



Addressing Violations of the Ohio Smoke Free Workplace Law

On December 6, 2006, the Ohio Smoke Free Workplace Law was passed. It became effective on December 7, 2006. Ohio Revised Code Chapter 3794 Smoking Ban addresses this issue and can be found at: codes.ohio.gov/orc/3794.

Major requirements include:

- Prohibiting smoking in any public place (enclosed area that is not a private residence) or place of employment (enclosed area where employees work, whether or not employees are present).
- Ensuring that tobacco smoke does not enter any area where smoking is prohibited.
- Removing all ashtrays and other smoking materials receptacles from any area where smoking is prohibited by statute (all enclosed areas on campus).
- Posting signs at each entrance to enclosed areas. Required signage is available at: www.odh.ohio.gov/smokefree/sfen/sfsigns.aspx
- Discontinuing smoking when asked to do so by a proprietor or any employee of an employer of the public place of employment or establishment, facility or outdoor area.

When a department receives a complaint from a public health department, the department must take the steps outlined below. The Office of Human Resources [Employee and Labor Relations](#), 614-292-2800, ohrc@hr.osu.edu, is available to consult with and support departments as they address such complaints.

When complaints are sent directly to a unit by a public health department, the unit must:

Step One	<p>Make a good faith effort to determine what behaviors are occurring or occurred to trigger the complaint.</p> <ol style="list-style-type: none"> 1. Talk with the person who filed the complaint if possible. 2. Observe or ask about the area named in the complaint. 3. Check to see if appropriate nonsmoking signage is on the entrance/exit doors of the listed location. Take a picture of it. 4. Include the picture as an attachment to the response letter. 5. If there is no signage, place signs up immediately. Temporary signage is available at: www.odh.ohio.gov/smokefree/sfen/sfsigns.aspx. 6. Contact FOD to install permanent signage at: service2facilities@osu.edu, 614-292-HELP (4357).
Step Two	<p>Follow up with faculty, staff, students, vendors, volunteers, and/or visitors to ensure prohibited behaviors stop.</p> <ol style="list-style-type: none"> 1. Send an email to faculty, staff, students, volunteers, and/or visitors to advise them of their responsibilities. The email is most effective if it comes from the unit leader (e.g. chair, director, dean, VP, etc.) Sample correspondence is available below and at hr.osu.edu/policy/resources/720letter-smokefreelaw.pdf. This language should be included: <ul style="list-style-type: none"> – Tobacco use, including smoking, is prohibited anywhere on campus effective January 1, 2014. – State law prohibits smoking inside buildings. – State law requires that smoke not enter buildings from the outside. – Smoking is prohibited under outside overhangs (e.g. covered loading docks, covered porches or entryways, etc.) and within 25 feet of all doors, windows that open, and air intakes. – Faculty, staff, students, and visitors/vendors/contractors must discontinue smoking when asked to do so in locations where smoking is prohibited by state law. – The Tobacco Free Ohio State policy, effective January 1, 2014, can be found at hr.osu.edu/policy/policy720.pdf – The Nonsmoking policy, effective until December 31, 2013, can be found at hr.osu.edu/policy/nonsmoking.pdf 2. Include the email as an attachment to the response letter.
Step Three	<p>Issue a letter of response to the public health department within 30 days of the university receipt of the complaint.</p> <p>See Letter of Response to an Allegation of Violation of the Ohio Smoke Free Workplace Law below or at: hr.osu.edu/policy/resources/720letter-smokefreelaw.pdf</p>
Step Four	<p>Ensure that state law and university policy are being followed.</p> <ol style="list-style-type: none"> 1. Make an effort to observe tobacco use around your buildings and work area. 2. Politely and positively inform individuals who smoke/use tobacco that Ohio State is Tobacco Free and ask them to stop.
Step Five	<p>Communicate to faculty, staff, students, vendors, volunteers and/or visitors the requirements of our tobacco free policy and/or state law.</p> <ol style="list-style-type: none"> 1. Send an email out to follow up on the complaint. Use the sample and modify as needed. 2. Include information about the policy in orientation materials, course syllabi, department website and newsletters, etc.



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Step Six	Work with FOD to ensure that signage is appropriately displayed on building entrances and exits. If you become aware that signage is not present on building entrances and exits and university-owned vehicles, contact FOD to install permanent signage at: service2facilities@osu.edu , 614-292-HELP (4357).
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Sample Letter of Response to the Public Health Department

[Insert date]

[Name] Mr. Gene Smith, RS
[Title] Public Health Sanitarian II
[Address] 240 Parsons Avenue
[Address] Columbus, OH 43215

RE: Report Number:
Investigation Number:

Dear [Name] Mr. Smith:

This letter is in response to your communication dated [insert date of letter] alleging violations of the Ohio Smoke Free Workplace Law. The anonymous complainant alleged the following violation: [insert type of violation].

I wanted to inform you that I reviewed this complaint thoroughly. Given that the complaint does not disclose the name of the individual smoking in the prohibited area, it is very difficult for us to follow up with her/him directly.

Please know that the [insert unit name] is in full compliance with the requirement to display nonsmoking signs. Attached for your review are photos of the various signs at entrances and exits where the signs are displayed.

Also attached for your review is a communication sent to all faculty, staff, and students at [insert unit name] reminding them of the following requirements:

- Tobacco use, including smoking, is prohibited anywhere on campus effective January 1, 2014.
- State law prohibits smoking inside buildings.
- State law requires that smoke not enter buildings from the outside.
- Smoking is prohibited under outside overhangs (e.g. covered loading docks, covered porches or entryways, etc.) and within 25 feet of all doors, windows that open, and air intakes.
- Faculty, staff, students, and visitors/vendors/contractors must discontinue smoking when asked to do so in locations where smoking is prohibited by state law.

I verified that ashtrays are not available in any location where smoking is prohibited by state law including loading docks, entrances, or inside buildings.

These steps were taken by the unit as required by law. I hope that this communication is responsive to the questions raised by your office. Please contact me if you have further concerns regarding this matter. I can be reached at [insert area code and phone number].

Sincerely,

Unit leader or HRP
Unit name
The Ohio State University



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Sample Email Regarding Tobacco Free Policy and Ohio Smoke Free Workplace Law

Dear faculty, staff, students, and visitors:

This is a reminder that Ohio State's Nonsmoking Policy and the Ohio Smoke-Free Workplace Law ([ORC Chapter 3794](#)) are in effect. Please ensure that you follow these requirements:

- Smoking is prohibited inside buildings or under outside overhangs (e.g. the arched walkway outside of the Science and Engineering Building, covered loading docks, covered porches, etc.)
- Smoking is prohibited within 25 feet of all doors, windows that open, and air intakes
- All individuals must discontinue smoking when asked to do so in locations where smoking is prohibited by law.

Under Ohio Law, individual fines may be up to \$100 and institutional fines may range from \$100 - \$2,500 per occurrence.

Effective January 1, 2014, our [Tobacco Free Ohio State](#) policy is in effect and smoking and the use of tobacco in any form is prohibited on any university owned, operated, or leased property, including university vehicles. Smoking and the use of tobacco in any form is also prohibited in personal vehicles while on university owned, operated, or leased property.

We appreciate your cooperation and compliance with our policy and the law.

Unit Leader
Title

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