DOT elements should be mindful of the availability of smoking cessation programs offered by the Employee Assistance Program or other appropriate local sources. At a minimum, the Heads of the DOT elements should issue a notification to all employees advising them of available programs and encouraging them to take advantage of programs offered.

9. **Phase-In Implementation.** Implementation of this letter shall be achieved no later than August 9, 1998, one year after the date of E.O. 13058. As of that date, all DSAs must be in compliance with the requirements of E.O. 13058 and paragraph 5.a.(1) of this directive, unless a Secretarial exception has been granted under paragraph 5.a.(2) or a collective bargaining agreement existed prior to the date of this directive under paragraph 10.

10. **Labor-Management Obligations.** Prior to implementing this policy and any supplemental DOT element policy for bargaining unit employees, collective bargaining and/or partnership obligations must be fulfilled. Relevant provisions under existing collective bargaining agreements, established prior to the date of this directive, will be honored for the term of the agreement. Provisions of existing collective bargaining

agreements which are inconsistent with this directive and E.O. 13058, must be brought into compliance when the term of the agreement expires.

11. **Responsibilities.**

a. With the exception of paragraph 5.a.(2) of this directive, the Heads of DOT elements are responsible for implementing and ensuring compliance of this directive and E.O. 13058, in applicable buildings in Headquarters and the field under their use and control.

b. The Assistant Secretary for Administration is responsible for issuing departmental policy nationwide.

c. The Director, Transportation Administrative Service Center, is responsible for coordinating the implementation effort among DOT elements in the DOT Headquarters, Nassif Building.

Departmental Director of Human
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