



INTERNAL MANAGEMENT POLICY & PROCEDURE

Policy Memorandum¹

Policy Issuance #: 19-06-001

Is **STAFF READ ONLY**

Is for Both Staff and Offenders

Effective Date:

Expiration Date² (required):

Addresses subject matter for which an IMPP will be forthcoming and assigned to Chapter ___ of the IMPP manual.

Amends or modifies existing IMPP #09-107D SAFETY, SANITATION AND INSPECTIONS: Tobacco-Free Environment

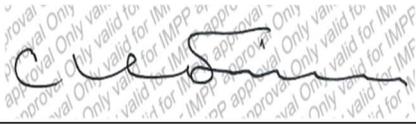
Elaborates on the contents of IMPP #

This Policy Memorandum is being issued to revise the disciplinary action for possession of tobacco products so that it does not conflict with the disciplinary action for possession of tobacco products found in Policy Memorandum #18-03-001 to IMPP 02-118D.

Revisions are being made to Section II.A.,1.a. through e. as follows:

II. Enforcement Sanctions

- A. Any person who is found in violation of the tobacco prohibition provisions of this document shall be subject to discipline and possible prosecution in accordance with the provisions of K.S.A. 21-5914.
1. Employees violating this policy shall be subject to the following disciplinary sanctions:
 - a. A Letter of **Counseling Reprimand** for the first offense;
 - b. A **Letter of Reprimand one (1) day suspension** for the second offense;
 - c. A **one (1) three (3) day suspension** for the third offense;
 - d. A **three (3) five (5) day suspension** for the fourth offense; and,
 - e. Termination **for upon** the fifth offense.


Secretary of Corrections

06-05-19

Date

¹Note: To keep your IMPP Manual current, please place this Policy Memorandum in your manual at the appropriate location. If the memorandum addresses subject matter for which an IMPP will be forthcoming, place this issuance before the first IMPP in the Chapter indicated. If the memorandum addresses an existing IMPP, the issuance should be placed in front of the existing policy. If this memorandum is for both staff and offenders, it shall be immediately posted.

²Unless another Policy Memorandum or IMPP on this subject is issued, the requirements contained herein have no force and effect after the indicated expiration date.

KANSAS DEPARTMENT OF CORRECTIONS

 <p>INTERNAL MANAGEMENT POLICY AND PROCEDURE</p>	<p>SECTION NUMBER</p> <p>09-107D</p>	<p>PAGE NUMBER</p> <p>1 of 4</p>
	<p>SUBJECT:</p> <p>SAFETY, SANITATION AND INSPECTIONS: Tobacco-Free Environment</p>	
<p>Approved By:</p>  <p style="text-align: center;">Secretary of Corrections</p>	<p>Original Date Issued:</p> <p style="text-align: right;">11-24-15</p>	
	<p>Replaces Version Issued:</p> <p style="text-align: right;">01-30-18</p>	
	<p>CURRENT VERSION EFFECTIVE:</p> <p style="text-align: right;">02-21-18</p>	

APPLICABILITY:	<input type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
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POLICY STATEMENT

The Kansas Department of Corrections is committed to providing a safe and secure working and living environment that is clean and sanitary, promotes good health, and in which resources are efficiently utilized. As a means of achieving such an environment, all department facilities and grounds are, and shall remain, tobacco-free.

Management and supervisory staff shall be responsible for ensuring ongoing compliance with this tobacco-free environment policy within their work area. They shall adhere to standard practices in resolving issues of nonconformance and maintaining expected levels of productivity within their respective departments.

DEFINITIONS

Contract Personnel: Any person who works in a Department of Corrections' operated facility or office and is employed by an entity under contract to provide services to the Department.

Employee: Any person employed full-time, part-time or on a temporary appointment to the Kansas Department of Corrections.

Off-Site Functions: Includes activities away from the normal work location or field work, which are outside of regular day-to-day tasks and responsibilities (i.e. training, conferences, workshops, etc.).

Smoking Paraphernalia: Items that would facilitate the use of tobacco products to include, but not limited to lighters, matches, altered batteries, cigarette papers, rolling machine, electronic cigarette related devices.

Tobacco or Tobacco Related Products: Includes cigarettes; pipes; pipe tobacco; loose-leaf tobacco; tobacco substitutes, including chemical supplies for "electronic" or "e" cigarettes; chewing tobacco; smokeless tobacco; cigars; matches; cigarette lighters; smoking paraphernalia, including chargers, batteries, atomizers, and any other items related to the functioning of "electronic" or "e" cigarettes; electronic cigarettes (also known as e-cigarettes, personal vaporizers or PV's; and all items developed or processed for the primary purpose of facilitating the use or possession of tobacco, tobacco related, or tobacco-based products. Tobacco or tobacco related products do not include pharmacological aids for smoking cessation approved by the Food and Drug Administration (FDA).

Tobacco Substitutes: Any substance ingested by smoking or herbal/leaf-based substitutes for chewing tobacco.

Volunteer: Any person who works at a facility or for the Kansas Department of Corrections on a voluntary basis, including interns.

Work Hours: Time spent at work, excluding non-compensated lunch periods.

