

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



**DEPARTMENT OF BUILDINGS**

EXECUTIVE OFFICES  
120 WALL STREET, NEW YORK, N.Y. 10005

CHARLES M. SMITH, Jr., R.A., Commissioner  
248-8811

MEMORANDUM

DATE: July 3, 1986  
TO: All Personnel  
FROM: Marie Mitchell *MM*  
RE: Smoking Pollution Control Act  
Mayoral Directive

As you all know, the Mayor has directed all New York City agencies to implement a policy which conforms to his proposed Smoking Pollution Control Act of 1986.

The provisions clearly designate the following to be non-smoking areas:

public hallways  
public waiting areas  
conference rooms  
restrooms  
50% of lunchrooms

In open-space areas, where there is no practical means of providing a smoking area without infringing upon the rights of the non-smoker, a "no smoking" rule shall be in effect. In all cases, the rights of the non-smoker shall take precedence.

Failure to comply with the Mayor's directive shall be considered a violation of the agency's "Standards of Conduct" and will be handled as any other disciplinary action.

If you have a complaint, it should be taken to your supervisor/manager, who must then write up the incident and forward it to the Inspector General.

Thank you for your cooperation.

MM:ae  
Attachment

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## **New York City Department of Buildings Smoking Pollution Control Act of 1986 Policy Statement**

### **Goal:**

The goal of this policy is to maximize the rights of the nonsmoker without compromising efficiency of function.

### **Policy:**

#### **1. Employee Location**

Although grouping employees by function will still be the most prominent determination of employee location adjustments or subgrouping will be made under the following guidelines and as long as it does not detrimentally affect the working of a particular unit.

#### **2. Space Determination**

Determination of smoking/nonsmoking location will be made under the following guidelines:

A. Regulation in private offices will be strictly up to the occupant. If an office is shared by two or more people, the rights of the nonsmoker will take precedence. A compromise approach may be tried, i.e., the smoker shall leave the room to smoke, or smoke only when the nonsmoker is out of the room. If this is not acceptable, other measures such as moving the smoker to another office will be taken.

B. In open space office areas, an attempt to group workers according to their preference shall be made. Measures such as improving ventilation, expanding the size of the smokeless area, or other tactics designed to minimize or eliminate the adverse health effect on the employee, shall be examined. Where there is no practical means of providing a smoking area without infringing upon the rights of the nonsmoker, a "No Smoking" rule shall be in effect.

C. Smoking in conference or meeting rooms, hallways, public waiting areas and restrooms shall be prohibited. If adequate ventilation is present, 50% of the lunchroom and/or employee lounge will be allocated for smokers. If possible, a separate, equal-sized lunchroom/lounge for smokers and nonsmokers will be established.

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In all cases, an attempt will be made to provide smoking areas; however, the health concerns of the nonsmoker shall be the deciding factor.

### **3. Procedure/Implementation**

A Smoking Pollution Control Administrator will be designated by the Commissioner to coordinate the actual implementation of the proposed act. This administrator will work with liaisons in all Department work locations to develop a written proposal outlining the steps they will take to conform to the parameters of the Department's policy. This proposal will include a detailed floor plan identifying smoking and nonsmoking areas and determination arrived at under one of the three conditions previously identified. This proposal must be reviewed and approved by the agency's smoking pollution control administrator by July 1, 1986. Once this is completed appropriate signs designating "smoking" and "nonsmoking" areas shall be provided by the Department, and shall be conspicuously posted. They shall include, but not be limited to, the following:

- private offices
- public hallways
- waiting areas
- conference rooms
- lunchrooms
- rest rooms

Signs shall have letters of not less than 1" in height, and shall utilize the international "no smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.

To inform smokers and nonsmokers of the health hazards induced by breathing secondhand smoke (lung cancer, respiratory infection, bronchoconstriction and acute allergy reactions, etc.) educational material such as pamphlets from the American Heart Association and the Cancer Institute will be publicly displayed.

A written copy of the smoking policy shall be supplied to all current and prospective employees. Conformance guidelines will be developed and incorporated under "Standards of Conduct" in the New York City Department of Buildings Employee Handbook and enforced appropriately.