



POLICIES AND PROCEDURES

NO. 806

MONTGOMERY COUNTY

DIVISION OF FIRE AND RESCUE SERVICES

Page 1 of 5

DATE
05/30/2001

TITLE

USE OF TOBACCO PRODUCTS

DFRS CHIEF APPROVAL

PURPOSE

- 1.0 To establish a use of tobacco products policy applicable to all uniformed personnel in the Division of Fire and Rescue Services.
- 1.1 To identify the circumstances in which an employee is no longer entitled to service-connected disability retirement benefits for certain occupational diseases.

APPLICABILITY

- 2.0 This policy applies to all DFRS personnel in the Fire/Rescue Occupational Series.

2.1



This policy was developed in cooperation with the International Association of Fire Fighters Local 1664.

DEFINITIONS

- 3.0 DFRS: The Division of Fire and Rescue Services.
- 3.1 LFRD: Local Fire and Rescue Department.
- 3.2 Local 1664: International Association of Fire Fighters Local 1664.
- 3.3 Employee: Uniformed personnel employed by the Division of Fire and Rescue Services.
- 3.4 Smoking: The act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe, of any kind.
- 3.5 Tobacco Product: Any product consisting of, in whole or in part, tobacco or any by-product of tobacco. Tobacco products include, but are not limited to cigarettes, cigars, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, and other similar products.
- 3.6 Use of Tobacco: Smoking, chewing, consumption or use of tobacco products.



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BACKGROUND

- 4.0 Uniformed fire and rescue personnel serve in one of the most hazardous of all occupations. They frequently are exposed to proven health hazards. Studies have established that the combination of working as a firefighter and smoking produce a dramatically increased risk of heart and lung disease.
- 4.1 DFRS is concerned for the health of all of its employees. The non-use of tobacco products is in each employee's best interest.
- 4.2 DFRS believes that abstention from the use of tobacco products accomplishes the following:
- a. A reduction in health hazards, because personnel will only be exposed to hazardous conditions directly related to fire and rescue work, which will result in a healthier, more productive workforce.
 - b. A reduction in health hazards experienced by non-tobacco users.
 - c. Delivery of higher quality service to the public because of improved physical fitness, endurance, and health.
 - d. Safer job performance by employees due to improved physical condition.
 - e. A cleaner and more pleasant work environment in fire and rescue work sites.

POLICY

- 5.0 Use of tobacco is prohibited at all work sites where County employees are regularly assigned and in all County buildings, in accordance with Montgomery County Code §24-9.
- 5.1 Use of tobacco is prohibited in all County and LFRD vehicles.
- 5.2 Employees in violation of 5.0 and 5.1 above are subject to disciplinary action up to and including dismissal.



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- 5.3 Employees hired on or after July 1, 1999 must not use tobacco products while on-duty or while off-duty. Personnel who violate this section are subject to termination under the conditions of employment.
- 5.4 To be automatically entitled to receive service-connected disability retirement benefits for occupational diseases under the Montgomery County Employees Retirement System, an employee hired before July 1, 1999 must:
- a. Be entitled to benefits pursuant to §9-503 of the Labor and Employment Article of the Annotated Code of Maryland.
 - b. Not use tobacco products more than three (3) times for any purpose while on-duty after June 30, 2000.
 - c. If a tobacco-user, complete a tobacco cessation program approved by the County.
 - d. Once offered, participate in a cardiovascular fitness assessment and evaluation program established by the County (or by the County and Local 1664, for members of the Firefighter/Rescuer Bargaining Unit), and make a good faith effort to follow the health and fitness prescriptions recommended as a result of the cardiovascular assessment.
- 5.5 To be automatically entitled to receive service-connected disability retirement benefits for occupational diseases under the Montgomery County Employees Retirement System, an employee hired on or after July 1, 1999 must:
- a. Be entitled to benefits pursuant to §9-503 of the Labor and Employment Article of the Annotated Code of Maryland.
 - b. Not use tobacco products while on-duty or while off-duty.
- 5.6 All violations of this policy must be documented in writing.
- 5.7 All incidents of on-duty tobacco use by employees hired before July 1, 1999 must be documented in writing.



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RESPONSIBILITY

- 6.0 All supervisors are responsible to ensure compliance with this policy.
- 6.1 Supervisors are responsible to forward written documentation concerning violations of this policy and incidents of on-duty tobacco use by employees to the Deputy Chief, Bureau of Program Support Services via the chain-of-command.
- 6.2 The Deputy Chief, Bureau of Program Support Services must ensure that:
 - a. Appropriate documentation is completed in cases where an employee has violated this policy such that the employee has negated entitlement to service-connected disability retirement benefits for illnesses or diseases covered under §9-503 of the Labor and Employment Article of the Annotated Code of Maryland.
 - b. The completed documentation is forwarded to the appropriate County Department for action.
 - c. A copy of all documentation is forwarded to the Chief of the Division of Fire and Rescue Services.
 - d. A copy of all violations is forwarded to the Local 1664 President, as appropriate.

PROCEDURE

- 7.0 Supervisors must document incidents of tobacco use in violation of this policy via memorandum forwarded to the Deputy Chief, Bureau of Program Support Services through the chain of command.
- 7.1 For violations of Sections 5.0 and 5.1 of this policy, the employee's supervisor will initiate a request for disciplinary action in accordance with Policy 503, Disciplinary Action Procedures.
- 7.2 Employees will have the right to rebut any alleged instances of tobacco use by submitting a written response prior to the allegation being forwarded to the Deputy Chief, Bureau of Program Support Services.



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- 7.3 For employees hired before July 1, 1999, the Deputy Chief, Bureau of Program Support Services will place one copy of the supervisor's memorandum and employee's written response, when provided, in the employee's personnel file. A copy of these documents will also be forwarded to the County's Occupational Medical Section or Fire/Rescue Occupational Medical Section, as appropriate, the Chief of DFRS and the President of Local 1664, when appropriate.
- 7.4 For employees hired on or after July 1, 1999, the Deputy Chief, Bureau of Program Support Services will place one copy of the supervisor's memorandum and employee's written response, when provided, in the employee's personnel file and initiate dismissal procedures for breach of the employment contract.

CANCELLATION

- 8 .0 This policy cancels DFRS policy #806 entitled "Use of Tobacco Products" issued on October 19, 1989.