PROCEDURES

I. Prohibition of Tobacco or Tobacco Related Products

- A. The use or possession of all tobacco or tobacco related products by any person is prohibited on property under the supervision and control of the Secretary, except as provided herein.
 - 1. Persons in non-correctional facility offices may have tobacco or tobacco related products within their possession but may neither consume nor openly display such products on the premises where the office is located.
 - 2. Individuals may secure tobacco and tobacco-based or tobacco related products in their personal motor vehicles in the parking lot of a Department facility or office, unless they are intended for distribution within an office or facility. If the items in a vehicle are intended for distribution to an offender, they shall be considered contraband and the involved individuals shall be subject to prosecution.
 - a. Tobacco or tobacco related products may not be removed from such personal motor vehicles or be used and/or consumed until the vehicle and its operator and passengers are off any property under the supervision and control of the Department.
 - 3. Staff may transport tobacco or tobacco related products in a state vehicle if they are not in the presence of an offender or parolee. Tobacco or tobacco related products may not be consumed in a state vehicle.
- B. Appointing authorities shall be authorized to allow exceptions regarding the use and storage of matches and lighters by staff so they can fulfill their job duties or to perform authorized functions.
- C. Employees (including off-site detail supervisors), contract personnel, and volunteers shall not be allowed to use tobacco or tobacco related products during work hours, except that they shall be allowed to utilize tobacco or tobacco related products off-site when in a personal vehicle or while attending off-site functions when not in the presence of offenders or parolees.
 - 1. An employee whose duty assignment places that employee in direct contact with an offender while away from facility grounds, including during the supervision of work details, while providing transportation, and during hospital supervision, shall not be in possession of tobacco or tobacco related products.
- D. Each employee, volunteer, and contract personnel shall read, sign, and date a copy of the Affirmation of Policy Form (Attachment A).
 - 1. Candidates for these positions shall complete the form prior to employment or delivery of services to a facility or office.

II. Enforcement Sanctions

- A. Any person who is found in violation of the tobacco prohibition provisions of this document shall be subject to discipline and possible prosecution in accordance with the provisions of K.S.A. 21-5914.
 - 1. Employees violating this policy shall be subject to the following disciplinary sanctions:
 - a. A Letter of Reprimand for the first offense;
 - b. A one (1) day suspension for the second offense;
 - c. A three (3) day suspension for the third offense;
 - d. A five (5) day suspension for the fourth offense; and,

- e. Termination upon the fifth offense.
 - f. If one (1) or more years have passed since the most recent disciplinary action for possession and/or use of tobacco products, a next violation shall be considered as the first violation.
2. Contract personnel violating this policy shall be dealt with as follows:
 - a. A one (1) day gate stop for the second offense.
 - b. A three (3) day gate stop for the third offense;
 - c. A five (5) day gate stop for the fourth offense; and,
 - d. A permanent gate stop for the fifth offense.
 - e. If one (1) or more years have passed since the most recent disciplinary action for possession and/or use of tobacco or tobacco related products, a next violation shall be considered as the first violation.
 3. Volunteers violating this policy shall receive a written warning for the first offense and shall be removed from the volunteer program upon the second offense.
 - a. If one (1) or more years have passed since the most recent violation and written warning action for possession and/or use of tobacco or tobacco related products, retention or removal of the volunteer from the volunteer program shall be at the discretion of the affected appointing authority.
 4. A violation of this IMPP by an offender may, in addition to any disciplinary consequences, also result in either the warden/superintendent or his/her designee imposing a suspension of contact visitation for up to one (1) year.
 - a. Wichita Work Release Facility (WWRF) Exemption.
 - (1) Offenders placed at WWRF shall be subject to the smoke-free environment and tobacco use standards established by the principal administrator of the facility in a General Order approved by the Deputy Secretary of Facilities Management.
- B. Violations of this policy by a volunteer, visitor, or contractor may result in termination of their visits and/or delivery of services to the Department and may be subject to prosecution.
 - C. Vendors making deliveries inside the secured confines of a facility shall secure their tobacco and tobacco substitute products with appropriate staff at entrance and exits points.
 1. At all times while making deliveries on-site, outside of the secured perimeter, vendors shall ensure these items are secured in their vehicles.

III. Religious Use

- A. An exception to the tobacco-free environment shall be in effect for religious activities in accordance with IMPP 10-110D.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any

such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.S.A. 21-5914, 2016 Supp. 21-6109 through 21-6116, and amendment thereto
K.A.R. 44-2-103, 44-12-901
Executive Order #94-165
IMPP 10-110D
ACI 4-4361
NCCHC P-50

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Affirmation of Policy form	1 page

AFFIRMATION OF POLICY FORM

Statement of Policy

The Kansas Department of Corrections is committed to providing a safe and secure working and living environment, an environment that is clean and sanitary, an environment that promotes good health, and an environment in which resources are efficiently utilized. As a means of achieving such an environment, all Department correctional facilities shall be tobacco-free effective March 17, 2003.

Persons may possess tobacco or tobacco related products at non-correctional facility offices, but may not consume or openly display such products while on the premises of where the office is located.

The use or possession of all tobacco products by any person is prohibited on all correctional facility property. Employees may possess, but not consume, tobacco products while in a state vehicle. No tobacco products can be transported if a state vehicle is on facility grounds, and no tobacco products can be in a state vehicle if there is an anticipated presence of an offender or parolee during any portion of a trip. Individuals may secure tobacco and tobacco-based products in their personal motor vehicles in the parking lot of a Department facility or office, unless it is intended for distribution within an office or facility. On and after March 17, 2003, any person who is found in violation of the tobacco prohibition provisions shall be subject to discipline and possible prosecution in accordance with K.S.A. 2016 Supp. 21-6109 through 21-6116, and amendment thereto.

Affirmation of Policy

As an employee, volunteer, or contract personnel or as a candidate for these positions, I affirm that I have read and understand the meaning of the above statement of policy regarding the Department of Corrections' tobacco-free environment. I am aware of my obligations to adhere to this policy.

Signature of Employee/Volunteer/Contract Personnel or Candidate

Date

Signature of Supervisor or Agency Representative

Date

SmokePol

Image/Retain (3yrs)