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JEMAL J. BEALE
Brigadier General
The Adjutant General

TAG POLICY LETTER 18-8*

15 April 2018

BAN ON SMOKING AND TOBACCO PRODUCTS IN DMAVA FACILITIES

1. The New Jersey Department of Military and Veterans Affairs (DMAVA) and the New Jersey National Guard shall maintain a safe, healthy, and positive work environment for all of our State and Federal employees, New Jersey National Guard Members, Veterans, contractors, vendors and members of the public. Therefore, I am implementing this Departmental smoking policy that will protect these and all individuals from exposure to tobacco smoke and other harmful or potentially harmful vapors. It is my policy to establish a smoke-free environment. Therefore, smoking is prohibited in all interior space owned, rented, or leased by DMAVA. Similar bans prohibit smoking in Federal buildings and facilities that the New Jersey National Guard may use.

2. For purposes of this Policy, the term "smoking" includes, but is not limited to, the use of traditional tobacco delivery systems such as cigarettes, cigars, pipes and dipping and chewing tobacco. It also includes the use of vapor cigarettes ("vaping"), electronic cigarettes ("e-cigarettes"), artificial cigarettes, and all other similar devices which release or cause to be released smoke, vapor, and/or other gaseous material into the air.

3. The unrestricted use of e-cigarettes and similar smoking simulators poses a potential health hazard and is disruptive to an orderly and productive work environment. The use of unregulated smoking simulators closely resembles and purposefully mimics the act of smoking where users inhale vaporized liquid, often containing nicotine, and then exhale those vapors into the atmosphere. The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations, creates a disturbance which impedes employee performance, confuses the public, and reverses the progress toward establishing a social norm for nonsmoking workplaces.

4. In order to comply with this revised smoking policy, each Station Commander and Facility Manager will implement and ensure compliance with the following laws, regulations, and directives:

(a) Executive Order 13058, "Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace," 9 August 1997.

(b) New Jersey Public Law 2005, Chapter 383, "New Jersey Smoke-Free Air Act", 15 January 2006.

(c) New Jersey Public Law 2009, Chapter 182, prohibits the use of electronic smoking devices in indoor public places and sale to minors, 11 January 2010.

****This document supersedes TAG Policy Letter 15-2, dated 15 July 2015***

- (d) New Jersey Statutes 26:3D-55 through 26:3D-63, "New Jersey Smoke-Free Air Act."
- (e) New Jersey Administrative Code 8:6-1.1 *et seq.*, Department of Health, Smoke Free Air.
- (f) Department of Defense Instructions Number 1010.15, "Smoke-Free DOD Facilities," 2 January 2001.
- (g) DMAVA Departmental Directive 600.1, Installations – Operation, Care and Maintenance of Facilities, 30 August 2006.

5. All indoor smoking shall be prohibited. The Station Commanders and Facility Managers shall designate outdoor smoking areas which are: (a) reasonably accessible to employees, and (b) provide a measure of protection from the elements. Smoking is prohibited within fifty (50) feet of any DMAVA building. Smoking in the three (3) Veterans Memorial Homes is restricted to the residents of the Home. Residents may smoke only in a lounge and/or designated outside smoking area approved by the Chief Executive Officer.

6. Any violation of, or disputes arising under, this policy should be reported immediately to the supervisor. Violation of this policy may result in appropriate corrective action. The supervisor shall promptly investigate any dispute(s) arising under this policy and in resolving dispute(s) shall give priority to the health concerns of the employee(s) desiring a smoke-free area.

7. Each employee is protected from retaliatory action or from being subjected to any adverse personnel action for exercising or attempting to exercise his/her rights under the smoking policy. Any employee who feels that he/she has been subject to a retaliatory adverse personnel action for exercising or attempting to exercise any rights under this smoking policy shall inform the supervisor who will promptly investigate the complaint and provide for adequate redress where necessary.

8. Provisions of the existing collective bargaining agreements shall be honored and Station Commanders, Facility Managers, Chief Executive Officers and supervisors will confer with shop stewards regarding the implementation of this policy.

9. The policy will be effective immediately and may only be rescinded by the Adjutant General.

10. Any questions regarding this smoking policy should be directed to the DMAVA Human Resource Division, Attention: Colonel (Ret.) John E. Langston at (609) 530-6885 or john.langston@dmava.nj.gov for State inquiries, or the J1 Human Resource Office, Attention: Lt Col Lola Washington at (609) 562-0853 or lola.d.washington.mil@mail.mil for Federal inquiries.



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